

**Activity 1.1: Assessment of National Legal and Institutional Frameworks
Related to State of Emergency and Budget Appropriation,
including Budget Execution and Procurement**

ATTACHMENT 1: TECHNICAL PROPOSAL

CONTACT INFORMATION

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Project Summary

The current legal and institutional frameworks in the Caribbean limit the ability of governments to respond to natural disasters. These nations lack relevant state of emergency legislation and an institutional framework capable of mobilizing executive powers in the aftermath of a disaster. The Department of Sustainable Development of the Organization of American States (OAS-DSD) with funding from the World Bank will execute the Caribbean Emergency Legislation Project (CELP).

The CELP aims to raise awareness among government decision makers and make recommendations, to improve legislative channels and administrative procedures during, and immediately after, the occurrence of a natural disaster. The proposed project will (1) conduct a study to improve the legal and institutional frameworks related to state of emergency and budget appropriation powers; and (2) conduct national and regional outreach and validation of findings. The main output of this project will be a set of recommendations for the implementation of clear and transparent procedures triggered under a state of emergency. They will define government powers and responsibilities during these times, with particular emphasis on the emergency declaration and the governance aspects of emergency budget appropriation and budget execution.

Project Description

A. Consultant's experience

- Over 22 years of intense experience in various aspects of law with highly developed conceptual, analytical and problem solving skills
- Vast experience in drafting legislation and other legal instruments
- Sound exposure to domestication of international agreements, development and implementation of protocols, networking and collaboration with international cooperating partners
- Abundant courtroom knowledge
- Fluent in motion practice, mediation, arbitration and drafting of various pleadings, discovery papers, motions and petitions
- Excellent research, negotiation, consultancy and facilitation skills
- Highly developed interpersonal, oral and written communication skills in relation to provision of legal services
- Vast knowledge and experience in the field of environmental law and policy, including understanding of institutional and policy issues in the Caribbean
- I have regional experience in the Caribbean having worked from March 2007 to March 2009 as a Senior Legislative Drafter, Attorney General's Chambers, Turks and Caicos Islands (Assignment under the auspices of the Commonwealth Secretariat)
- I have consulted and researched for, among others, the United Nations Environment Program, the Southern African Development Community, the Human Rights Research and Documentation Trust of Southern Africa, United Nations Development Program, GTZ and the Commonwealth Secretariat.
- Details are set out in the attached Curriculum Vitae

B. DESCRIPTION OF APPROACH, METHODOLOGY AND WORK PLAN FOR PERFORMING THE ASSIGNMENT

Introduction

This proposal provides my expression of interest to undertake the consultancy to develop a comprehensive country assessment of legal and institutional frameworks related to state of emergency (the Study) in accordance with the Request of Proposal – Activity 1.1.

Objectives of the Consultancy

The main objective of the consultancy is to assist the Caribbean Emergency Legislation Project (CELP) which aims to raise awareness among government decision makers and make recommendations to improve legislative channels and administrative procedures during, and immediately after, the occurrence of a natural disaster.

Scope of Work and Terms of Reference

The work will involve the development of a comprehensive country assessment of legal and institutional frameworks related to state of emergency (the Study). The following are the specific terms of reference for the Study:

1. Background

The current legal and institutional frameworks in the Caribbean limit the ability of governments to respond to natural disasters. These nations lack relevant state of emergency legislation and an institutional framework capable of mobilizing executive powers in the aftermath of a disaster. The Department of Sustainable Development of the Organization of American States (OAS-DSD) with funding from the World Bank will execute the Caribbean Emergency Legislation Project (CELP).

The CELP aims to raise awareness among government decision makers and make recommendations, to improve legislative channels and administrative procedures during, and immediately after, the occurrence of a natural disaster. The proposed project will (1) conduct a study to improve the legal and institutional frameworks related to state of emergency and budget appropriation powers; and (2) conduct national and regional outreach and validation of findings. The main output of this project will be a set of recommendations for the implementation of clear and transparent procedures triggered under a state of emergency. They will define government powers and responsibilities during these times, with particular emphasis on the emergency declaration and the governance aspects of emergency budget appropriation and budget execution.

2. Responsibilities of the Consultant

The Consultant(s) will be responsible for developing a comprehensive country assessment of legal and institutional frameworks related to state of emergency (the Study). The outcome of this Study should be an identification of needs and recommendations to improve the legal and institutional frameworks related to state of emergency, and budget appropriation and execution in disaster emergency situations. In conducting this Study, the Consultant (s) will analyze the existing legal and institutional frameworks in each of the following countries:

Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago.

The analysis of the existing frameworks will concentrate on identifying provisions related to state of emergency, either at the constitutional or supplementary level, as well as those related to budget appropriation and execution. The analysis will assess the scope, operability and success of these provisions, and identify legislative and administrative gaps in addition to areas for improvement. The analysis should clearly outline the following:

- (a) the legal and institutional frameworks related to state of emergency and budget appropriation and execution as well as their scope and operability;
- (b) an identification and analysis of legislative and administrative gaps in the existing legal-institutional framework;
- (c) an identification and assessment of provisions in existing legislation and regulations relating to channels of responsibility during times of emergency, and an identification of gaps relating to transparency and accountability; and
- (d) a set of recommendations based on the Study

3. Consultant's Description

The interested consultant should have the following minimum qualifications:

- (a) fluency in oral and written English; proficiency in Spanish and/or French is desirable;
- (b) advanced law degree, preferably in areas related to sustainable development. A first level university law degree, from a common and/or civil law jurisdiction, supported by demonstrated experience in the field

of environmental law and policy and natural disasters or environmental emergencies, may be accepted in lieu of an advanced degree;

(d) knowledge and understanding of institutional and policy issues in the Caribbean pertaining to the declaration of a state of emergency in natural disaster circumstances, disaster emergency and risk management, budget appropriation and execution;

(d) excellent research, analytical and writing skills; and

(e) prior experience preparing reports and studies, preferably on law and policy related issues, for international organizations, such as the World Bank, U.N. or O.A.S.

