

TERMS OF REFERENCE (ToR) – INDEPENDENT LEGAL CONSULTANT

Position Title: Independent Legal Consultant – TL-AFSi Project, under UK Health Security Partnership (UK-HSP)

Position Type: National (Open only for Timorise)

Contracting Entity: Instituto de Ciências da Saúde (ICS) Timor Leste, under Fundasaun da Graça Deus (FGD-ICS)

Project Consortium: Ministry of Agriculture, Livestock, Fisheries and Forestry (MALFF), *Autoridade de Inspeção e Fiscalização da Atividade Económica Sanitária e Alimentar* (AIFAESA), Ministry of Health, specifically National Institute of Public Health of Timor-Leste (INSP-TL), and Archipelago Biotechnology Indonesia, Ltd.

Duty Station: Dili, Timor-Leste (remote work + in-person meetings/workshops as required, with occasional travel within Dili)

Contract Duration: Total 80 working days for 2 Years project implementation periode

Reporting Line: The Independent Legal Consultant will work under the direct supervision of the TL-AFSi Programme Leader, in close collaboration with the National Food Safety Policy & Regulatory Expert, the PMU, the National Codex Committee (NCC), IQ-TL, AIFAESA, and relevant government legal drafters.

1. Project Background

1.1 The Problem: A Critical Gap in Food Safety and AMR Surveillance

Timor-Leste is a nation heavily dependent on imported food, with over seventy percent (70%) of its consumables coming from abroad. A significant and growing portion of these imports is frozen food—including poultry, seafood, meat, and vegetables—a commodity class particularly susceptible to carrying foodborne pathogens if cold chains are compromised. The convergence of Antimicrobial Resistance (AMR) and food safety presents a clear and present danger. Zoonotic pathogens such as *Listeria*, *Salmonella*, and *E. coli* in the frozen food chain can act as vectors for the silent pandemic of AMR, transferring resistant genes from the environment and animal sectors directly to human consumers.

Despite this risk, Timor-Leste currently lacks any systematic surveillance infrastructure for AMR in imported frozen foods. The national AMR surveillance system, centered on the National Action Plan (NAP-AMR), is confined to human clinical settings, leaving a dangerous blind spot in the food sector. This gap is particularly alarming given that frozen food products can harbour resilient pathogens that survive freezing temperatures, and the lack of cold-chain monitoring increases contamination risks. The population is unknowingly exposed to resistant

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pathogens, while the health system remains ill-equipped to manage resulting drug-resistant infections.

1.2 The Three Interconnected Problems

The TL-AFSi project is designed to confront three specific, interconnected problems identified in Timor-Leste's National AMR Action Plan and Food Safety Master Plan:

1. **No Systematic AMR Surveillance in Imported Frozen Foods:** The absence of any systematic surveillance means the nation cannot detect, monitor, or respond to AMR threats entering through the food supply chain. This is a critical weakness in Timor-Leste's core capacity under the International Health Regulations (IHR) at Points of Entry.
2. **Fragmented Food Safety Legislation:** The foundational Basic Food Law (Decree-Law 5/2021) is not fully harmonized with international Codex Alimentarius standards or regional ASEAN frameworks. This creates legislative gaps for implementing modern, risk-based import control systems and standardized microbiological criteria for AMR pathogens. Border inspectors lack legally mandated, science-based protocols to intercept contaminated frozen food consignments.
3. **Critical Shortage of Technical Expertise:** The authority mandated for food control, AIFAESA, lacks full laboratory capacity and human resources for routine testing. While the Health Laboratory at INSP-TL provides ad-hoc support with basic microbiological tests (e.g., for *Salmonella*), it does not conduct Antimicrobial Susceptibility Testing (AST), meaning AMR in the food chain goes entirely undetected. Border inspection staff also lack training in risk-based inspection techniques specifically designed for frozen food commodities.

1.3 The TL-AFSi Project: An Integrated Solution

The **Timor-Leste AMR-Food Safety Nexus Initiative (TL-AFSi)** – under **HSP Grant Reference CG1-014326** – is designed to directly confront this multifaceted threat by establishing a foundational, integrated One Health system where none currently exists. The project is implemented as a single, integrated 24-month initiative that strategically combines core technical activities with a dedicated Peer Exchange component, ensuring that capacity building and partnership development are embedded from the outset rather than added as an afterthought.

