Terms of Reference (TOR), Short-Term Technical Assistance (15 days)

Concessions Law Specialist

Analysis of Liberia Concessions Legal Framework and Report Recommendations

Date: February 24, 2021

Background: The Liberia Economic Policy Dialogue Activity (LEPDA) – is a four-year USAID program working in partnership with the Government of Liberia (GOL) to provide technical assistance, capacity building and mentoring support to various government ministries including Ministry of Finance and Development Planning, Ministry of Commerce & Industry, Central Bank of Liberia, Ministry of State, Civil Society Organizations and academia (particularly, the University of Liberia). LEPDA is being implemented by Nathan Associates Inc., an international economic and analytics consulting firm based outside Washington, DC, USA as a contractor for USAID.

Project Summary: The USAID Liberia Economic Policy Dialogue Activity (LEPDA) aims at improving Liberia’s business environment and attracting investment. LEPDA provides direct technical assistance to the Government of Liberia (GOL) in the development of key policy reforms, builds capacity for policy reform and engages Liberian Civil Society in the policy reform process. LEPDA is currently conducting a research study to present and analyze models of agricultural concessions and other models of agricultural commercialization. The overall goal is to identify how the structure of these models influences their overall performance (e.g., in terms of fiscal, economic, social, and/or environmental benefits). This analysis will be used to provide technical guidance to the Government, concessionaires and other stakeholders on how to strengthen the structure and management of agricultural concessions, enable policy dialogue among the Government of Liberia (GOL), concessionaires and other stakeholders on the structure and management of agricultural concessions and also assist USAID in designing its next phase of agricultural programming. Along with this study, LEPDA will conduct a review and analysis of the current status of the concessions legal framework in Liberia, with particular emphasis on the rubber and palm oil sectors, to inform the development of policy and related legal recommendations to improve the operations of concessions in the country.

LEPDA hopes to recruit a national Concessions Law Specialist on a short-term basic to support this effort. This is a Local National position and is compensated at rates for Liberian nationals.

Reporting provision: The Concessions Law Specialist will work directly with the LEPDA Legal Expert and liaise with the LEPDA Economic Expert.

Primary responsibilities of the Concessions Law Specialist:

1. Legal Analysis of Concessions Legal Framework: Conduct an analysis of all relevant laws related to the legal framework for operations of concessions in Liberia, with an emphasis on the rubber and palm oil sector, and provide a written report that outlines the current legal framework that applies to concessions operating in the country. This analysis should address the following:
   o The current legislative framework around licensing (including entities involved, process requirements for licensing, etc.)
   o Identify applicable legislation, regulations, and other pertinent documents and/or procedures that govern current concession agreement activities (e.g. environmental law, taxation, etc.)
   o Identification of gaps or weaknesses in the law or regulatory framework
   o The differential impact of gender and social inclusion within the concessions legal framework
   o Determine and outline any applicable case law/jurisprudence related to palm oil and rubber concessions
   o Recommend policy, legal, regulatory or other applicable changes to improve the concessions agreement process relevant to the rubber and palm oil sectors including actions needed to implement the recommendations

Meet with appropriate GOL stakeholders (including Ministries, Agencies, and Commissions), legal and judicial professionals, civil society organizations, legal associations, private sector actors, and other stakeholders involved in legal or advocacy issues related to Liberian concessions that can inform the legal analysis and proposed recommendations contained in the analytical report.
2. Review Recommendations of Concessions Study (Rubber and Palm Oil)
   o Prepare an analytical report that reviews the recommendations of the LEPDA Concessions Study to ensure that such recommendations are in compliance with current Liberian laws to address:
     o Identification of relevant legal and regulatory changes for concessions required to implement study recommendations.
     o Concerns related gender, impact on vulnerable populations, and social inclusion considerations.

Deliverables and Level of Effort (LOE) of the Concessions Law Specialist:

<table>
<thead>
<tr>
<th>Key deliverables</th>
<th>Level of effort (LOE)</th>
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</thead>
<tbody>
<tr>
<td>Preparation of Legal Analysis Report</td>
<td>10 days</td>
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<tr>
<td>Legal Review of Concessions Study</td>
<td>5 days</td>
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<tr>
<td>Recommendations</td>
<td>5 days</td>
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<tr>
<td>Total LOE</td>
<td>15 days</td>
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Required skills and qualification:
- Bachelor of Law (LLB)
- Minimum 10 years total legal work experience
- Minimum 5 years work experience in Concessions-related legal issues
- Demonstrated technical expertise in the legal framework for concessions in Liberia
- Established knowledge of, and relationships with, key actors in the Liberian Concessions realm
- Fluency in written and spoken English

Criteria for submission of application: Please send a CV of not more than 7 pages and Cover Letter of 1 page. The subject line of your email should read “Concessions Law Specialist”. Application package should be sent electronically to LEPDARecruit@nathaninc.com and addressed to the attention of: The Hiring Manager Nathan Associates Inc.

Deadline for submission: The deadline for submission of applications is March 10, 2021 at 5:00pm. Early submission of application is encouraged as applications will be reviewed on a rolling basis. Please note that only qualified and shortlisted applicants will be contacted. This position is contingent on funding from USAID and as such Nathan Associates has the right to cancel this notice without applicants' consent.