

## Assignment Description

### **Environmental Lawyer – PACTAM**

<http://www.australianvolunteers.com/programs/pactam>

<b>Employer</b>	Office of Environment and Emergency Management, Government of FSM
<b>Location:</b>	Palikir, Pohnpei – Federated States of Micronesia (FSM)
<b>Background</b>	<p>For centuries, the people of the Micronesian islands provided very well for themselves through a subsistence economy. Even today, the traditional skills provide an important backstop as the Nation copes with the emergence of a money economy and the demands of an increasing population no longer existing in isolation from the rest of the World. Like much of Micronesia, FSM has a complex history of colonisation. After administration by the Portuguese, Spanish, German, and Japanese, the United States of America entered into a trusteeship with the UN Security Council in 1947 and became the administering authority of many islands of the North Pacific. In 1979 the four districts of Yap, Chuuk, Pohnpei and Kosrae ratified a new constitution to become the Federated States of Micronesia.</p> <p>Each of the four states has its own constitution, elected legislator and governor. In 1986 FSM signed a Compact of Free Association with the United States marking FSM as an independent nation. The United States retains responsibility for defence and security matters in exchange for the continued right to set up military bases in FSM territory. A renegotiated Compact signed in 2003 provides economic assistance until 2023, some of which will be used to build up a trust fund to replace direct financial assistance in 2024. FSM is heavily dependant on US economic assistance in addition to other external aid.</p> <p>The FSM recognise that the protection and sustainable management of its natural resources and environment is critical to the health and prosperity of this and future generations. The development and enforcement of policies, laws and regulations along with adequate legal and international treaty safeguards is fundamental to the achievement of FSM's goals on environmental management and economic development.</p> <p>In 1993 Attorney Generals' from both State and National Governments' undertook a review and issued a Joint Legal Opinion regarding the allocation of powers over environment and natural resources in the FSM, as part of the FSM Nationwide Environmental Strategies (NEMS). Two outstanding issues that required resolution were clarification of the management of hazardous wastes and chemicals, in addition to the role of national government under international treaties in areas that are within States' jurisdiction. These outstanding issues have since been resolved and thus paved the way to update key environmental laws both at the States and National levels, building on previous work done by Dr. Justin Rose (2010) and others.</p>

	<p>This assignment is aligned with the Government of Australia's partnership agreement with the Government of FSM that was signed in August 2010. This partnership agreement signals a joint commitment to strengthen environmental management, conservation and adapt to the impacts of Climate change. Initially this is to be achieved by; improvement of legal and regulatory frameworks at both national and state level; supporting the implementation of Multilateral Environmental Agreements (MEAs) legislation to ensure that environmental laws reflect current international obligations; reform and update of current laws; and supporting the development of government, law and justice sector capacity to enforce these laws.</p>
<b>Assignment objective(s)</b>	<ul style="list-style-type: none"> <li>• To enhance protection and management of FSM natural resources by amending Title 25 of the FSM Code (Environmental Protection Act) to reflect mutually determined national and state level jurisdictional responsibilities.</li> <li>• To enhance protection and management of FSM natural resources by amending Title 25 of the FSM Code (Environmental Protection Act) to implement the multilateral environment agreements FSM has acceded to.</li> <li>• To assist FSM's state governments by preparing an environmental law review for each state jurisdiction, including recommendations for future reform.</li> </ul>
<b>Length of assignment:</b>	The assignment will commence from early 2011 for a twelve month period. There is a possibility of extension for a further period depending on needs and funding
<b>Reports to:</b>	Director of the Office of Environment and Emergency Management
<b>Duties and responsibilities:</b>	<ul style="list-style-type: none"> <li>• Review national and state laws, constitutions, regulations, treaties, the 1993 Joint Legal Opinion and especially previous reviews of environmental laws in FSM by Elizabeth Harding 1992 and Dr. Justin Rose, 2010 and recent agreement by legal authorities in FSM</li> <li>• Provide draft amendments to FSM Title 25 (EPA Act) to reflect recent agreement on the two previous outstanding issues above</li> <li>• To incorporate recent changes in FSM Government pursuant to Presidential Order 1, as amended</li> <li>• To incorporate legal requirements of multilateral environmental agreements that FSM has acceded to</li> <li>• To provide draft updated regulations which takes into account these changes</li> <li>• To assist the four states to update their environmental laws and regulations to reflect these changes</li> <li>• To conduct leadership awareness across the nation to gain the support to endorse the passage of these various legislation changes.</li> <li>• Provide a report to AusAID through Australian Volunteers International detailing the work plan approximately 8 weeks after commencing in the position;</li> <li>• Provide 6 monthly reports to AusAID through Australian Volunteers International on implementation of the above;</li> <li>• Carry out other duties as requested.</li> </ul>
<b>Selection Criteria</b>	<p><b>Qualifications</b></p> <ul style="list-style-type: none"> <li>• Law Degree from a recognised University</li> <li>• Admission as a legal practitioner of the High Court or the Supreme Court of an Australian State or Territory, or New Zealand</li> </ul> <p><b>Skills and Experience</b></p> <ul style="list-style-type: none"> <li>• Reputation for competency in providing legal advice across a range of environmental issues in a government environmental authority and/or legal practice</li> <li>• Demonstrated legislative drafting expertise including review, amendment and updates of legislation and regulations</li> </ul>

