

# Terms of Reference

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| <b>Proposed position</b>                  | Legislative Lawyer ( <i>Wetgevingsjurist</i> ) on Solid Waste Management Legislation   |
| <b>Name of the project</b>                | Moving to Integrated Solid Waste Management on Sint Maarten (ISWM – SXM)   |
| <b>Background of the project</b>          | <p>Sint Maarten, an autonomous country within the Kingdom of the Netherlands, is situated in the northeast Caribbean Sea and relies on tourism as its main industry. With a sizeable population (42,756, Worldometers 2020), the island enjoys rapid economic growth by receiving millions of tourists every year while struggling with a weak municipal solid waste management system. In the past decades, Sint Maarten faces the challenge of lacking an efficient and sanitary waste management and disposal system, and the related financial and governance setup.</p> <p>Under regular conditions, Sint Maarten generates an estimated 120,000 tons per year of waste (about 329 tons per day), which is managed by the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI). The situation has been exacerbated since Hurricane Irma hit the island on September 6, 2017, and destroyed over 90% of its main infrastructures. Extensive property damage and the subsequent demolition and reconstruction activities produced a significant amount of debris in private and public areas to be handled. With most waste not separated, recycled, treated or disposed of appropriately, it creates environmental and social risks and is a major concern for the country and its citizens.</p> |
| <b>Project Institutional arrangements</b> | <p>At the request of the National Recovery Program Bureau (NRPB) and the Ministry of VROMI in St Maarten, VNG International through the project “Moving to Integrated Solid Waste Management on Sint Maarten” is supporting the Ministry of VROMI in the field of solid waste management.</p> <p>The Government of Sint Maarten has committed to reforming its solid waste management (SWM) into a robust and sustainable sector. The ISWM-SXM project supports the next steps until December 2023.</p> <p>Specifically, the project aims to strengthen the institutional framework of solid waste management in St Maarten, with a focus on supporting the following four elements:</p>   |

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|   | <ol style="list-style-type: none"> <li>1. Drafting of a waste ordinance that enables a waste authority</li> <li>2. Sketching the contours of a waste authority</li> <li>3. Advising upon the financing of a waste authority / solid waste management</li> <li>4. Setting up a communication plan to create waste awareness.</li> </ol> <p>VNG International's project will make available technical expertise and resources to support the dedicated Strategic Program Coordinator (SPC) deployed to the government of Sint Maarten in carrying out its responsibilities and in assisting VROMI and the government at large in its SWM ambitions.</p>   |
| <p><b>Role of the Legislative Lawyer</b></p>  | <p>The Legislative Lawyer (<i>Wetgevingsjurist</i>) will provide legal expertise to the ISWM-SXM project and the Government of Sint Maarten on the legislation for the to be established waste authority. The objective of the assignment is to review the current legal and environmental laws and frameworks, and relevant materials, and advise on a legal framework for waste sector management in Sint Maarten in line with the institutional and financial management requirements of the proposed system. The Legislative Lawyer will also draft and/or amend laws and regulations, such as the waste ordinance and a legislative proposal for the legal framework of the intended waste authority. The Legislative Lawyer will be part of VNG International's ISWM-SXM project team and shall report regularly on his/her progress to the Technical Lead Expert.</p>  |
| <p><b>Key duties and responsibilities</b></p> | <ol style="list-style-type: none"> <li><b>1. Review current situation:</b> <ul style="list-style-type: none"> <li>• Accumulate sufficient information from existing sources, previous consultancy works and discussions with relevant stakeholders to assess the main features of the current legal and institutional SWM structure in Sint Maarten. Review all laws and regulations related to SWM on Sint Maarten. Review draft waste legislation and advise the Ministry of VROMI on issues that may need resolution;</li> <li>• Current laws within Sint Maarten regarding systems of permits and licenses, hindrance and nuisance issues, government procurement, waste as a property of government, environmental norms, siting of facilities, social inclusion, protection of occupational health and safety, environmental assessment, and public involvement;</li> <li>• Current laws within the country of the Netherlands, EU laws, applicable legislation on Sint Maarten (French St. Martin), and best regional and international legal frameworks, international treaties like the Basel convention, applicable solid waste disposal and treatment standards; and the International Civil Aviation standards regarding the protection of the aerodrome from wildlife and bird strike.</li> </ul> </li> <li><b>2. Draft legislation:</b> <ul style="list-style-type: none"> <li>• Draft the waste ordinance;</li> <li>• Draft the proposal for the legal framework of the intended waste authority;</li> <li>• Update and draft amendments of the current solid waste ordinance (in draft) including the recommendations as part of the report.</li> </ul> </li> </ol> |

