Terms of Reference

Consultancy Services for Design and Development of Course Material for training of Officers of the Pakistan Customs
Deadline for applying: 19/08/2022
Table of Contents

1. BACKGROUND .........................................................................................................................3
   i. Contracting Authority ........................................................................................................3
   ii. Relevant background ........................................................................................................3
2. DESCRIPTION OF THE ASSIGNMENT ..............................................................................3
   i. Global objective ................................................................................................................3
   ii. Requested services ...........................................................................................................4
3. EXPERTS PROFILE ..............................................................................................................4
   i. Number of Experts .............................................................................................................4
   ii. Profile required ................................................................................................................5
4. LOCATION AND DURATION .................................................................................................5
   i. Commencement date & Duration of assignment and payment ........................................5
   ii. Location ..........................................................................................................................6
5. APPLICATION AND RECRUITEMENT PROCESS ..............................................................6
1. BACKGROUND

i. Contracting Authority
World Customs Organization (WCO).

ii. Relevant background
The World Customs Organization (WCO) is an independent intergovernmental body, established in 1952 as the Customs Co-operation Council (CCC), whose mission is to enhance the effectiveness and efficiency of Customs services across the globe. The WCO represents 184 Customs administrations that collectively process approximately 98% of world trade. As the global centre of Customs expertise, the WCO is the only international organization with competence in Customs matters.

As a forum for dialogue and exchange of experiences between national Customs delegates, the WCO offers its Members a range of Conventions and other international instruments, as well as technical assistance and training services provided either directly by the Secretariat, or with its participation. The Secretariat also actively supports its Members in their endeavours to modernize and build capacity within their national Customs administrations.

The Customs Operational Practices for Enforcement and Seizures (COPES) arose out of the awareness on the part of Members of the World Customs Organization (WCO) regarding the need to improve evidence collection standards, more specifically to integrate more effectively the activities of Customs agencies to combat organized crime and meet other challenges associated with border security. With that in mind, starting in 2010, the Members, in conjunction with the Secretariat, compiled a Compendium, COPES, which was adopted in 2011 at the 31st Session of the Enforcement Committee (EC). Enhancements to the document were made and subsequently endorsed by the EC and the WCO Council in 2013.

The COPES Programme focuses on evidence collection and seizures in relation to: on one hand the fight against organized crime and on the other hand overall border security in compliance with Resolution 1540 of the UNSC and the Punta Cana Resolution by WCO Members. The objective is to raise awareness of the essential role played by the procedures for seizing goods and collecting evidence to support effective and efficient border security practices in order to allow efficient investigations and prosecutions. The COPES concept aims at placing the customs’ action in the judicial system. Indeed, it encourages Customs administrations to look beyond their traditional functions of collecting evidence and making seizures.

The COPES Programme has also a crosscutting function that impacts on all the WCO’s enforcement priorities, including the Strategic Trade Control Enforcement (STCE) Programme, the Container Control Programme (CCP), Project AIRCOP (establishing secure operational communications between international airports) and Project INAMA (to combat trafficking affecting protected species).

Within the framework of the COPES Programme, the WCO in partnership with Pakistan Customs has launched the Customs Enforcement Curriculum for Assistant Collectors (CECAC) Project, aiming at assisting Pakistan Customs in building its capacity to enhance security and combat serious crime, particularly by preparing Pakistan’s future senior managers to address the challenges ahead. Within the framework of CECAC, we are now looking forward for preparing customized training material for Special Prosecutors that can also be utilized for other trainings being conducted by the customs department in Pakistan.

2. DESCRIPTION OF THE ASSIGNMENT

i. Global objective
The purpose of this assignment is to create training material for Pakistan Customs Special Prosecutors by creating Case Study write ups including necessary annexes / extracts from the case files.

The Case Study Presentation will include the following areas:
- a. Curtain Raiser;
- b. Brief facts of the case;
- c. Law Points involved;
- d. Investigation;
- e. Adjudication;
- f. Appeals and Revisions;
- g. Prosecutions;
h. Conclusions;
i. Lessons Learnt.
The curriculum that will be designed for Special Prosecutors will be delivered in a two-week training which will cover twenty (20) thematic areas to be taught through one (1) case study each. Thus, the total number of the case studies required for this course will be twenty (20). Here below is the list of areas that are initially identified for the purpose of the training of the Special Prosecutors:

a. Tax Frauds;
b. Classification Frauds;
c. Drug and Precursors smuggling;
d. Smuggling of goods other than drugs;
e. Prohibitions and Restrictions;
f. Transit Trade related frauds;
g. Valuation Frauds;
h. Levy of Regulatory Duty;
i. Exemptions from customs duties / taxes;
j. Contempt of Court Law;
k. Trade-based Money Laundering;
l. International Conventions;
m. Intellectual Property Rights;
n. Foreign Exchange Frauds;
o. Mis-use of Personal Baggage and Transfer of Residence Scheme;
p. Mis-use of Export Promotion Regimes;
q. International Conventions and Treaties;
r. Collection of Non-Tax Revenues by Customs (e.g. Petroleum Development Levy);
s. Re-export of Frustrated Cargo;
t. Diplomatic Cargo and Privileged Persons Schemes.

ii. Requested services
The experts will work in close cooperation with the WCO COPES team of the Compliance and Facilitation Directorate and Pakistan Customs which will provide him/her with the appropriate information and documentation already available.

