

**Terms of Reference for
International Expert on Legalization of Informal Settlements and constructions
External consultant services on the project:
The Comparative analysis of the legal frameworks for urban planning in the different
member states of NALAS – II phase**

I Objective:

The objective of the Consultancy is to provide support to the Standing Conference of Towns and Municipalities (SCTM) and NALAS in the framework of implementation of the study “Comparative analysis of the legal frameworks for urban planning in 13 different member states of NALAS – II phase“. This project is being implemented by SCTM – association of local authorities in Serbia, on behalf of GIZ ORF Modernization of municipal services.

The project will contribute to NALAS associations facilitate changes in national legal framework on the way to join EU, since the general EU attitude and policies concerning urban planning shall be included into the comparative analysis and may serve as a guiding framework. One of the preconditions for a sustainable urban development in the SEE states, particularly when integrating informal settlements and constructions into urban structures, is the availability of an adequate and feasible legal framework and its enforcement.

The first phase of the project comprises data collection from 13 Local Government Associations through filling of the specific Questionnaire. One of the groups of questions is related to the problem of informal settlements, illegal construction and legalization of settlements and buildings and collection and brief analysis of respective laws and by-laws in all national legislations. The local experts are supposed to submit the the requested reports (filled questionnaires and legal documents) by end of January.

The next phase comprises analysis of the collected data and formulation of recommendations specific to certain problems and grouped by countries with similar situation. By analyzing the legal framework in all of the NALAS members and by drafting some general recommendations for improving the legal framework, all of the associations will be able to compare the level of decentralization in their own national legislation, concerning the formal urban planning processes. After finalization of this project, members of NALAS will be more competent in advocating for interests of their members in the field of urban planning and integration of informal settlements and constructions. Based upon general recommendations, they would be able to develop specific recommendations for improvement of legal framework in their national legislation (outcome).

The results of the project are:

- Updated information on the legal framework from six Local Government Associations as a continuation of previous project sequence;
- A comprehensive overview of the legal framework for spatial planning from seven additional Local Government Associations
- A comparative analysis of legal framework in NALAS members' entities and the EU framework/ international standards.
- Recommendations for the improvement of legal framework for NALAS member associations and specific recommendations for the legalization processes

The study includes one section dealing with the analysis of the legalization for informal settlements and constructions, which has to be elaborated in detail. For the elaboration of this task, two experts are foreseen, one regional expert from a relevant SEE Local

Government Association and one international expert, both with proven experiences in this topic.

II Scope of the work:

In the period defined by this ToR, the Consultant will provide technical assistance to the SCTM by providing the following services:

- Analyzing the Questionnaires filled by local experts, regarding problems with informal settlements and constructions, illegal construction and respective processes of legalization,
- Analyzing legal framework in NALAS member countries regarding the legalization processes and procedures
- Typification of legalization policies in the participating countries
- Identification of characteristic bottlenecks and shortcomings in legalization policies and laws in the 13 participating countries
- Developing recommendations for a generalized model of the legalization process and respective procedures based upon results of the survey / data collected through the questionnaire, skype or telephone interviews, in cooperation with the legal regional expert
- Producing recommendations for improvement of legal frameworks in the region in respect of the legalization of informal settlements and constructions in cooperation with the regional legal expert.
- Close cooperation with the regional legal expert during the preparation of the task

The Consultant should work in close cooperation with regional expert, already contracted by SCTM to lead the expert work in the project. The Consultant shall rely on methodology and questionnaires previously developed by the project team. The Consultant shall cooperate with GIZ core advisor and Project coordinator at SCTM.

The Consultant would be responsible to SCTM and GIZ, for the quality of the material produced at the end of the project.

The Consultant will be contracted by GIZ .

III Deliverables

The Consultant should forward a study in form of a report. The study should include mainly:

- Typification of legalization policies and laws in the 13 countries of concern (Tables and analytical explanations)
- Identification of characteristic bottlenecks and shortcomings in legalization of informal settlements and constructions
- Development of an idealized Model on legalization processes for informal settlements and constructions, if possible based on best practice examples/experiences
- Recommendations
- Short final report incl. review of activities done

IV Period of the engagement:

March / April 2011

- 9 days Belgrade, Serbia split into two trips
- 3 days Belgrade, Serbia for last coordination with the legal regional expert and presentation of the study

Place of engagement: Belgrade, Serbia

Duration of engagement: total 12 working days

Requirements:

- University degree in architecture, spatial planning, geography, law, social sciences or similar.
- Being familiar with the legislation structures and procedures in the countries in SEE region
- Capability of analyzing the legal framework and drafting recommendations for its improvement
- Previous experience in the field of work with informal settlements and constructions/legalization
- Demonstrated analytical and writing capacity
- Capability to write and communicate in good English is a must
- Experience in donor funded projects and working in international environment would be considered as advantages

Please provide your CV and official offer in English language to NALAS (garthley@nalas.eu) and SCTM (klara.danilovic@skgo.org) until March 7, 2011.