



## PAST PERFORMANCE AND EXPERIENCE

NML brings deep technical expertise with agricultural and trade policy, law and regulation at the national, regional, and international levels. NML also has extensive experience completing legal and regulatory analysis (linked with economic and market analysis) related to agricultural value chains and the agricultural sector. NML's past experience includes a variety of projects focused on the enabling environment for agriculture and trade (including food safety standards and SPS; packaging and labelling; transport, storage, and distribution; and customs and trade facilitation), value chain development, trade corridors, food security, and African regional trade frameworks (including ECOWAS, the EAC, COMESA, and SADC). Geographically, NML has experience working throughout sub-Saharan Africa, Asia, and around the world. NML has developed and applied a set of tools to assess and improve the policy, legal, and regulatory environment, including: situational analyses and diagnostics, comparative case studies, comprehensive legal and regulatory guides, annotated model laws and draft regulations, Regulatory Systems Maps, and ongoing regulatory engagement and capacity support in partnership with project partners and local stakeholders.

These programs have enabled NML to achieve its mission of increasing knowledge of legal and regulatory systems, improving implementation of laws and regulations in practice, closing the gaps between market opportunity and the enabling environment, improving regional trade and regulatory interconnectivity, and building capacity for lawyers and non-lawyers alike. Following is a short illustrative list of similar past assignments that exemplify NML's methodology and overall approach; additional past performance can be provided upon request. Other past projects not listed have included projects with the World Food Programme, Global Harvest Initiative, and other partners.

**Alliance for African Partnership (AAP):** With support from a planning grant from Michigan State University's AAP, NML worked with a coalition of organizations to create the Partnership for Enabling Market Environments for Fertilizer in Africa (PEMEFA) in May 2017.

PEMEFA is a consortium of five US- and Africa-based, internationally-focused institutions (the African Fertilizer and Agribusiness Partnership (AFAP), the International Fertilizer Development Center (IFDC), Michigan State University (MSU), NML, and the Regional Network of Agricultural Policy Research Institutes (ReNAPRI). PEMEFA's primary goal is to facilitate the transformation of African agriculture and smallholder farmers' livelihoods by improving access to and use of fertilizers through comprehensive, relevant, and robust national and regional fertilizer policies and regulatory frameworks. In 2018, PEMEFA concluded the planning grant period by finalizing a proposal and budget for the second phase of project work. PEMEFA is continuing to seek opportunities to scale our research.



Alliance for African Partnership  
MICHIGAN STATE UNIVERSITY

**Alliance for a Green Revolution in Africa (AGRA) and the Ethiopian Agricultural Transformation Agency (ATA):** in 2017, NML completed a Legal and Regulatory Review for a Comprehensive Contract Farming Legal



Framework to Support Value Addition and Agro-processing in Ethiopia through the Micro-reforms for African Agribusiness (MIRA) initiative. NML supported the ATA and other relevant government agencies' policy efforts through the completion of diagnostic analysis and a roadmap for improved implementation of the legal and regulatory framework surrounding contract farming. This project exemplifies NML's approach to concrete change in the legal and regulatory environment since the diagnostic resulted in a draft proclamation (Proclamation to Provide for Agricultural Production and Marketing Contracts), which



has moved forward since the project, that was tailored to Ethiopia and informed by best practices from other countries' laws. The project also exemplifies the collaborative efforts between the public and private sectors. With the support of **AGRA Scaling Seeds and Technology**