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|   | <p><b>3. Recommendations for implementation:</b> Advise on and produce the legal framework for the waste authority, including but not limited to options for financing; options for planning, regulatory frameworks; solid waste contracts and contractual law; licensing; ordinance and guidelines, etc. Provide comments and recommendations on legal reforms to support a sustainable policy and regulatory framework for the SWM sector in Sint Maarten; and give recommendations on incentives and disincentives, penalties and fees.</p>  |
| <p><b>Outputs (expected deliverables)</b></p> | <ul style="list-style-type: none"> <li>• Waste ordinance</li> <li>• Legislative framework for the waste authority</li> <li>• Report including:             <ul style="list-style-type: none"> <li>○ The analysis of the current situation as elaborated on above;</li> <li>○ Legislative advice on the different options around financing; regulatory frameworks; solid waste contracts and contractual law; licensing; etc.</li> <li>○ Comments and recommendations on legal reforms to support a sustainable policy and regulatory framework for the SWM sector in Sint Maarten;</li> <li>○ Recommendations on incentives and disincentives, penalties and fees.</li> </ul> </li> <li>• Update of the current solid waste ordinance (in draft) including the recommendations as part of the report.</li> </ul> <p><i>Outputs need to be gender-sensitive.</i></p>   |
| <p><b>Reporting requirements</b></p>          | <p>The Expert will draft a report following the list of outputs (expected deliverables), after completion of the assignment. In addition, the Expert will provide mission reports after the completion of missions to Sint Maarten, with progress updates, recommendations and observations, and an updated planning of activities.</p> <p>Routing of the reporting occurs according to the following guidelines:</p> <ol style="list-style-type: none"> <li>1. The expert will report directly to VNG International and the Technical Lead</li> <li>2. The expert will work in close collaboration with the VNG International project manager to ensure alignment of the activities</li> <li>3. The expert will ensure that a proper level of information prior to, during and after the activity is provided to VNG International</li> <li>4. The expert will not report directly to the beneficiary</li> </ol> |
| <p><b>Minimum qualifications</b></p>          | <p><i>[Education]</i></p> <p>Master's degree in law or a related field;</p> <p><i>[Professional experience]</i></p> <ul style="list-style-type: none"> <li>• Over 5 years of professional working experience in drafting or amending laws and regulations, preferably with experience in governmental contexts or for government entities.</li> </ul>   |

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|  | <ul style="list-style-type: none"> <li>Over 5 years of professional working experience in law or public administration.</li> <li>Preferably professional working experience in drafting legislation and regulations for entities such as ZBOs and/or NVs.</li> <li>Knowledge of the Dutch Caribbean (the three constituent countries within the Kingdom of the Netherlands), and working experience in particular, is an asset.</li> </ul> <p><i>[Skills]</i></p> <ul style="list-style-type: none"> <li>Deep understanding and experience in institutional design, preferably within the Dutch legal system</li> <li>Organisational assessment skills</li> <li>Excellent Dutch and English communication and reporting skills</li> <li>Gender-sensitive</li> </ul> |
| <b>Approximate number of working days and planning</b> | <ul style="list-style-type: none"> <li>25 working days. This will include 1 visit to Sint Maarten.</li> <li>Holidays and vacations, and days of illness are not considered working days. Holidays are the national official holidays of the beneficiary country.</li> </ul>   |
| <b>Period of the assignment</b>                        | The start date of the contract will be as soon as possible, but preferably November 2022, and the date of commencement is December 2023.  |
| <b>Place of the assignment</b>                         | The Netherlands and Sint Maarten  |
| <b>Contact details VNG International</b>               | <ul style="list-style-type: none"> <li>Elger Vermeer, Senior Project Manager</li> <li>Sanne van Amerongen, Project Manager</li> </ul>   |
| <b>Submission of application</b>                       | <ul style="list-style-type: none"> <li>CV</li> <li>Motivation letter</li> <li>Deadline of application: 30 November 2022</li> </ul>  |