

No. 5(12)/2018-MoC
Government of Pakistan
Ministry of Commerce and Textile
(Commerce Division)
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Islamabad, the 28th February, 2018

C I R C U L A R

Subject: - PROPOSAL FOR CAPACITY-BUILDING: WTO LAW AND DISPUTE SETTLEMENT MECHANISM - "MOC-WTO LEGAL AFFAIRS PROGRAMME"

Permanent Mission of Pakistan to the WTO, Geneva has forwarded the above said invitation for selection of Legal Affairs Officers among the Officers of the Commerce and Trade Group for one year to be posted with WTO Mission in Geneva.

2. The selection will be made through a stringent eligibility criteria (**Annex**) a merit-based, transparent selection process comprising a test and interview.
3. Details of programme, selection process, eligibility criteria and job assignments/ responsibilities of the subject programme are available on Commerce Division's website.
4. Interested officers having required qualification may send their requests with the approval of respective Senior Officers to the undersigned by **05-03-2018**.


(Moazzam Ali Haider)
Deputy Directory MoC

Forwarded to:-

Copy to:

Database Administrator with the request to upload the attached invitation on the Commerce Division website.



Permanent Mission of Pakistan to the World Trade Organization
37-39, Rue de Vermont - CH-1202 Geneva
T: +41 22 748 70 10 F: +41 22 748 70 29
www.wto-pakistan.org

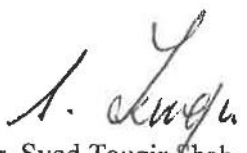
Ambassador
Permanent Representative
3/5/2017 - Admin/Am

6th November 2017

SUBJECT: Proposal for Capacity-Building: WTO Law and Dispute Settlement Mechanism – “MoC-WTO Legal Affairs Programme”

Please find attached a detailed proposal titled **“MoC- WTO Legal Affairs Programme”** at the Permanent Mission of Pakistan to the WTO. The proposal calls for the selection of Legal Affairs Officers from among the officers of the Ministry of Commerce and its attached departments for a duration of one year to be attached with the WTO Mission in Geneva. The selection may be made based on stringent eligibility criteria, detailed at Annex-I to the proposal and through a merit-based and transparent selection process comprising a test and interview.

2. It is requested that the proposal may please be approved so that the selection of three most suitable officers for the programme may commence at the earliest.


Dr. Syed Tauqir Shah
Ambassador PR

Mohammad Younus Dagha
Secretary
Commerce Division
Ministry of Commerce and Textile
Islamabad



**Government of Pakistan
Ministry of Commerce and Textile
Permanent Mission of Pakistan to the WTO, Geneva**

WTO DISPUTE SETTLEMENT MECHANISM

**PROPOSAL FOR CAPACITY-BUILDING: MOC- WTO LEGAL
AFFAIRS PROGRAMME**

The WTO provides multilateral rules for the conduct of global trade in the form of various subject specific legal texts. These texts are also referred to collectively as WTO Law or International Trade / Economic Law. At the heart of the World Trade Organization is the its dispute settlement process which allows for the adjudication of trade disputes between member states. The agreements along with the dispute settlement mechanism of the WTO require legal expertise to fully comprehend the various obligations and judge their impact. Therefore, to engage effectively with the WTO system at various levels, representative missions of member states require adequate legal capacity. Many countries have employed teams of legal experts to maximize their return on engagement with the WTO and ensure adequate representation of their interests, others engage expensive private law firms.

2. Since its inception, the Permanent Mission of Pakistan to the WTO had a legal officer's position within its team to assist in managing Pakistan's negotiations at WTO, handling matter pertaining to DSB, liaising with legal representatives such as the ACWL, providing technical feedback on proposals being presented by other member states and ensuring in general that Pakistan has effective legal support for assessing and implementing WTO agreements. One post of a local based Legal Affairs Officer is sanctioned by the Ministry of Commerce but was only filled for a very short period and has been lying vacant for last three years, for want of a suitable expert.