**Partnership (SSTP) through USAID, the Southern Agricultural Growth Corridor of**

**Tanzania (SAGCOT) Centre Ltd.** and NML partnered to develop an inclusive program



on seed law and regulation, identifying challenges and opportunities facing existing stakeholders in the seed sector, and assessing and implementing national law and regulation governing seed (viewed in the context of regional and international rules that influence the national system). The project focused on stakeholder engagement with relevant government and regulatory bodies, public research institutions, the Tanzania Seed Trade Association (TASTA), NGOs, farmers, and enterprises of all sizes and supported the activities of the Government of Tanzania to implement the G8 Cooperation Framework to Support the New Alliance for Food Security and Nutrition in Africa (New Alliance Commitments). Under the Project, SAGCOT and NML focused on activities that would build a common understanding between public and private sectors on the implementation of laws and regulations related to seed and other agricultural inputs (including fertilizer), encourage a legal and regulatory framework that reflects user needs, facilitate availability of seeds and other agricultural inputs, promote value chain development, and establishes a flexible implementation process that can work through questions and problems when they arise. The project resulted in the development of a comprehensive, user-friendly Legal Guide and a concrete roadmap for reform to address legal and regulatory challenges in inputs, developed through public and private sector stakeholders, which includes assessment of rules around contract farmer and cooperatives. With the support of **AGRA SSTP through USAID**, in 2016 NML began a partnership with the **African Fertilizer and Agribusiness Partnership (AFAP)**



to expand the model piloted with the SAGCOT Centre Ltd. to the fertilizer industries in Ethiopia, Malawi, Tanzania, and Mozambique. Under this project, NML, in collaboration with AFAP, developed country-specific legal and regulatory guides on the fertilizer industry designed to highlight

challenges to accessing new market opportunities, identify key legal and regulatory intervention points to overcome issues in the enabling environment, and share international and regional best practices. NML also worked with AFAP to design Regional Regulatory Reform Guidelines that seek to advance regional harmonization of fertilizer laws and regulations, focused particularly on COMESA but applicable to other regional trade efforts as well.

**Aspen Network of Development Entrepreneurs (ANDE):** NML was a co-creator of the ANDE Legal Working Group focused on legal issues in the social enterprise and small and growing business (SGB)



sector. NML co-leads the Legal Working Group's successor, the Policy, Legal and Regulatory Learning Lab (PLRLL), which covers a broad range of current policy, legal, and regulatory issues facing the SME community. The PLRLL builds capacity across ANDE members as they work through legal and regulatory challenges across sectors and geographies as well as informs policy advocacy in support of impact investment. With ANDE, NML has developed several legal and regulatory tools:

- **East Africa Legal Guide:** NML led creation of a Legal Guide for Doing Business in East Africa (Tanzania, Kenya, Rwanda, and Uganda), in collaboration with the Acumen Fund, Open Capital Advisors, Grassroots Business Fund, and Root Capital, which introduces social entrepreneurs to the legal and regulatory environment for doing business in the region. The Guide covers national rules as well as regional harmonization measures pertaining to a number of commercial activities including business registration, land tenure, and agricultural market regulation.
- **Legal Guide for Women Entrepreneurs:** NML also led the creation of a Legal Guide for Women Entrepreneurs, working with a number of partners such as Land O'Lakes and the African Women's Entrepreneurship Program. This project includes capacity building with women entrepreneurs and collaboration among lawyers and entrepreneurs in the field. The Women's Legal Guide was launched in Nairobi, Kenya in October 2015. It covers law and regulation pertaining to a range of economic activities such as contracts, access to finance, and agricultural market regulation. The chapter on agriculture includes issues concerning contract farming, cooperatives, and sanitary and phytosanitary (SPS) measures.

**Center for International Private Enterprise (CIPE):** NML partnered with CIPE to complete a best practices legal guide on the regulatory framework surrounding digital trade and e-commerce, which was published in the fall of 2018. This guide covers key policy areas that private sector organizations should examine when they are working to spur e-commerce growth in their



countries, with a focus on how to increase the participation of SMEs in online market places across sectors. In addition, NML began working with CIPE's Africa team on assisting the Gambia Chamber of Commerce and Industry (GCCI) create the National Business Council (NBC) in light of Gambia's new dedication to open government and supporting private sector development. NML assisted GCCI to create a memorandum of understanding for the NBC. In 2019, NML is continuing to work with CIPE on supporting the development of the digital legal environment by evaluating a draft law on the digital economy in an East African country and completing a comparative analysis of similar systems as part of this project. In Spring 2019, NML worked with CIPE's team to analyze a draft proclamation on the Digital Economy for an East African Country. This project resulted in a comparative guide to similar legislation and an annotated draft proclamation, and applied the findings of the legal guide on digital trade and e-commerce.