4. Duration of the Contract

The contract will be for a duration of six (6) months.

MY UNDERSTANDING OF THE TERMS OF REFERENCE

(a) Technical Approach and Methodology

The Terms of Reference suggest that I have to analyze the existing legal and institutional frameworks in Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago. The analysis of the existing frameworks will concentrate on identifying provisions related to state of emergency and those related to budget appropriation and execution. The analysis will also assess the scope, operability and success of these provisions, and identify legislative and administrative gaps in addition to areas for improvement.

The critical review of the legal and institutional frameworks will provide a state of knowledge within which findings can be made for consideration when assessing the best approach for improving the legal and institutional frameworks in the Caribbean, considering current legislative and administrative gaps in addition to areas for improvement.

I shall use the findings from the desk study analysis to prepare my inception report which shall set out –

(a) a draft inventory and matrix of existing legal and institutional frameworks related to state of emergency and budget appropriation and execution which identify, briefly describe and accurately cite the frameworks; and

- (b) a draft descriptive report of the existing legal and institutional frameworks related to state of emergency and budget appropriation and execution, assessing their scope, and operability.

The inception report shall be submitted to the Project Coordinator and the Senior Legal Specialist for internal review. The comments emanating from internal review will be taken into account in preparing the second report that will primarily focus on -

- (a) an identification and analysis of legislative and administrative gaps in the existing legal and institutional framework; and a clear identification of the needs in these frameworks;
- (b) an assessment of provisions in existing legislation and regulations relating to channels of responsibility during times of emergency, and a gap analysis of these provisions particularly concerning transparency and accountability; and
- (c) a set of recommendations based on the entire study.

The second report shall be submitted to the Project Coordinator and the Senior Legal Specialist for internal review. The comments emanating from internal review will be taken into account in preparing the third report that will constitute the First draft of the Study and include the salient points of the inception report and the second report.

The third report will be submitted to the Project Coordinator and the Senior Legal Specialist for internal review. The comments emanating from internal review will be taken into account in preparing the fourth report that will presented to OAS-DSD for review and the comments by the OAS-DSD will be incorporated into a final draft of the study. Below is a proposed work plan -

(b) WORK PLAN

ID	ACTIVITY	PERIOD DAYS	TARGET OUTPUT
1	Obtaining detailed instructions, including document collection	10	Confirmation of instructions and relevant documents collected

2	Desk Review by the Consultant. This will be a situation analysis to summarize the state of knowledge.	30	Inception Report containing preliminary findings, and detailing information gaps
3	Incorporation of comments from the Project Coordinator and the Senior Legal Specialist on the Inception Report	2	Comments from the Project Coordinator and the Senior Legal Specialist on Inception Report incorporated
4	Drafting of the Second Report for review by the Project Coordinator and the Senior Legal Specialist	30	Second Report produced and submitted to the Project Coordinator and the Senior Legal Specialist
5	Incorporation of comments from the Project Coordinator and the Senior Legal Specialist on Second Report	2	Comments from the Project Coordinator and the Senior Legal Specialist on Second Report incorporated by consultant
6	Drafting of Third Report for review by the Project Coordinator and the Senior Legal Specialist	30	Third Report produced and submitted to the Project Coordinator and the Senior Legal Specialist
7	Incorporation of comments from the Project Coordinator and the Senior Legal Specialist on Third Report	2	Comments from the Project Coordinator and the Senior Legal Specialist on Third Report incorporated by consultant
8	Drafting of the Fourth Report (First Draft of the Study) for review by OAS-DSD	20	Fourth Report (First Draft of the Study) produced and submitted to OAS-DSD
9	Incorporation of comments from OAS-DSD on Fourth Report	2	Comments from OAS-DSD on Fourth Report incorporated by consultant into a Final Draft Report
10	Submission of the Fifth Report (Final Draft of the Study)	1	Fifth Report (Final Draft of the Study) submitted

FORM 1: WORK SCHEDULE

N°	Task/ Deliverables						
		1	2	3	4	5	6
1	Obtaining detailed instruction	*					
2	Desk Review by Consultant	*					
3	Drafting of Inception Report	*	*				
4	Submission of Inception Report		*				
5	Incorporation of comments from the Project Coordinator and the Senior Legal Specialist on the Inception Report		*				
6	Drafting of the Second Report		*	*			
7	Submission of Second Report			*			
8	Incorporation of comments from the Project Coordinator and the Senior Legal Specialist on the Second Report			*			
9	Drafting of Third Report				*		
10	Submission of Third Report				*		
11	Incorporation of comments from the Project Coordinator and the Senior Legal Specialist on the Third Report				*		
12	Drafting of Fourth Report (First Draft of the Study)					*	
13	Submission of Fourth Report (First Draft of the Study)					*	
14	Incorporation of comments from OAS-DSD on the Fourth Report (First Draft of the Study)						*
15	Submission of Fifth Report (Final Draft of the Study)						*