Regional Program “Improving Forest Law Enforcement and Governance (FLEG) in the European Neighbourhood Policy East Countries and Russia”

TERMS OF REFERENCE

for the Services of

International Legal Consultant

TA-P111139-TAS-TF091437

BACKGROUND

The regional program “Improving Forest Law Enforcement and Governance in the European Neighbourhood Policy East Countries and Russia” (the “Program”) is aimed at putting in place improved forest governance arrangements through the effective implementation of the main priorities set out in the St. Petersburg Ministerial Declaration and Indicative Plan of Actions for the Europe and North Asia Forest Law Enforcement and Governance (ENA-FLEG) process.

The Program will be carried out over a three-year period, from July 2008 through June 2011. It will specifically cover seven countries of the ENA Region, including six members of the European Neighbourhood Policy Initiative (ENPI) – Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine – and the Russian Federation. The Program will support selected pilot activities to be implemented with the active involvement of governments, civil society and the private sector. Most activities will be at a country level, complemented by strategically targeted sub-regional and regional actions. It is also envisaged that the Program will facilitate preparation of the 2\textsuperscript{nd} ENA-FLEG Ministerial Conference in 2010.

The Program is supported by the European Commission and other donors contributing to a special multi-donor trust fund administered by the World Bank (WB). Implementation of the Program is led by the World Bank, working in partnership with the International Union for Conservation of Nature and Natural Resources (IUCN) and the World Wide Fund for Nature (WWF) (all three collectively referred to as the “Implementing Organizations” or “IO’s”) and in close coordination with governmental and nongovernmental stakeholders of the participating countries.

Implementation of the program will depend on synchronization of Program activities between the IO’s, and their ability to communicate the agreed Program objectives with stakeholders. To this end, the IO’s have agreed to establish a Program Management Team (PMT) consisting of three Program Managers (PMs), one from each IO.

1 Representatives of the five Central Asian countries – Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan – may also be invited to participate in the Program’s subregional and regional activities.
**TASKS**

In implementation of the tasks above, the Consultant will work in a team with two local legal experts. While the work of these experts is subject of a separate Terms of Reference, the Consultant will be responsible for the overall coordination, guidance to the local experts, supervision of their work and summarizing all their inputs in the final report. The Consultant will also ensure coordination of his work with other FLEG activities in Azerbaijan.

The purpose of the assignment is to analyze and provide recommendation for improvement of the existing regulatory framework in the forestry sector in Azerbaijan. Specifically, the Consultant will be responsible for the fulfilment of the following tasks:

- analysis of the current regulatory framework and governance practices. This will include review of the legislative acts and laws, international conventions which Azerbaijan is party to, interviews with all relevant stakeholders, including government and non-government organizations, local authorities, community representatives;

- review similar studies which have already been conducted, both on the national and international level, and incorporate the results of those studies respectively;

- study the regional experience and legal framework in forestry management, especially for transboundary forest areas;

- identify gaps in the Azerbaijan regulatory framework and governance in the forestry sector, determine which amendments are needed to bring the Azerbaijani legal framework in consistency with relevant international conventions, describe the factors constraining implementation of the respective legal provisions; provide a set of recommendation for improvement within the Azerbaijan segment of FLEG Program;

- summarizing all the findings and recommendations in a report which should be presented and widely discussed with all relevant stakeholders, and then finalized with incorporation of the feedback from those consulted.

Stakeholders’ consultations will be carried out through round table discussions, workshops, and seminars, both in Baku and in selected districts, advised by the FLEG WB Program Coordinator. The list of stakeholders should be proposed by the Consultant and advised and agreed with the FLEG WB Program Coordinator.

**TIMING AND REPORTING**

The total duration of the assignment is 7 month, starting in December, 2010. (30 working days to be implemented during the 7 months. At least 15 days will be based in Baku. There will be two trips to Baku one at the beginning of the assignment, and one at the end of working period.) The Consultant will submit brief progress reports on a monthly basis. The timing of the deliverables will be as follows:

- first draft report – 3 months after commencement of the assignment (first reviewed by the Program Coordinator and then discussed with stakeholders);

- final draft report – 6 months after commencement of the assignment (first reviewed by the Program Coordinator and the then discussed with stakeholders);
final report – within the last month of the assignment. The final version should incorporate all comments submitted by stakeholders, WB FLEG team, FLEG PCT, FLEG WB Program Coordinator;

stakeholder consultations – throughout the whole duration of the assignment (precise schedule, audience and specific arrangements to be agreed with the FLEG WB Program Coordinator).

There should be at least two stakeholder workshops one at the inception phase and one to present the draft report to get feedback etc.

The Consultant will report to the FLEG WB Program Coordinator in Azerbaijan and provide him as needed with all information relevant to his assignment and area of expertise, including inputs for press/media events, and publications on the national and regional ENPI/FLEG web-sites.

All deliverables should be submitted in 2 hard copies, both in English and Azerbaijani, and electronically, to the FLEG WB Program Coordinator. All translations should be handled by the ENPI/FLEG Program Publication editing and translation service Consultant unless otherwise is decided by the Program’s Consultant.

QUALIFICATIONS

The position requires an individual with proven experience and knowledge of legislation related to the forest and natural resources use and to the rights of local residents and small business. Consultant should have at least 10 years of relevant professional international experience.

The following specific qualifications shall be met:

- Masters or advanced degree in a forestry / natural resource law and governance;
- Knowledge and experience with current forest and/or natural resource management and governance issues on international level (EU, other);
- Experience with issues on governance, public awareness and participation in decision making;
- Strong expertise in the development and implementation of applied research tools and survey methods;
- Wide experience of working with clients from governmental bodies, businesses, civil society, particularly NGOs;
- Proven supervisory and managerial experience such as Team Leader of an expert group in international projects, programs, initiatives, assignments;
- Ability to analyse and clearly articulate complex issues in an understandable fashion to decision-makers;
- Highly developed communication skills, including the preparation of high quality reports and the delivery of presentations;
- Ability to work under pressure, sometimes with extended hours, and to meet tight deadlines without compromising the quality of outputs;
- Ability to maintain confidentiality and use discretion when dealing with sensitive political issues;
- Knowledge of World Bank work globally and regionally is an asset;
- Computer literacy;
- Fluency in oral and particularly written English is mandatory; good command of Azerbaijan and/or Russian is an advantage;
- Cultural awareness and sensitivity to gender issues;
- Availability and willingness to travel internationally.