

**Terms of Reference for
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 implementation of the project “Comparative analysis of the legal frameworks for urban planning in the different member states of NALAS – II phase.

The project will contribute to facilitate NALAS member states on their 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 baseline. One of the preconditions for a sustainable urban development in the SEE states, particularly when integrating informal settlements into urban structures, is the availability of a feasible legal framework and its enforcement.

By analyzing the national legal framework from 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 countries, 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. Based upon general recommendations, they would be able to develop specific recommendations for improvement of legal framework in their countries (outcome).

The results of the project are:

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

II Background

The NALAS Task Force on Urban Planning implemented from October 2007 to March 2010 the ORF funded “Urban Integration of Informal Settlements” project, consisting of three components. The project addresses an issue common for almost all countries in South East Europe: the occurrence of informal settlements and their cause and effects. There were two pilot municipalities, Sukth in Albania and Prijedor in Republika Srpska, where two pilot projects were implemented, and the third component is preparation of a Comparative analysis of the national legal frameworks for urban planning from 6 member associations of NALAS. This component was implemented by Slovenian association.

This project will build upon the results of the legal analysis component of the current project. It is envisioned that this project will update the current analysis and add max. 7 other missing countries and entities to the initial comparative analysis

III Scope of the work:

In the period defined by this ToR, the Consultant will provide technical assistance to the SCTM and NALAS Task Force on Urban planning by providing the following services:

a) Preparation and participation at project expert meetings (2 events, first scheduled for 4-6 November, 2010 in Belgrade)

b) Leading the Project Expert Team in:

1. Assistance in elaboration of the project approach/methodology
2. Improvement and update of questionnaire used in the I phase of the project
3. Coordination of work on local experts on updating legal framework from the six local government associations of previous project and identification on legal insufficiencies.
4. Coordination of work of local experts on compilation of the legal framework of relevance in additional 7 selected SEE (member) associations (laws on urban planning and rehabilitation, specific by-laws and statutes, analytical comparison) according to the system developed and applied in previous project. In appointing/approving the national experts urban planning experts with practical or analytical experience should be given priority;
5. Analyzing the standards and preconditions to be considered and set by international organizations and EU stipulations;
6. compilation of legalization laws and procedures for 6 + 7 local government associations and determination of predominant structures
7. Identifying legal insufficiencies in national urban planning for the selected NALAS member associations;
8. Elaborating idealized legalization process and procedure;
This activity will require active involvement of an international expert.
9. Drafting general recommendations for the legalization processes in the SEE concerning NALAS member countries and general recommendations for improvement of legal framework for urban planning. General recommendations to be result of discussion within the Task Force on Urban Planning. These recommendations to be common for the whole target region, not country-specific;
- 8.. Producing a comprehensive comparative analysis based on above points

c) The Consultant would be responsible to SCTM, for the quality of the material produced at the end of the project. This means that the final product should help NALAS member associations to initiate the amendments of legislation in the field of urban planning in their countries.

d) Cooperation with other consultants and/or institutions to be identified

e) Assistance in dissemination of results

Period of the engagement:

October 2010 – September 2011,

Duration of engagement: up to 37 working days

Requirements:

- University degree in architecture, spatial planning, geography, law or similar.
- Being familiar with the urban planning legislation structures and procedures in the countries in SEE region
- Capability of analyzing the legal framework and drafting recommendations for improvement
- Excellent understanding of local governance/municipal administration

- Previous experience in the field of work with informal settlements/legalization
- Demonstrated analytical and writing capacity
- Capability to write and communicate in good English is a must
- Participation at the project events (expert meetings and workshops) and travelling to member countries if required
- Experience in donor funded projects and working in international environment would be considered as advantages

Please provide your CV in English language to NALAS (garthley@nalas.eu) and SCTM klara.danilovic@skgo.org) until October 25, 2010.