**Center for Strategic and International Studies (CSIS):** In 2017, NML partnered with CSIS to complete a comprehensive assessment of policy, legal, and regulatory issues affecting trade and food security along agricultural value chains, starting with the perspective of the farmer and tracing up to larger markets and trade. The study focused on Kenya and India as comparative case studies, focusing on four key value chains: rice and beans in Kenya and rice and horticulture in India. NML conducted legal and regulatory desk analysis and, with CSIS, held field consultations with a range of stakeholders in the public and private sectors to gather insight on issues impacting trade and food security. The study highlighted good regulatory practices from developed and developing countries that could help address challenges and open new market opportunities and pinpointed key decision points and corresponding recommendations related to improving the legal enabling environment along agricultural value chains to enhance food security, increase opportunity for farmers, and inform policymakers and other stakeholders.



**East Africa Trade and Investment Hub (EATIH) and U.S. Agency for International Development (USAID):** In 2018, NML worked with EATIH on a USAID-funded project to generate a situational analysis of the Kenya-Ethiopia Trade and Development Corridor (the “Moyale Corridor”). This situational analysis provided both an economic and legal diagnostic of factors affecting current trade flows along the Moyale Corridor, combining extensive desk and field research. The study analyzed how the corridor could deliver on its potential to improve regional agricultural trade and facilitate the movement of surplus staple foods to deficit areas. Among other outputs, NML developed a legal and regulatory analysis of the market environment, highlighting the key issues that affect trade between Kenya and Ethiopia, as well as offered targeted recommendations for strengthening the corridor over the short-, medium-, and long-term.



**Emerge Center for Innovations-Africa (ECI-Africa) and the East African Community (EAC):** In June of 2019, NML began an Economic Impact Assessment, and Legal Review and Analysis of the East African Community Seed and Fertilizer Legislations, and Drafting of the EAC

Regional Fertilizer Policy and Bill, a project carried out for ECI-Africa on behalf of the EAC, and funded by AGRA under the “Partnership Project towards Catalyzing the Implementation of CAADP-Malabo 2017-2020 Business Plan.” The assessment is designed to include a technical economic impact assessment, an estimation of public expenditure required to implement reforms and legal reviews, and analysis to build the case for (or against) the EAC-wide harmonized seed and fertilizer legislation and regulations. Results of the analysis will be integrated into a draft fertilizer Bill and Policy for the EAC, and disseminated to EAC level decision makers and Partner States policy makers in order to inform their decision making and influence approval of reforms.

**Gap Inc. and Nike Inc.:** Since 2016, with seed support from Gap Inc. and Nike, Inc., NML has led a trade and development coalition comprised of U.S. companies, business associations, and NGOs focused on the U.S. GSP program in the context of a broader trade and development strategy. Throughout this project, NML has convened regular meetings of the coalition to work through diverse points of view on what a



new trade and development strategy could look like and how to improve U.S. trade preference programs over the long term. These efforts resulted in development of a White Paper on *A Strategy for Trade and Development*, with a growing number of sign-on commitments among coalition members. The White Paper presents a four-part approach for reforming GSP and building a bridge to two-way trade, with practical recommendations for a new strategy that reflect the views of the coalition's diverse membership. NML and the coalition engaged with NGOs, think tanks, and labor experts in development of the White Paper, and support is growing among these groups.

