

Technical Proposal

CARIBBEAN EMERGENCY LEGISLATION PROJECT

Activity 1.1 Assessment of National Legal and Institutional Frameworks Relating to State of Emergency and Budget Appropriation Including Budget Execution and Procurement

THIS PROPOSAL IS VALID FOR AT LEAST THIRTY (30) DAYS FROM THE CLOSING DATE OF MAY 30, 2009 (the closing date of the request for proposals in this project)

CONTACT INFORMATION

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PROJECT (Activity) SUMMARY

Activity 1.1 will examine the national legal and institutional frameworks on “State of Emergency/Budget Appropriation of Twelve Caribbean countries,” with the goal of enabling improvement of their governmental readiness and ability to respond to natural disaster.

Focusing on creation of a detailed legislative study, the Activity must address logistical challenges common to most developing countries and small island states, *i.e.*, the difficulty of obtaining a complete set of the most current and correct versions of all relevant laws, the significant variation between those documents and actual practices under their authority, and the need to build a sufficient level of national awareness to ensure implementation of the improved legislative framework once all activities of the Project have ended. To address these, the activity proposes two components. The first involves information collection and outreach, including brief visits to all twelve countries and identification of and collaboration with effective and well-placed counterparts in each. The second will be the development of detailed analytical tools (matrices and reports) of the information collected.

The activity’s will carefully memorialize all information collected and key contacts, ensuring that subsequent Activities can start from a firm base of understanding and documentation, with no need to repeat these efforts.

PROJECT DESCRIPTIONS

A. Consultant's Experience

Tomme Rosanne Young is a consultant and attorney working in the areas of (domestic and international) natural resource and environmental law. Her experience includes significant and detailed legislative development assistance in eighteen developing countries, including seven small island states and governments: Mauritius (1990), Seychelles (1992-3), Tonga (1995-6), Trinidad and Tobago (1994), Cyprus (1994-5), Indonesia (1996) and the Republic of Zanzibar (Tanzania) (1994). She has also provided long-term assistance in China, Mongolia, Myanmar, Vietnam, Kazakhstan, Tanzania, Laos, Bhutan, Cambodia and Slovakia and directly through several regional groups (SADC, EAC, Caspian Regional Sea and West Asian Regional Program). Most of this work was undertaken through and/or funded by UN bodies, including the UN FAO, UNEP, UNDP, the World Bank and the GEF. This advice and assistance addressed natural resource issues, environmental issues and emergency response systems.

In 2004-5, Ms Young was tapped to serve on a seven-person high-level expert panel to evaluate the 149-country "GEF Projects on Biosafety Capacity". Her assigned focus countries in that evaluation included Bahamas and Cuba. In 2007, she was selected as Team Leader of FAO's Strategic Evaluation, examining that organization's performance under its institutional strategy for the development and utilization of international conventions and other international instruments and agreements. Through these processes, she obtained an in-depth understanding of the shortcomings of conventional bilateral and multilateral assistance projects and a clearer understanding of the key factors contributing to effectiveness and capacity.

From 1999 through 2006, Ms Young was the Senior Legal Officer of IUCN, providing direct advice and technical assistance to the Union itself, and to its members, staff, projects, programs and national offices, including projects on disaster response in Asia and Africa.

Much of Ms. Young's consulting work has been directed at finding solutions for common problems shared by many developing countries. Her most recent projects examine (i) the role and creation of incentive measures in legislation and permit systems; (ii) the legal and policy aspects of food security, and (iii) the challenges posed by international movement of alien and invasive species. For the past 10 years she has provided advice and assistance to international negotiations of a complex nascent legal regime known as "access to genetic resources and equitable sharing of the benefits arising from their utilization" (also known as "access and benefit-sharing" or "ABS"), on which she has written three books and 18 articles and executed a multi-year global project. She has been praised for effectively communicating these complex issues in a way that increases understanding and promotes balance.