3. It is widely expected that the number and duration of disputes within the WTO Dispute Settlement Process will witness a sharp rise within the next few years with several of the organization's most significant and consequential cases scheduled for initiation in the near future. Moreover, as trade activity in Pakistan increases, the likelihood of Pakistan being involved in a disputes would also increase, whether as complainant, respondent or even a third party. In a climate of rapid change anticipated in the Multilateral Trading System, Pakistan cannot afford to work effectively without in-house trade law expertise, both in the mission and the Ministry.

4. The position of a Legal Affairs Officer sanctioned by the Ministry has now been vacant for over three years. It has also been witnessed generally, that local posts of such nature are utilised by experts for short term career development, before they hop over to other organisations. This does not allow any contribution to internal capacity building or institutional memory of the organisation.

5. Therefore, this Mission proposes to urgently utilise this post, with certain essential and fundamental amendments to the TORs of the post. The amendments are aimed at strengthening the Mission and the Ministry, by optimally utilising the best available sources and building long term capacity of the Ministry of Commerce, its officers and the Mission.

6. The following changes to the process and ToRs for the selection against the post of Legal Affairs Officer are proposed. It is further proposed that selection on these lines may be made at the earliest possible.

- i The practise in the past has involved the recruitment of private local-hired staff who often use it as an opportunity for transition to other organizations. This creates a serious problem with a loss of institutional memory and expertise. Given the small size of the Mission, an abrupt removal of capacity is particularly detrimental. Moreover, it is not advisable to invest time, resources, and key confidential information in an expert who is destined to leave the mission and work for other organisations.
- ii Hence it is being proposed that the position should, therefore, be used to select candidates internally from within the resources of the Ministry of Commerce to ensure effective capacity-building. Filling this very crucial position with a career Commerce and Trade cadre officer would lead to positive spill-over effects in the form of these officers spreading their knowledge and expertise within the Ministry of Commerce and partner Ministries, once they leave their position in Geneva. In due course we will have a small group of career officers trained hands on in WTO Dispute Settlement system and other aspects of WTO law.
- iii The duration of the assignment should be fixed to one year (with no extensions) instead of an open-ended or longer contract. This will maximise the number of officers who can avail the opportunity. When these officers return, they can work again for the Ministry with greater experience, knowledge and skills and sensitize a broader range of officers with the processes of trade law and dispute settlement mechanism of WTO.
- iv The officer may be selected on “**Training/Deputation**” basis where they will not be entitled to the benefits and allowances of regularly posted officers/diplomats of the Mission.
- v The currently approved salary of the Legal Affairs Officer is CHF6000 / month. This was budgeted many years ago, it is proposed that this be enhanced to CHF 8000/month. This will provide a desired cushion to officer to get mandatory health insurance for self, spouse and two children. It may be mentioned that it is legally mandatory for any person living in Switzerland to have health insurance. The Ministry is

authorised to provide a justified enhancement in salary from own resources, within existing budget.

- vi The officer may be allowed to bring their children and family for the length of this training/deputation, provided they pay themselves for the travel. However, the Mission or Ministry will not pay any extra allowances for the officer and his family. Since education in local public schools is free for everyone, and for young children it is most suited system. He will also procure health insurance from the salary which is been enhanced to CHF 8000/ month.
- vii The assignment may be treated as training/deputation where the officer continues to receive his/her regular salary and retains his/her post in the Ministry of Commerce or attached department.
- viii Only officers of BPS 17/18 of Commerce and Trade Group working in the Ministry of Commerce or its attached departments may be selected for this position. These officers must have a degree in International Trade and WTO Law. Only officer with minimum three yeas service after mandatory professional training be eligible for this initiative.
- ix The position may be opened to only those officers who possess a degree in Law and have knowledge, experience and specialized training in WTO, International Economic and/or Trade Law issues. Preference must be given to candidates with advanced degrees (Masters and above) from reputable universities.
- x Funding for the position may be made from existing budget of the mission after ministry approves the proposed enhancement from CHF 6000/month, to CHF 8000/month.
- xi Travel to Geneva and back to Islamabad for the selected officer will be provided from regular budget of the Ministry.
- xii On return, the officer will be bound to work for at least three years, in the Ministry of Commerce, where his expertise can be utilised in the most effective manner. Ideally, the officer should be placed in the WTO Wing on a desk looking after international trade agreements and disputes and should be the Ministry's main resource to legal drafting during negotiations and opinion on WTO dispute related matters.
- xiii The programme may be duly named as **"MoC- WTO Legal Affairs Programme"**.
- xiv The officer so trained would also have the opportunity to engage with and learn from experts in this field in Geneva, gain first-hand knowledge and experience and be in a position to contribute to the Ministry of Commerce in a more effective manner on their return.
- xv The selection for first three years be made in one go, with selection committee indicating the order of placement for next three years. This will bring continuity and ensure that no extensions are demanded or given in future.