Grant CG1-014326 operationalizes critical implementation gaps identified in Timor-Leste's National AMR Action Plan and Food Safety Master Plan, transforming policy aspirations into tangible operational capabilities. The integrated workplan delivers the following interconnected activities:

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- **Establishing a systematic, risk-based sentinel surveillance system** for AMR and priority pathogens in imported frozen foods at four key Points of Entry: Tibar Port, Motaain, Motamasin, and Wini. This is done in collaboration with the Unit of Quarantine and Biosecurity (UQB) under the Ministry of Agriculture, Livestock, Fisheries and Forestry (MALFF). Through the Peer Exchange component of this grant, this activity is directly supported by peer-exchange partner to observe and adapt risk-based port surveillance SOPs, followed by virtual mentorship to contextualize these protocols for Timor-Leste.
- **Building sustainable national laboratory capacity** for pathogen isolation, Antimicrobial Susceptibility Testing (AST), Whole-Genome Sequencing (WGS), and other advanced analyses. This involves technology transfer, provision of small/portable equipment and consumables, and intensive hands-on training of Timorese laboratory scientists and technicians at AIFAESA and the Health Laboratory at INSP-TL. Through the Peer Exchange component of this grant, this capacity building is delivered via a technical attachment with peer-exchange partners to achieve proficiency in gold-standard methods for pathogen isolation and AST from frozen food matrices, alongside virtual and in-person WGS bioinformatics training with Northumbria University (UK).
- **Using generated evidence to harmonize existing regulations** and draft enforceable, science-based food safety regulations fully aligned with Codex Alimentarius and ASEAN frameworks, ensuring regional trade compatibility while protecting public health. The Peer Exchange component reinforces this by facilitating joint development of regionally-aligned SOPs and a draft WGS Data Integration Protocol, all of which feed directly into the project's policy drafting and validation workshops.

Under Grant CG1-014326, the Peer Exchange activities are not a separate grant but rather the essential capacity-building engine for the overall project. The 12-month structured workplan within the 24-month project timeline—comprising study visits, technical attachments, virtual mentorship, and an intensive bioinformatics workshop in Timor-Leste—is deliberately sequenced to ensure that learnings are immediately applied to project implementation. Tangible outputs such as the Draft WGS Data Integration Protocol, the customized Timor-Leste Lab Protocol, and the co-developed regionally-aligned SOPs are designed for immediate institutional adoption within the project's surveillance and regulatory streams. A dedicated integration phase ensures these outputs are synthesized into the overall workplan, while a co-created "Sustainability and Mentorship Plan" with all partner institutions guarantees ongoing support beyond the project period.

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1.4 Expected Outcomes

By strengthening core IHR capacities at borders and mandated laboratories, the TL-AFSi project will advance the specific Health Priorities of Food Safety (HP 21) and Combatting AMR (HP 11) outlined in regional frameworks. Expected outcomes include:

- The first-ever national baseline dataset on AMR prevalence and antimicrobial resistance patterns in the frozen food supply chain.
- A functional national testing capability embedded within existing laboratory infrastructure (AIFAESA/INSP-TL) for ongoing surveillance and outbreak response.
- Data-driven interception protocols for non-compliant imports that pose unacceptable health risks.
- Formally drafted evidence-based regulations submitted for government adoption through appropriate legislative channels.
- A trained cadre of laboratory technicians, border inspectors, and relevant officers equipped with standardized operating procedures, quality assurance protocols, and continuous professional development pathways.

1.5 Alignment with National and Regional Policies

The project directly operationalizes critical components of Timor-Leste's National AMR Action Plan (NAP-AMR) and Food Safety Master Plan that are currently missing from the public health architecture. It is explicitly designed to ensure compliance with the ASEAN Food Safety Policy and leverages the technical risk assessment framework of the ASEAN Risk Assessment Centre for Food Safety (ARAC). By anchoring legislative reform in both project-generated data and the benchmarks of the Codex Alimentarius, the project strengthens the legal foundation for a modern, science-based food safety control system, directly enhancing Timor-Leste's capacity to meet its regional obligations and contribute to ASEAN health security.

2. Overall Objective of the Position

To provide high-quality legal drafting, analysis, and advisory services to the TL-AFSi project, ensuring that all proposed food safety regulations and legal instruments are:

- Fully aligned with international standards (Codex Alimentarius, ASEAN frameworks).
- Consistent with Timor-Leste's national legal system and legislative procedures.
- Clearly written, enforceable, and supported by robust evidence (AMR surveillance data, WGS results).
- Ready for formal submission and adoption by the Council of Ministers or Parliament.

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3. Key Responsibilities (Output-based, 80 days over 24 months)

3.1 Legal Gap Analysis and Benchmarking (20% of total days)

- Review and analyse all existing national legislation relevant to imported frozen foods, including Decree-Law 5/2021 (Basic Food Law), ministerial decrees, import-export regulations, and any existing food safety standards.
- Conduct a line-by-line legal gap analysis comparing national regulations against:
 - 15 priority Codex Alimentarius standards (e.g., General Principles of Food Hygiene, microbiological criteria, sampling plans).
 - ASEAN Food Safety Policy Framework.
 - ASEAN Principles for Food Import and Export Inspection and Certification.
- Prepare a Legal Gap Analysis Report identifying specific articles/clauses that are missing, contradictory, or inadequate, with recommended legal amendments or new instruments.