Ms Young holds a JD degree (1981) from Hastings College of the Law (San Francisco, California, USA) and an AB (1977) in Political Science from the University of Southern California (Los Angeles, California, USA.) She is a member of the California Bar, all federal districts of California and the Ninth Circuit Court of Appeals.

Prior to commencing her international practice, as described above, Ms Young was in private practice with the firm of Morrison and Foerster (San Francisco), and earlier with Orrick, Herrington & Sutcliffe (San Francisco) where she specialized in environmental law, including pollution-related issues, environmental safety, emergency planning, risk preparedness and development. In 1988, with her colleague Jennifer Machlin, she co-authored the treatise *Managing Environmental Risk in Real Estate and Business Transactions* (Thompson-West, looseleaf). She updates that treatise on an annual basis.

Ms. Young is a US Citizen, currently resident in Bonn, Germany (an outgrowth of her most recent projects and employment.) She is a native English speaker, proficient in written and spoken Spanish and in written French.

B. Approach, Methodology and Work Plan for Performing the Assignment

(The consultant offers the following as a final proposal, agreeing to be bound thereby, but is happy to discuss adjustments, in case she has misinterpreted the Request for Proposals.)

a. Technical Approach and Methodology

This proposal addresses one Activity under the OAS Caribbean Emergency Legislation Project, which focuses on improvement of the institutional capacity of twelve Caribbean countries to address natural disasters and to take emergency action, including adoption and execution of emergency budget appropriations. The objectives of this Activity are (i) to develop comprehensive and comparable analyses of all 12 countries' national legislative and institutional systems for prompt effective response to natural disasters; and (ii) to increase awareness among governmental actors and legislators about the needs and gaps which hinder or delay such response. These objectives are inextricably linked. In the field of emergency response, unawareness and inattention arise and develop when no disaster is present, it is only when disaster strikes that they hinder response, increase damage and cause harm.

Research Plan and Template: A significant challenge in this Activity will be development of a research template that is broad enough to ensure that activity outputs enable future work to give proper consideration to all options and to understand national legislative limitations and conflicts that may affect the viability of certain options. In disaster situations, legislative omissions can become catastrophic, where they cause delays or administrative uncertainties. The template will build on resources and experience obtained from projects responding to recent natural disasters and developing of legislative disaster-response frameworks around the world.

Information collection: The core of this consultancy is collection of information and its analysis. For most developing countries, available external sources of national legislation are limited and undependable. Global databases include few documents from the project countries. Moreover within many developing countries, access to the most current and correct legislative instruments may be difficult, as might the process of confirming that the instruments are the most current and correct. In some countries, each agency can give access only to those instruments for which it is directly responsible. They may have limited information about or contact with other agencies, officials or bodies to ensure coordination for effective disaster response. Consequently, effective information collection process involves two steps: (1) collection and desk review of legislation from national counterparts as well as a variety of other sources and (2) country visits.¹

Validation and Evaluation: Ultimately, studies and reality conflict, if only by miscommunication. Legislative and gap analyses will be generated as early as possible, maximizing opportunities to validate, correct, refine and intensify them. These processes will also form a nucleus of experts and counterparts who can enhance the effectiveness of other Activities under the Project.

Caribbean countries, perhaps more than most developing countries, generally possess the legal/legislative technical capacity to undertake the work of the Project, but often lack the human resources to address all relevant needs. In island nations, the scarcest resources are professional time to develop legislative frameworks and to implement them effectively and efficiently. The Activity will attempt to be sensitive to this need.

As the first of three linked activities, the project should be carried out in close coordination with CELP and DSD. Accordingly, the Proposal anticipates a high-level of coordination, and the sharing of intermediate documents for informal comments and suggestions at many points.