SELECTION PROCESS

7. The following process for selection of the above-mentioned officer is proposed:
- i The Ministry of Commerce may circulate the position within its officers and shortlist candidates based on the eligibility criteria mentioned in Para 6(vi) and detailed in Annex-I to this proposal. Annex-I further contains the proposed job description of the post.
 - ii The process of selection will be most transparent and merit-based. A test should be conducted to gauge the knowledge of applicants in the fields of international economic and trade law. Various forms of testing, assessment centers, interviews and reference checks to evaluate prospective candidates could be used. The involvement of external academic institutions for the drafting and checking of these exams would be highly encouraged.
 - iii The final selection process should also involve an interview by a committee containing the following members:
 - iv Secretary Commerce (Chair)
 - v Joint-Secretary, Administration (Secretary)
 - vi Joint-Secretary, WTO
 - vii PR/Ambassador to the WTO, Geneva (via Videoconference or in person, as appropriate)
 - viii At least three (3) officers may be selected at the same time in the first selection process to earmark them for the assignment in subsequent years. For instance, officers for 2018, 2019 and 2020 may be selected in the first process, and immediately allocated their year of joining. This will ensure transparency and continuity so that officers can also plan their career trajectories in advance.

PERSON SPECIFICATION / ELIGIBILITY CRITERIA

The candidate should ideally possess the following attributes:

1. Advanced degree (Masters and above) from a reputable university, in the fields of International Economic and/or Trade / WTO law.
2. Excellent speaking and writing skills. Knowledge of another WTO language (Spanish or French) would be an asset.
3. A Gazetted BS17/18 Officer from the Commerce and Trade Group of Civil Service of Pakistan working in the Ministry of Commerce or its attached departments, with minimum three years' service after mandatory professional training.
4. Good knowledge of dispute settlement provisions contained in the DSU, DSB practices, precedents and rules of procedure and relevant WTO Agreements.
5. Knowledge and experience in the field of WTO, preferably legal assignments.
6. Good analytical skills, drafting skills and organizational skills (e.g. correspondence/reports, records of meetings, background notes and legal opinions).
7. Proficiency in Microsoft Office applications such as Word, PowerPoint, Excel.
8. Ability to work in a fast-paced international environment and to interact with high-level diplomats and legal experts.
9. Ability to work under pressure and to meet strict deadlines.
10. Must have completed the WTO-e-training on-line course on "WTO Dispute Settlement System".

The candidate would be required to undertake the following responsibilities:

1. Drafting legal opinion on various negotiating proposals and documents presented in the committees of the WTO.
2. Liaising with the legal representatives of Pakistan in the Panel and Appellate Body proceedings of the Dispute Settlement Body.
3. Providing legal assistance in trade negotiations for Geneva-based and capital-based teams.
4. Providing advice and support to the Mission on trade-related legal matters.
5. Assisting in the preparation of a biannual report of the Mission's activities in Geneva.
6. Assisting Pakistan's delegation for the Ministerial Conference and other negotiating forums.
7. Other general official duties that may be assigned from time to time