

Intersectional Special Advisor M/W

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Context

There are 5 MSF sections in Yemen (OCP, OCA working in North and South; OCBA, OCG only in the North; OCB only in the South). Working in North and South of Yemen adds an additional complexity to the legal and administrative procedures. Over the last years the pressure on organizations to apply procedures in the benefit of the authorities increased and MSF is pushed in a position to carefully consider its position by ensuring to comply with actual legal requirements while pushing back unjustified demands.

Mission

Main purpose

Providing technical legal expertise in support of the mission and representing MSF toward actor at national level regarding specific topics. Identifying the legal constraints and obligations applicable to MSF, assessing the risks and providing recommendations in order to support MSF activities in the country.

Such legal support to the mission will be focused on four topics:

- Special Agreement in North and HCA in the South of Yemen
- Dollarization of income tax and management of tax audits
- Social Security file – including dollarization
- Taxation of MOH incentives Contributing to the mission strategy of negotiation regarding the four topics.

Accountabilities and Tasks

In cooperation with and under the technical supervision of the ILD referent, being in charge of (non-exhaustive):

- Centralising Legal Issues and Providing Legal Advice;
- Liaise with the local lawyer;
- Providing intersectional reasoned legal opinions – and practical solutions, adapted to MSF specificities, particularly in the areas of social law, contract law, fiscal law and administrative law applicable to NGOs in Yemen;
- To lead legal part of the ongoing negotiations with North authorities on four specific topics: Special Agreement, Dollarization of Taxes and Social Security (obtention of the legal instrument), Taxes issues and Social Security issues;
- Support the team in the South on the HCA negotiations and provide accurate legal analysis (existing precedent, P&I act...) and appropriate drafts;
- Referring request related to legal areas not covered by the Intersectional Legal Advisor to the relevant ILD advisor, such as Labour law, International Humanitarian Law, Medio-Legal;
- In case it is needed will review some Mission's Documents: such as MoUs (Principal Agreement and Technical Agreement), Contracts and Correspondence;
- Promoting and when necessary adapting the templates developed by the ILD according to the applicable local requirements;
- Ensuring the Follow-Up of Litigation Files related to Taxes, Social Security and Field commercial contracts
- Ensuring that the proposed strategy is in the best interest of MSF, assesses the risks and proposes alternatives solutions;
- Reporting to his/her superiors and to the HR or Finance teams on the progress of the cases;
- Coordinating the liaison among sections or directly liaises with relevant authorities like SCAMCHA, Ministry of Finance, Tax Authorities, Social Security Authority, MOH;
- Managing Legal and Administrative Framework Related Risks (ILD Unit 4);
- Provide appropriate support to follow-up registration/operational licenses of all MSF sections;
- Providing legal support to ensure the facilitation of administrative procedures, ensuring consistency between sections present in the country;
- Preparing a risk analysis including all the legal and administrative blockages that MSF could face;
- Training / Project Visits if required

Reporting

1. To the HoMs

The HOMs of all sections present must be informed and consulted regularly on the day-to-day activities of the Intersectional Legal Advisor. They, in collaboration with their Cells, have the decision-making authority.

- Providing regular activity reports to superiors (at least monthly sitreps on activities, action plan and challenges)
- Presentation of analyses (tax number, registration, PAT, SME) for strategy decision making
- Providing a complete end of mission report.

2. To ILD

All legal analysis (memos, notes, reports) will need be pre-validated by the technical referent before presenting intersectionally in the mission the analysis for defining strategy.

- Bi-monthly meetings by Teams for the follow-up of the action plan (roadmap)
- Dissemination of the sitrep
- Ad hoc consultations on specific issues
- Submission of tools and analysis before dissemination
- Providing a complete end of mission report.

Responsibilities to MSF

General knowledge of MSF - Good knowledge of MSF activities in the country of mission and internationally.

Knowledge of the mission - Gathers information on the history of the mission, its origins and the consequences of strategic decisions by referring to various operational reports (PPCs, action plans, etc.), exit reports and other internal documents (articles, videos, etc.).

Knowledge of the context - Develops knowledge of the country's history, particularly in the regions where MSF operates and of important political, economic and social events

General knowledge of HR management - Nothing

Professional skills

Recruitment criteria

- At least 4 years' experience as an in-house lawyer or as an attorney, including an experience in an NGO and one year with MSF.
- Lawyer (law degree), ideally with a specialization in Public/Administrative Law; knowledge of tax and/or commercial law is an asset.
- Autonomous, good presentation, communication skills, intercultural sensitivity
- Good understanding of MSF internal processes and ability to support MSF in updating internal procedures
- Good writing skills and ability to develop internal guides and work methodology

Required qualities

Languages :

- Excellent knowledge of English – written and oral- mandatory
- Good knowledge of Arabic will be an added value

Specifics of the position

Terms of employment:

Work location: Sanaa, Yemen

Contractual status: 6 months

Starting date: ASAP

Only selected candidates will be contacted. Any applications submitted without letter of interest/cover letter will not be considered

Type of Contract : Fixed-term contract

Contract length : 6 months

Deadline for submitting applications : 24/10/2022