**Harvard Law & International Development Society (LIDS) and Georgetown LIDS:**

New Markets Lab President Katrin Kuhlmann serves on the Advisory Boards of the Law & International Development Society (LIDS) of Harvard Law School and Georgetown University Law Center, both of which are student-run organizations focused on issues at the intersection of law, policy, and international development.



Since 2011, the New Markets Lab has supervised teams of students researching legal and regulatory issues related to market development. NML has supervised students on projects designed to facilitate understanding of the legal and regulatory challenges around cooperative financing and the recently established East Africa commodities exchange in support of its partnership with FAIM (Forestry and Agricultural Investment Management) in Rwanda; the impact of contract farming on women and smallholder outgrowers in East Africa, including Ethiopia; and participation of women in Ethiopia's dairy and livestock sectors, including the role of cooperatives. Most recently, NML worked with Harvard LIDS to complete a series of regulatory maps on business registration in selected countries within East Africa (including Uganda).



**International Center for Trade and Sustainable Development (ICTSD):**

In 2016, NML completed a series of regulatory guides focused on key services sectors in developing markets, namely financial services, information communication technology (ICT), tourism, and transport. These regulatory guides were meant to serve as practical tools that highlighted key regulatory intervention points and tradeoffs that should be considered to best leverage sustainable market growth and economic and social development. More broadly, these guides help support developing countries by offering recommendations and roadmaps for different regulatory and legal reforms. The program was also designed to build capacity for lawyers and non-lawyers by guiding public and private stakeholder debate and engagement.



**International Fund for Agricultural Development (IFAD):**

NML partnered with IFAD on an inclusive approach to addressing legal and regulatory issues to scale up value chain development, which included an assessment of legal and regulatory issues related to land tenure, seed and input markets, financial services, standards, and trade. This assignment included assessment of the Legal Guide on Contract Farming developed by IFAD, the UN Food and Agricultural Organisation (FAO), and the International Institute for the Unification of Private Law (UNIDROIT). Following in-depth consultations and fieldwork, NML and IFAD have developed



a comprehensive Occasional Paper on “The Role of Law and Regulation in Scaling Up African Value Chains.”

**International Growth Center (IGC):** NML partnered with IGC on a project titled “Legal and Regulatory Challenges and Market Opportunities in the Cosmetics Sector in Tanzania” through which NML conducted an in-depth assessment of regulatory issues in the cosmetics sector, which both holds the potential for growth and faces several complex regulatory challenges. This study focused on the cosmetics sector as an example of an emerging growth sector for which the enabling environment is particularly important, and it served as a pilot project for a broader research agenda on the business enabling environment in Tanzania. The study was supported by the IGC in Tanzania and conducted in close partnership with the Tanzania Investment Centre (TIC), which helped coordinate critical stakeholder meetings and provided invaluable feedback at all project stages. Given the balance between public and private goals in regulatory systems, stakeholder consultations with both the public and private sectors informed the development of the report and contributed to an understanding of how the realized regulatory system impacts cosmetic firms vis-à-vis broader public sector goals such as health and safety standards, consumer and worker protection, job creation, and increased manufacturing.



**Syngenta Foundation for Sustainable Agriculture (SFSA):** NML has partnered with SFSA and its Seeds2B initiative since 2012 to use legal and regulatory reform to scale seed systems, including at the regional level.