	<ul style="list-style-type: none"> <li>• Successful results in delivering training, updates and presentations on environmental law matters</li> <li>• Previous experience living and working in a developing country (particularly in the Pacific or small island states) is desirable but not essential</li> </ul> <p><b>Personal attributes</b></p> <ul style="list-style-type: none"> <li>• High level interpersonal, leadership, representation and communication skills</li> <li>• Commitment to team work, coaching and mentoring other people</li> <li>• Ability to cope with cultural isolation and a standard of living that may be different</li> <li>• Patience, tolerance and flexibility</li> <li>• The ability to live and work in a new cultural setting</li> <li>• A preparedness to work with limited resources within a challenging environment</li> </ul>
<b>Remuneration:</b>	<ul style="list-style-type: none"> <li>• The deployee will receive a local salary of \$USD20,000 per annum inclusive of taxes and other deductibles, paid by the Government of FSM</li> <li>• In addition a supplementary allowance of AUD\$122,000.00 per annum will be provided to the deployee by AusAID via Australian Volunteers International;</li> <li>• The deployee and accompanying dependents, where applicable, will be provided with airfares at the commencement and completion of the placement, plus basic travel insurance and emergency evacuation insurance;</li> <li>• An additional allowance of AUD\$7,800 per annum for each dependent child.</li> <li>• An establishment allowance of at least AUD\$7,200* will be provided to assist with pre-departure medical, vaccinations, relocation costs, passport fees and costs of setting up in-country;</li> <li>• A return allowance of at least AUD\$2,400* to assist with the return transportation of goods to home and return medical/s will also be provided;</li> </ul> <p>*Allowance will vary depending on whether deployees are single or accompanied.</p>
<b>Accommodation and utilities</b>	<ul style="list-style-type: none"> <li>• An accomodation Allowance of \$USD500 per month will be provided by the employer</li> <li>• Utilities (gas, electricity, water and telephone) are at the expense of the deployee</li> </ul>
<b>Work hours/days</b>	<ul style="list-style-type: none"> <li>• Official work hours are 8.00am – 5.00pm Monday to Friday</li> <li>• Sick leave is accrued at 104 hours per annum for Government of FSM employees</li> <li>• Annual leave is accrued at 104 hours per annum for Government of FSM employees</li> <li>• In addition Government of FSM observes a number of public holidays</li> </ul>
<b>Additional information</b>	<ul style="list-style-type: none"> <li>• Deployees and any accompanying dependents will take part in a pre-departure briefing run by Australian Volunteers International in Melbourne;</li> <li>• Additional support will be given to the deployee by Australian Volunteers International's Melbourne based PACTAM Project coordinator for FSM. Apart from communications via letter, email, telephone and fax, the PACTAM Project coordinator will meet at least once with the deployee in country;</li> <li>• Confirmation of appointment is subject to: <ul style="list-style-type: none"> <li>➤ <i>Formal approval from AusAID and the employer;</i></li> <li>➤ <i>Procurement of visa and work permits;</i></li> <li>➤ <i>A satisfactory medical examination for the applicant and accompanying dependants;</i></li> <li>➤ <i>A satisfactory criminal record check by the Australian Federal Police for the applicant and all accompanying adults;</i></li> </ul> </li> <li>• Professional Indemnity insurance will be discussed at interview.</li> </ul>

<b>Background</b>	<ul style="list-style-type: none"> <li>• Australian Volunteers International is an Australian based non-government aid agency primarily involved with the provision of technical assistance to developing countries.</li> <li>• The Government of FSM has asked for assistance in recruiting and supporting the above position through the Pacific Technical Assistance Mechanism (PACTAM).</li> <li>• PACTAM is funded by the Government of Australia through its official Aid Agency, AusAID, and is managed by Australian Volunteers International.</li> <li>• PACTAM places skilled personnel to work with Host Organisations within the Pacific Region to assist in meeting their human resources needs, and to respond to emerging development needs.</li> </ul>
<b>Applications</b>	<p>This assignment description contains information AVI has obtained from the employer at this point of time and is subject to change.</p> <p>Applications are preferred via our on-line application form. If you are applying by email, please type the position number in the subject line of your message.</p> <p>In your cover letter, <b>please address the selection criteria outlined in the assignment description</b>. A current curriculum vitae, including the names and contact details of one personal and two professional referees and copies of your formal qualifications should also be attached. Referees will not be contacted without prior consent.</p> <p>Posted applications should be addressed to:-  Recruitment Services  Australian Volunteers International  PO Box 350  Fitzroy VIC 3065  Fax: (03) 9419 0976  E-mail: <a href="mailto:recruit@australianvolunteers.com">recruit@australianvolunteers.com</a></p> <p>Australian Volunteers International is strongly committed to protecting the rights of children. We adhere to laws in Australia and foreign countries regarding child exploitation and support Childwise and ECPAT International.</p>