TERMS OF REFERENCE

1. POSITION:  REGIONAL CONSULTANT – FOREST LEGISLATION ANALYST

   Project title: “Improving Forest Law Enforcement and Governance (FLEG) in the European Neighbourhood Policy East Countries and Russia”

2. REPORTING RESPONSIBILITIES¹:

<table>
<thead>
<tr>
<th>Direct Reporting Line</th>
<th>Reporting Area</th>
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<tbody>
<tr>
<td>ENPI/FLEG IUCN Program Consultant – Moldova (IUCN Country Program Coordinator)</td>
<td>Issues pertaining to the IUCN ENPI-FLEG program implementation in Moldova, with respect establishing baseline data relating to public awareness about Forest Law Enforcement and Governance that addresses issues such as stakeholder awareness and commitment, national ownership and capacity, and knowledge sharing. All administrative issues pertaining to these Terms of Reference.</td>
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3. LOCATION – Chisinau, Moldova (with possible travels)

4. DURATION – 8 months

5. STARTING – December 2010

6. BACKGROUND

This European Commission financed European Neighbourhood and Partnership Instrument – Forest Law Enforcement and Governance (ENPI-FLEG) program will promote the development of improved forest law enforcement and governance arrangements in seven targeted countries: Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Belarus and Russia. The program’s core funding is provided through a grant agreement from the European Commission to the World Bank. The program is being undertaken as a partnership among the World Bank, IUCN and WWF. Each of the three partnered program implementation organizations will be responsible for its own set of specified activities and deliverables. Three broad categories of stakeholder groups will be targeted by the program: government

¹ Direct reporting lines indicate those staff members providing direct supervision. Additional reporting lines indicate accountability for particular functions or areas of work. Consultation, information sharing and other relationship lines are not indicated, as they are likely to be numerous.
(line departments, parliamentarians, local authorities and the judiciary); civil society (NGOs, community organizations and forest-dependent communities); and the private sector (particularly timber companies). The program will define the policy, legal, institutional and economic obstacles to improved forest governance (including the control of illegal logging); test pilot innovative approaches to overcoming these obstacles; enhance the capacity of key stakeholders to implement forest governance reforms; and disseminate the lessons learned at national, regional and global levels. The program will also support the other regional Forest Law Enforcement and Governance official processes being organised by the World Bank and will contribute to the EU FLEGT Action Plan.

The program’s purpose is to contribute to ensuring that improved forest governance arrangements are in place in the forest sector and closely linked sectors through effective implementation of the ENA FLEG Ministerial Declaration (St. Petersburg Declaration 2005), involving governments, civil society and the private sector.

The program’s specific objective is to contribute to legal and sustainable forest management and utilization practices and improved local livelihoods in the six ENPI East countries plus Russia.

The program’s results will be:

**Result 1:** Increased awareness and commitment of key stakeholders on FLEG

**Result 2:** Effective national and regional FLEG action processes in place

**Result 3:** National ownership and capacity increased

**Result 4:** Improved regional and sub-regional collaboration and knowledge sharing

**Result 5:** Effective engagement of key trading partners

**Result 6:** Continuation of the formal official ENA FLEG process

**Result 7:** Sustainable forest management practices implemented

### 7. TASKS

#### 7.1 General

Under the direct supervision of the ENPI-FLEG Country Program Coordinator (Program Consultant) in the Republic of Moldova, the Regional Consultant – Forest Legislation Analyst will be responsible for (i) conducting a regional comparative analysis of existing legal framework and (ii) providing recommendations for improvement of the existing forest legislation in the east-European countries covered by ENPI-FLEG Programme as well as Central-Asian countries (CARs) associated to FLEG process. These legislation preparations activities aim to increase Forest Law Enforcement and Governance understanding,
awareness and commitment among the three broad categories of stakeholder groups targeted by the program: government (line departments, departmental forest enterprises/units, parliamentarians, local authorities and the judiciary); civil society (NGOs, community organizations and forest-dependent communities); and the private sector (particularly timber companies).

**Countries covered by ENPI-FLEG:**
Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Belarus and Russia

**Associated countries in Central Asia (CARs countries):**
Kazakhstan, Kyrgyzstan, Tadzhikistan, Turkmenistan and Uzbekistan

**7.2 Specific tasks**

- **Regional analysis of the forest relations and existing forestry legislation**
  The history of establishment of the forestry legislation in the countries is associated with various regimes and periods of forest exploitations. The conditions of forests and their management can be different; however, the forest legislation shall be based on the Constitution and reflect the sustainability usage of forest resources. The aim of a regional comparative analysis is to deliver a comprehensive state-of-the-art of forest legislation in the countries, including management practices, raising ecological values of forests, creation of high-quality forest environments for people, opportunities for utilisation or resources (wood / non-wood products, recreation / leisure, cultural activities), enhancing biodiversity and their habitats, preparations for climate change, access and rights of population, economic and social development.

- **The Forest Code: its regional assessment and ways of improvement**
  As main regulatory act in the countries, the Forest Code establishes legal bases of forest relations and use of forest resources. An assessment of the current state of the Forest Code in (i) ENPI-FLEG countries and (ii) CARs countries is important to see the degree of relations, conditions of forest vegetation, ownerships and possibilities of its improvement based on practices and experience of/among the countries.