NML’s partnership with SFSA has also grown to include work on demand-led breeding, local seed collection, and licensing models for intellectual property. The overall objective of this work is to facilitate the development and release of new seed varieties for the benefit of smallholder farmers in Africa, expand markets for seed, and facilitate the transfer of seed from public research institutions into private marketing channels, all while ensuring gains to small farmers and protecting the public good. As part of the work on regional seed harmonization, in 2013, NML wrote a best practices legal and regulatory assessment, the “Enabling Environment for Scaling Seed Systems,” as one chapter in an eight-chapter Brief on Planning for Scale produced in collaboration between SFSA and USAID. In 2014, NML developed a comparative analysis of regional variety release and registration harmonization in sub-Saharan Africa, with a particular focus on how these initiatives are being implemented and working in practice. Since 2015, the New Markets Lab and SFSA have developed five case studies designed to assess implementation of regional seed initiatives at the national level in Kenya (COMESA and EAC), Ghana (Economic Community of West African States (ECOWAS), Nigeria (ECOWAS), Zimbabwe (COMESA and Southern African Development Community (SADC)), and Zambia (COMESA and SADC). Since 2016, NML and SFSA have partnered on Test Cases to “stress test” regional regulatory systems in the EAC, COMESA, SADC, and ECOWAS with the goal of helping to implement regional regulatory harmonization initiatives. These Test Cases have facilitated entries into regional seed catalogs and highlighted important trends in the harmonization of regional seed rules. In addition, NML has produced studies on the legal and regulatory landscape for demand-led breeding, with studies in seed variety registration in Uganda, Tanzania, Kenya, Rwanda, Malawi, South Africa, Nigeria, Ghana, Senegal, and Mali. NML has also worked with SFSA on intellectual property rights for plant breeders (including flexible licensing agreements), and the partners



are part of a new project, the Accelerated Varietal Improvement and Seed Delivery of Legumes and Cereals in Africa (AVISA) project, funded by a grant from the Bill and Melinda Gates Foundation (BMGF) and completed in partnership with the International Crops Research Institute for the Semi-Arid Tropics (ICRISAT) and other partners from the CGIAR. This project also focuses on variety release and registration across the regional catalogues, particularly within SADC and ECOWAS.



**Uganda Agribusiness Alliance**  
*Partnering for Growth*

**Uganda Agribusiness Alliance (UAA):** In 2019, NML began a project in partnership with UAA and Friends Consult, LLC, and funded by AGRA, to address gaps and opportunities in

the enabling environment and promote the scaling up of good practices and agricultural finance product innovations in Uganda through the “Diagnostic Review of the Current Legal and Regulatory Environment for Agricultural Finance in Uganda.” This resulted in a comprehensive Synthesis Report providing an in-depth analysis of existing policy and legal frameworks that govern agricultural finance, as well as related laws governing the agricultural sector, and an assessment of legal and regulatory gaps and their impact on the development of the agricultural financing landscape in Uganda. The legal and regulatory review was grounded in an economic assessment, including the potential impacts of reform options. The review analyzed over 60 laws, regulations, and policies relevant to agri-finance and agriculture within Uganda, and resulted in short-, medium-, and long-term recommendations for reform.

**World Economic Forum (WEF):** In 2017, NML completed a White Paper with the WEF, “The Role of Law and Regulation in International Trade Finance: the Case of Correspondent Banking.” The white paper presented a proposed framework to close the trade financing gaps in Africa using correspondent banking as a case study to highlight the connections between the legal and regulatory system and opportunities in trade finance. The project resulted in a four-pronged, development-focused approach tailored to international, regional, and local actors that would address current gaps and help strengthen trade-financing systems overall.



**The World Bank:** NML also conducted a multi-year project with the World Bank to develop a set of interventions and partnerships designed to engage with the Government of India/Rajasthan to



adopt a “Development Corridors” approach in the Indian state of Rajasthan based on the potential to attract private sector investment and improve income prospects of rural farmers, including women, along specific value chains (spices and horticulture). The corridors assessed in this project stemmed from a relatively robust transport infrastructure network that could be built out to encompass the agricultural sector and generate economic opportunity for rural areas. The India corridors project incorporated a comprehensive legal and regulatory assessment including issues around contract farming schemes, the enabling environment for farmer producer organizations, regulation of commodity exchanges and platforms, legal and regulatory aspects of horticultural value chain development, and international practices in standards and trade facilitation. The project resulted in a roadmap for reform with specific interventions for trade corridors in Rajasthan designed to deliver more tangible benefits to the agriculture sector.