¹ This Proposal recommends country visits rather than teleconferences, to increase the amount of information obtained, to decrease misunderstanding and miscommunication and especially to stimulate higher levels of awareness, participation and interests at the national level, providing a firm basis for Activities 1.2 and 1.3.

b. Work Plan

The Activity is divided into four elements (template, information, validation and analysis) often occurring contemporaneously. The following main tasks are set forth in the Work Schedule:

- *Research Template:* In coordination with the OAS CELP, the consultant will develop a research plan and template of key coverage, issues and questions. (Duration: 11 days)
- *Information Development:* This project envisions primary information development through a variety of sources, supplemented, revised, validated and refined through other activities.
 - *Counterparts:* National counterparts are essential in the success of the Project, enabling information collection, agency contacts and logistical arrangements. The consultant will use her existing contacts to supplement any recommendations by CELP and DSD regarding the selection of counterparts. (Duration: 10-15 days)
 - *Available resources:* Consultation of existing global, American and European legislative libraries and databases (Duration 20-30 days.)
 - *Relevant Agencies:* In conjunction with counterparts, identify and contact relevant agencies and officials and obtain relevant legislation and analyses.
 - *Circulation of draft national analyses:* Prior to visiting a country, the consultant will circulate a draft descriptive analysis of that country's legislative framework (below), with preliminary analyses of gaps and needs.
- *Validation and Analysis:* The analysis of national legislation, even with support of the counterparts and other contacts, can only serve as part of the legislative analytical process:
 - *Draft national analyses:* A draft analysis of a country's relevant legislation and institutions shall be prepared and circulated as set forth above. (Duration 25-30 days)

FIRST MILESTONE: Draft national analyses of existing legal and institutional frameworks related to state of emergency and budget appropriation and execution will be combined into a preliminary inventory of national emergency/disaster response legislation and a draft inventory and matrix of relevant provisions. **[Submission: 6-8 weeks following Activity commencement.]**

- *Country visits:* The primary purpose of country visits will be gathering of primary information on the contents and function of relevant existing legislation and processes. Visits will be logistically complicated, filling 4 working days per country. (Duration: 60 days.)
- *Revised and comprehensive analysis:* Throughout the planning and informational stages, the consultant will be compiling three analyses (Duration 30-40 days)
 - *Gap analysis:* The consultant will prepare an identification and analysis of legislative and administrative gaps in the existing legal and institutional framework. This document shall begin from, but may extend beyond the research template.
 - *Needs analysis:* The consultant shall prepare a clear identification of legislative needs in each country, and integrate these into an overall needs analysis.
 - *Legislative/Authority assessment:* The consultant will prepare a draft assessment for each country identifying provisions in existing legislation and regulations relating to channels of responsibility during times of emergency and identifying gaps in the framework of administrative responsibility, transparency and accountability.
 - *Recommendations:* The consultant will provide recommendations considering needs, gaps or challenges identified above, but condensed into a single document.

SECOND MILESTONE: The Gap Analysis, Needs Analysis, Legislative/Authority Assessment and Recommendations shall be combined into a preliminary inventory of national emergency/disaster response. **[Submission: 8-12 weeks following First Milestone.]**

○ **Overall and Comparative Analysis:**

- **Draft Report:** The last stage of this Activity will involve the development of an overall report including each of the deliverables set out in the previous section.

THIRD MILESTONE: The Draft Overall and Comparative Report of the Project shall provide an integrated analysis of all of the information gathered. **[Submission: 2-3 weeks after 2nd Milestone.]**

- **Final Report:** Within 10 days following receipt of comments from the CELP and DSD, the consultant will revise and finalise the overall report and deliverables.

FOURTH MILESTONE: The Final Overall and Comparative Report of the Project shall respond to all comments and suggestions. **[Submission: dependent on receipt of input from CELP and DSD.]**