3.2 Drafting of Legal Texts (50% of total days)

- Draft a Ministerial Diploma/Decree on AMR in Imported Frozen Foods, including:
 - Mandatory surveillance requirements for AMR in frozen food imports.
 - Science-based microbiological limits for key AMR pathogens (e.g., *Salmonella*, *Listeria*, *E. coli*).
 - Provisions for risk-based inspection, sampling, and non-compliance penalties.
- Draft or revise Microbiological Criteria for Frozen Foods (as a technical annex or separate regulation), incorporating indicator organisms and AMR profiles based on WGS evidence.
- Draft updated Import Control Regulations requiring pre-export testing certificates from countries of origin for high-risk frozen products.
- Prepare supporting legal documents: implementation guidance, regulatory impact assessment, and cost-benefit analysis (legal sections).
- Assist in drafting the Policy Brief (legal feasibility and recommended adoption pathway).

3.3 Legal Review, Scrubbing, and Stakeholder Engagement (20% of total days)

- Support the National Food Safety Policy & Regulatory Expert in iterative review processes:
 - Two rounds of written comments from stakeholders (government, private sector, NCC, IQ-TL).
 - Face-to-face negotiation sessions for contentious legal issues.
- Conduct legal scrubbing with government legal drafters (Ministry of Justice, Office of the Prime Minister) to ensure compliance with national drafting protocols.
- Participate in validation workshops and consultation meetings with private sector importers to explain legal requirements and compliance timelines.

3.4 Finalisation and Submission Support (10% of total days)

- Incorporate all feedback from consultations, high-level meetings, and legal scrubbing into a final regulatory package.
- Prepare the submission dossier for the Council of Ministers or Parliament, including:
 - Draft legal texts (Tetum, Portuguese, English).
 - Explanatory memorandum.
 - Regulatory impact assessment.
 - Summary of stakeholder consultations.
- Provide brief legal advisory support to the Programme Leader during high-level advocacy meetings with ministers.

4. Key Deliverables

Deliverable	Target Timeline	Estimated Days
Legal Gap Analysis Report (with specific recommendations)	Month 6	10 days
First draft of Ministerial Diploma on AMR in Frozen Foods	Month 10	12 days
Draft revised Microbiological Criteria for Frozen Foods	Month 12	8 days

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Draft updated Import Control Regulations	Month 14	10 days
Legal sections of cost-benefit analysis and regulatory impact assessment	Month 14	5 days
Final legal texts after stakeholder validation and legal scrubbing	Month 18	15 days
Final submission dossier to the relevant body	Month 22	10 days
Handover note and legal advisory summary	Month 24	10 days
Total		80 days

(Note: The exact distribution of days will be agreed with the Programme Leader in a detailed workplan)

All deliverables shall be submitted in English and Tetum.

5. Qualifications & Experience

Essential:

- Advanced university degree (Master's or higher) in Law (LL.M. or equivalent). A Bachelor's degree in Law with at least 8 years of relevant experience may be considered.
- Admitted to practice law in Timor-Leste (or recognised as a legal expert by a relevant authority).
- Minimum 7 years of professional experience in legislative drafting, regulatory reform, or public law, preferably in Timor-Leste or a similar ASEAN context.
- Demonstrated experience drafting ministerial decrees, diplomas, or regulations for government adoption (please provide examples).
- Knowledge of Timor-Leste's legislative process (from drafting to Council of Ministers and Parliament).
- Ability to translate complex technical/scientific information (e.g., AMR data, public health evidence) into clear, enforceable legal language.
- Excellent legal writing and analytical skills in Portuguese and Tetum (professional proficiency). Working knowledge of English is highly desirable.

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- Ability to work independently on an output-based, part-time consultancy schedule.

Desirable:

- Previous experience working on food safety, public health, or AMR-related legislation.
- Familiarity with Codex Alimentarius standards and ASEAN legal harmonisation efforts.
- Experience working with the National Codex Committee (NCC), Ministry of Health, Ministry of Agriculture, or AIFAESA.
- Knowledge of international trade law and import/export regulations.

6. Working Arrangements & Conditions

- Workload & Hours: Output-based consultancy with an estimated maximum of 80 working days over 24 months. Working hours are flexible, but the consultant must be available for key meetings, workshops, and deadlines as coordinated with the Programme Leader.
- Termination: FGD-ICS may terminate the contract if deliverables are not met or are of inadequate quality, with 14 days' written notice. The consultant may terminate with 30 days' written notice.
- Breach & Dispute Resolution: Any breach will first be resolved through friendly consultation; if unresolved, either party may submit the dispute to a court with jurisdiction.

7. Commitment to Safeguarding & GEDSI

The Independent Legal Consultant shall adhere to FGD-ICS's safeguarding and PSEA policies, complete mandatory safeguarding and GEDSI training (as applicable), and ensure that all legal drafting and consultations are conducted in a manner that is inclusive, respectful, and free from harassment, exploitation, or abuse. The consultant shall pay particular attention to ensuring that proposed regulations do not inadvertently create barriers for women, persons with disabilities, or marginalised groups.

This TOR is Approved by:



Dr. Ali Budhi Kusuma, M.Sc., ALS., CFP.Med

(On behalf - TL-AFSi Project Management Unit Team)

Date: 10/06/2026

Consortium members:

