

Technical Proposal

CARIBBEAN EMERGENCY LEGISLATION PROJECT

**Activity 1.2 Comparative analysis of International Legal
and Institutional Frameworks**

**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

Within the three-activity structure of the Project (CELP), this activity draws on many countries' experiences to build a comprehensive body of options and alternatives for new or improved frameworks for natural resource disaster response, including financial allocation and execution. It will focus on collecting and analyzing national and regional emergency response frameworks from around the world (with emphasis on the Americas), building on legislative documents and information collected and analysed by Activity 1.1.

Successful completion of this project will require

- In-depth study of a wide range of national frameworks, including emergency empowerment authorization and mandate and reemergency budgetary allocations and their execution, aided by recent developments in the Americas, Asia, eastern Africa and the Pacific;
- Analysis of the "operability and success of existing frameworks, a greater challenge, given the limited body of research and analysis on legislative issues in recent disasters (other than the lack of legislative authorization and mandate);
- Analytical comparison of Caribbean frameworks with those of other countries and regions, leading to conclusions and recommendations regarding "best practices," particular challenges, and consideration of the particular national factors and situations that may determine the degree of success of each approach.

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

As a component of the Caribbean Emergency Legislation Project (herein the “Project” or CELP) and building on the outputs of Activity 1.1, this proposal describes Activity 1.2 (the “Activity”). Relying on and/or supplementing collected legislation and information from Activity 1.1, this Activity will undertake intensive comparative analysis, including review of national and regional legislation and legislative analyses on emergency response systems to the maximum extent that they can be obtained and reviewed in English, Spanish, French, Dutch or German.

The consultant’s template for information collection and review will begin from the matrices and reports of Activity 1.1. Through this Activity, however, those matrices will be continuously revisited and/or improved to the extent that international research analyses identifies other key factors for consideration.

This analysis will allow the project to benefit from an extensive body of research recently undertaken in a variety of countries in Asia, Africa and the Pacific. The consultant has direct access to many of these studies and the primary data on which they were based, and should be able to obtain additional material through national counterparts FROM RECENT PROJECTS IN Africa and Asia. In addition, the consultant has direct electronic and other access to key global collections of national legislation, located in Rome, Geneva, London and California.

Given the CELP’s organization of the work, the most effective approach for this Activity will be to identify a wide range of options and link them to particular factors (legal system, governmental approach, manpower, existing organization, environmental constraints, economic and social issues, and other matters which may be determinants of the “best choice” for each country. The Activity will also focus on the key mechanisms for regional cooperation and the manner in which regional linkages are enabled and used.

b. Work Plan

This work will proceed in three stages (planning, information gathering and analysis), which will overlap chronologically. The following is a discussion of these stages, linking them to the Work Schedule below.

Planning Stage (Tasks 1-5): The Activity calls for intensive data collection and preliminary review in the first days of the Project, which will enable discussions between the consultant and CELP and help ensure that the Activity’s outputs will meet expectations and desires for the Project.

- *Number and selection of countries:* The consultant and CELP will identify up to 20 countries (or more in the consultant’s discretion) whose legislation will be studied and compared (the “comparison countries”) Selection must balance the goal of maximizing the variety of options and approaches presented against the need to avoid expending too much effort on countries and approaches that offer little chance of being practically applied to the 12 target countries. Selection will be based primarily on the availability and richness of data, as well as breadth of options;
- *International instruments:* The consultant will obtain a comprehensive, up-to-date table of the 12 target countries’ national participation in international conventions and other relevant instruments, and will identify the instruments and other documents (whether the countries are party to them or not) which appear to be most relevant to disaster response frameworks;

- *Preliminary outlines of outputs:* The consultant will prepare initial outlines of the outputs requested under the Terms of Reference, for earliest possible discussion with the CELP, to maximize the value of the work undertaken by this Activity.

Information-gathering stage: This project is primarily a “desk” or “library” study, utilizing the following as the most effective sources of national and regional legislation on natural disasters and related responses:

- Online single-provider legislative databases (FAOLEX, ECOLEX, WESTLAW);
- UN and other key global libraries of national legislation (including those in Rome, Geneva, London, New York)
- University collections in the US containing large volume of foreign legislative information.
- Direct access to reports, documents, and primary data, through project managers and legal consultants undertaking legislative work in the wake of the south Asian Tsunami and other natural disasters in Asia, Africa and the Pacific.
- Databases, libraries and national collections in the Americas and through OAS)

Analytical stage: The most essential challenge of this Activity will be the production of thoughtful and useful analyses, which are sufficiently complete to tenable detailed conclusions and recommendations, while giving sufficient attention to non-selected options and other opinions. On one hand the accuracy and completeness of the subordinate outputs is essential, while on the other, the primary documents and presentation of subordinate documents need to be designed and presented in a format and at a length that makes them useful to subsequent Activities of the Project.

Work Schedule

Number	Task	2009		
		1	2	3
1	Consultation with CELP	■		
2	Initial Research and Document collection	■		
3	INTERNAL MILESTONE: List of countries whose Legislative Frameworks will be analyzed ("comparison countries") submitted to and discussed with CELP	◆		
4	Initial outlines of Activity outputs	■		
5	Identification of relevant international instruments to be studied and integrated into the analysis	■		
6	INTERNAL MILESTONE: Initial outlines discussed with CELP		◆	
7	Draft: Key legislative and administrative provisions in comparison countries		■	
8	Draft: Matrix of key legislative and administrative provisions and their scope, operability and replicability		■	
9	FIRST MILESTONE: "Key Legislative and Administrative Provisions" report and matrix (Tasks 7 & 8) submitted in draft		◆	
10	Draft comparison and contrast of frameworks in comparison countries with the 12 Caribbean Frameworks, focusing on needs and gaps identified		■	
11	Draft: Assessment of the effectiveness of legal and administrative provisions in the comparison countries and international legal instruments and an assessment of their replicability in the Caribbean.		■	
12	Draft: Best practices and recommendations for Caribbean legal and institutional frameworks		■	
13	SECOND MILESTONE: Draft reports ("Comparison and Contrast" (Task 10), "Assessment of Effectiveness and Assessment of Replicability (Task 11) and "Best Practices and Recommendations" (Task 12)) submitted in draft.			◆
14	Draft: Integrated comparative analysis, including outputs described in Tasks 7, 8, 10, 11, & 12			■
15	THIRD MILESTONE: Submission of draft "Integrated Comparative Analysis"			◆
16	Revision: Integrated Comparative Analysis including outputs described in Tasks 7, 8, 10, 11 and 12) revised in response to comments and suggestions from CELP and/or DSD (depends on external action)			■
17	FOURTH MILESTONE: Final "Integrated Comparative Analysis" submitted			◆

Financial Proposal Activity 1.2

Item No.	Description	Unit	Unit Price in USD	No. of Units	Item Cost
1	Remuneration - Consultant - research drafting and submission, including overhead and electronic communications (telephone and e-mail)	Project Month	\$1,700.00	3	\$5,100.00
2	Library costs	research day	\$100.00	6	\$600.00
3	Document reproduction and mailing costs	Project estimate	\$100.00	1	\$100.00
4	Language assistance (if needed)	hourly	\$40.00	5	\$200.00
TOTAL					\$6,000.00

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