Work Schedule

Number	Task	2009					
		1	2	3	4	5	6
1	Discussions with CELP	■					
2	Research Plan and Template	■	■				
3	Identify and contact national counterparts	■	■				
4	Outline final outputs (Legislative analysis, Gap analysis, Needs analysis, Recommendations)	■	■				
5	Document collection (electronic sources, libraries, correspondence with national counterparts, agencies and libraries in target countries)	■	■				
6	Draft: descriptive inventory and matrix of existing legal and institutional frameworks	■	■				
7	MILESTONE: Submission of draft inventory and matrix		◆				
8	Logistical arrangements and contact scheduling	■	■				
9	Country visit (actual order of countries decided by task 6): Dominican Republic	■					
10	: Antigua		■				
11	: Bahamas		■				
12	: Belize		■				
13	: Dominica		■				
14	: Granada		■				
15	: Haiti		■				
16	: Jamaica		■				
17	: Saint Christopher and Nevis		■				
18	: Saint Lucia		■				
19	: Saint Vincent and the Grenadines		■				
20	: Trinidad and Tobago		■				
21	Finalize subsidiary reports (individual country legislative, gap and needs analyses)	■	■	■	■		
22	Prepare draft Gap Analysis, Needs Analysis and Legislative Assessment	■	■	■	■		
23	Prepare Recommendations	■	■	■	■		
24	MILESTONE: Submit draft gap, needs and legislative analyses and recommendations				◆		
25	Draft comprehensive study including all deliverables (legislative assessment , needs and gap analyses and recommendations)				■	■	
26	MILESTONE: Submission of First Draft					◆	
27	Final Draft study, including all deliverables (legislative assessment , needs and gap analyses and recommendations) (depends on external input)					■	■
28	MILESTONE: Submission of final report						◆

Financial Proposal Activity 1.1

Item No	Description	Unit	Unit Price (in USD)	# of Units	Item Cost
1	Remuneration - Consultant - research, drafting, submssion (including overhead and electronic communication)	Project/Month	\$5,500.00	6	\$33,000.00
2	Per diem	Travel Day	\$120.00	60 ¹	\$7,200.00
3	International Flight: Washington DC ² - Santo Domingo ³	two-way	\$275.00	1	\$275.00
4	International Flight: Santo Domingo to Antigua and Barbuda	one-way	\$500.00	1	\$500.00
5	International Flight: Antigua to Bahamas	one-way	\$500.00	1	\$500.00
6	International Flight: Bahamas to Belize	one-way	\$500.00	1	\$500.00
7	International Flight: Belize to Dominica	one-way	\$500.00	1	\$500.00
8	International Flight: Dominica to Granada	one-way	\$500.00	1	\$500.00
9	International Flight: Granada to Haiti	one-way	\$500.00	1	\$500.00
10	International Flight: Haiti to Jamaica	one-way	\$500.00	1	\$500.00
11	International Flight: Jamaica to Saint Christopher and Nevis	one-way	\$500.00	1	\$500.00
12	International Flight: Saint Kitts to Saint Lucia	one-way	\$500.00	1	\$500.00
13	International Flight: Saint Lucia to Saint Vincent and Grenadines	one-way	\$500.00	1	\$500.00
14	International Flight: Saint Vincent to Trinidad and Tobago	one-way	\$500.00	1	\$500.00
15	International Flight: Trinidad to Santo Domingo for return to Washington DC	one-way	\$500.00	1	\$500.00
16	Miscellaneous travel expenses	country visit	\$60.00	12	\$720.00
17	Local Transportation	country visit	\$60.00	12	\$720.00
18	Library fees and access costs	research/day	\$100.00	6	\$600.00
19	Document reproduction and mailing/access costs	project est.	\$200.00	1	\$200.00
20	Language assistance (French)	project est.	\$1,025.00	1	\$1,025.00
21	Counterpart fees and expenses ⁴	country	\$350.00	12	\$4,200.00
				TOTAL	\$53,940.00

- 1 Budget assumes four days in each country and one day travelling between. Schedule is based on 5 day work weeks with inter-country travel on some weekend days.
- 2 Consultant will arrange to be in Washington (on other assignments) prior to travel.
- 3 Order of flights is indicative only, actual order to be determined.
- 4 Consultant does not know if OAS permits the payment of sitting fees and other fees to counterparts. If not, these amounts may be necessary to pay for local travel, meeting rooms or other expenses normally covered by compensated counterparts.

References for Tomme Young

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