- **Community forest legislation and perspectives for local communities**
  Community forest sector has become an important and growing opportunity for communities, supporting livelihoods, wildlife management and conservation. In the countries with low income per families, harvesting operations can be an important source of revenue for locals and contribute to development of communities, which can become more nature-friendly by owning local resources. This is rather new domain for many countries and its development can produce new horizons for local populations. A regional cooperation seems to be very useful for strengthening the community partnership and developing new approaches to sustainable use of forests at local level.

- **Private forest sector: legal basis, necessities and trends**
  The amount of private forests is traditionally low in the countries involved in the project as well as in the CARs countries. However, growing populations and economies are creating increased demands for forest products and services. There is a growing demand and
interest in owning forests by the private sector - a fact that should, undoubtedly, used by the forest bodies in the countries. A regional cooperation in this context shall be a priority for the development of legislation designed to regulate private forests. Through a proper regulatory basis, landowners and the private agents ought to be provided with legal-based information about management and conservation of forests.

- **Comparative analysis of forest ownership and legislation consideration**
  The share of forest ownership (governmental, community, private etc.) is rather different throughout the region, though it has to be legally reconsidered under the light of global / regional trends and possible changes of relationships. Despite the holding capacity and organizational status of forests, the legislation should clearly state the functions of official bodies (i.e. governmental management, control etc.) in order to ensure sustainability of utilization of resources and biodiversity conservation.

- **Analysing current situation and legislative support for forest certification system as a way to improve the quality of forest management and timber market in the region**
  Forest certification can provide evidence on the quality of management of forests and can serve as a tool of quality-market relationships. The certified timber products could pose a great challenge to illegal logging operations and unsustainable forest management. Legal premises of national standards for forest certification of natural and planted forests should be analysed and recommendations provided.

- **Cooperation with implementing organizations of ENPI-FLEG programme (WB, IUCN, WWW), in particular with the experts involved in the legislation analysis**
  It is essential to be able to work closely with representatives of implementing organizations within the ENPI-FLEG programme in each participating country. Information on forest legislation shall be provided by each country’s responsible for legislative framework and analysis.

- **Consultation with regional multi-stakeholder audience**
  Opinions of various stakeholders (ministries, departments, agencies, NGO, local communities, private sector, locals) should be taken into consideration.

- **Analysis of other legislation (Penal Code, Administrative Code, Protected Areas legislation etc.) to avoid overlapping and contradictions**
  It is essential to examine in-depth the existing forest and nature conservation legislation related to forests in order to remove contradictions, inconsistencies and overlapping. Also, the overlap of forest regulations between national and local authorities can cause uncertainties in forest management. As a result, illegal loggers can use the gaps in legislation. Forest law enforcement should be rationalized to identify gaps and optimize the legislation by excluding overlaps.

- **Providing recommendations for improving forest governance through strengthening the framework for forest and environmental legislation**
Legislative and regulatory frameworks should meet internationally accepted forest management standards and provide support for multi-stakeholder participatory processes for development of legislation, for reviewing and reforming policies. The following should be taken into consideration:

- improved access to forests for dependent communities
- improve revenue collection for local population;
- increased transparency for improved forest market and/or efficient business environment;
- improved evidence of forest crimes and other contraventions, and building legal cases against those who transgress;
- building cooperation between the forest sector and the police, public prosecution authorities and the judiciary sector;
- public and political involvement to fight corruption engaged in illegal forest activities;
- strengthen the on-the-ground legislation applicability;

- **Preparation of a Report on regional comparative legal analysis and recommendations for an improved forest governance (in English and Russian)**

Based on research carried out and analysis of the regional legislative framework, a report shall be provided in both English and Russian languages, including background, area and method of analysis, results, conclusions and ways to improve the situation. The report will be published.

- **Planning, assessment and reporting**
  - Provide accurate information and advice to the Program Consultant in a timely fashion so that all required technical and financial reports can be submitted;
  - Recommendations will officially be submitted to the Governmental Forest Authority and other bodies.

- **Program Communications**
  - Work with the Program Consultant and the other IUCN Consultants to clearly communicate results, success stories and key messages from projects implemented in Moldova and cross-country;
  - Cooperate actively with other co-implementing organizations (WB and WWF) for clear, consistent and efficient communications.

- **Other**
  - As instructed by the Program Consultant, carry out any other appropriate associated work that may be requested to effectively perform the program activities.

**8. QUALIFICATIONS**

The position requires an individual with proven experience in forestry and/or nature conservation legislation and with the ability to actively cooperate with various stakeholders
over the analytical analysis of existing legislation and provision of recommendations to the actual forest legislation in a regional context.

Intuitive abilities and excellent analytical capacities of working with forest legislation are strongly required.

Minimum qualifications should be met:
- high education in forestry, natural sciences or governance;
- excellent knowledge of local (national) and regional legislation related to forestry and/or nature conservation;
- at least 5 years of professional experience with technical information and issues related to forest governance and/or forestry legislation;
- proven participation in regional projects related to forestry, forest resources management and forest / environmental legislation;
- extensive knowledge of and understanding of the current forest management in NIS countries;
- experience in developing and designing legislation (acts, rules, directives, policies etc.);
- ability to write high technical reports and official documentation;
- familiar with FLEG issues locally and regionally;
- knowledge of IUCN’s work globally and regionally;
- Computer literacy;
- Fluency in Russian, English an asset; knowledge of one or several national languages desirable.