Under this assignment, the expert will be engaged to:
• Design and develop case studies for training of the officers involved in the investigation and prosecution of offences with specific focus on the customs and allied laws in force in Pakistan;
• The deliverable will constitute a two-week training for Special Prosecutors;
• Each case study shall be based on a real case file provided by the customs field formation in Pakistan and comprise of a case study write-up, annexes, presentation and questions for group discussion during the training program;
• Each case study shall provide for an in-depth understanding of the points of fact and points of law involved, a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis and material for discussion with a view to build the capacity of the trainees;
• Each presentation shall comprise of the important areas discussed in the case study and assignments for the trainees for specific focus on such areas of specialization as the ingredients of the offences of smuggling, mis-declaration (of description, value, classification or other aspects), contraventions or other provisions of law, money laundering etc.
• Design a tool to be implemented in the customs administration of the WCO member country (Pakistan) for evaluating the performance of the trainees of the investigation and prosecution course;
• Develop pre-course and post course tests for different levels of the investigation and prosecution training meant for customs investigators and prosecutors.

3. EXPERTS PROFILE
i. Number of experts
Two experts will be required to carry out this assignment.

During the whole period of the assignment the experts will work in close cooperation with the WCO COPES
Programme Manager of the Compliance and Facilitation Directorate and Pakistan Customs.

ii. **Profile required**

The expert shall have extensive experience and knowledge of:

- Pakistan Judicial and Administrative systems;
- Pakistan Customs legislation/procedures and allied laws in force in Pakistan;
- Practical expertise within Custom administrations;
- Organizational development and capacity building;
- Design of training modules;
- Delivery of trainings.

The expert should have previously undertaken similar assignments.

The expert should have relevant qualifications, skills and experience profiled below:

**Education**

- Advanced university degree (Master, LLB or equivalent) in a relevant field of study;
- Training in the Pakistani Customs Laws and Procedures will be an asset;
- Degree in Law will be an asset;

**Qualifications and skills**

- Fluency in English;
- Knowledge of French, Spanish, Arabic or Urdu will be an asset;
- In-depth understanding and practical expertise in the customs and allied laws;
- In-depth knowledge of Pakistan legislation;
- Excellent drafting, coordination and communication skills;
- Good IT skills;

**Professional experience**

- At least 10-years work experience within Customs environment or experience within a Customs administration;
- Previous professional experience with WCO will be an asset;
- Previous professional experience with Pakistan Customs will be an asset;
- Proven track record in conducting training courses related to Customs matters;
- In-depth knowledge of the WCO instruments and Customs organizational issues;
- Experience in customs modernisation;
- Experience in project management.

4. **LOCATION AND DURATION**

i. **Commencement date & duration of assignment and payment**

The assignment is expected to start on 25th August 2022 and end on 25th September 2022 after developing and designing the curriculum. Experts should design the training material in a timeframe of 4 weeks. The payment for this assignment is to be discussed with the experts selected and will constitute a lump sum. The information on the milestones and payment is summarized in the table below.

**Suggested milestones and payment**

<table>
<thead>
<tr>
<th>Milestone/Deliverable</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Signature of the contract</td>
<td>25%</td>
</tr>
<tr>
<td>2. Finalisation of the design of the training material</td>
<td>75%</td>
</tr>
</tbody>
</table>
ii. **Location**
All working days will be delivered at the Directorate General of Training & Research, Old Customs House, Karachi, Pakistan and/or remotely depending on the specific needs of the assignment.

5. **APPLICATION AND RECRUITEMENT PROCESS**

The onus is on the applicant to demonstrate how he/she meets each of the essential qualifications and requirements. Applicants are encouraged to detail concrete achievements in their CVs and/or in their cover letters as well as include references.

Only short-listed candidates will be contacted. They may be requested to provide copies of their original diploma, certificates and proof of relevant experience. Pre-selected candidates may also be subject to reference checks to confirm the information provided in the application.

Interested candidates should submit their application no later than **Friday 19 August 2022**, including a CV of maximum five (5) pages and a cover letter in English or French by email to: Copes@wcoomd.org

The evaluation of applicants will be conducted on the basis of the information submitted in the application according to criteria of the position and the WCO applicable rules.