

Terms of references

Job Title: Lead national consultant for development of the Forestry Code

Project Reference: Mainstreaming biodiversity conservation into Moldova territorial planning policies and land-use practices

Duration of Employment: October 2016 – August 2017

Contract type: Individual Contract

Expected workload: 70 working days

I. Background

The United Nations Development Programme (UNDP), acting as an implementing agency of the Global Environment Facility (GEF), is providing assistance to the Ministry of Environment of the Republic of Moldova in implementation of the GEF Medium Sized Project (MSP) “Mainstreaming Biodiversity Conservation into Moldova’s Territorial Planning Policies and Land-Use Practices” (BD mainstreaming project).

Despite the Government’s reform efforts, the spatial/territorial planning framework is facing two types of barriers: (i) inadequate planning and enforcement framework and (ii) inadequate demonstrated experiences in spatial planning and biodiversity-compatible land management practices.

Against this background, the BD mainstreaming Project will be addressing the gaps in land planning and enforcement systems through development of relevant regulations, standards and legislation to accommodate biodiversity conservation objectives while the gap of limited coordination across sectors will be addressed by establishing a multi-stakeholder committee which will ensure a unified approach in the development, implementation and enforcement of land-use plans from the different ministries and departments. In addition, a monitoring system will be emplaced among the various regulatory agencies, assigning responsibilities based on comparative advantage, in order to evaluate acceptable limits of change in biodiversity-important areas. The gap of inadequate demonstrated experiences in spatial planning and biodiversity-compatible land management practices will be tackled through development and testing of biodiversity-compatible district spatial (land-use) plans in 2 districts of Moldova, relying on cross-sectoral working groups, GIS technologies for biodiversity mapping, identification of sites of conflict between biodiversity and human activities and others.

Overall, the objective of the project is to mainstream biodiversity conservation priorities into Moldova’s territorial planning policies and land-use practices through two components – the first will focus on modifying the land use planning and enforcement system so that it addresses biodiversity loss, and the second will demonstrate methods for conservation and sustainable use of biodiversity on communal lands outside PAs.

The BD mainstreaming project is implemented as part of a larger biodiversity programme, which includes also UNDP/EU Clima East Project “Sustainable management of pastures and community forests in Moldova’s first National Park Orhei to demonstrate climate change mitigation and adaptation benefits and dividends for local communities”.

II. Scope of work and responsibilities

The Consultant will support the Forestry Agency Moldsilva as well as other stakeholders in development of the new redaction of the Forestry Code. The lead consultant will be assisted by Technical national

forestry consultant, who will provide inputs to the technical chapters of the forestry code. Both consultants will work in close collaboration with working group established under Moldsilva Forest Agency for development of the Forestry Code.

The Consultant will report directly to the project manager of the BD mainstreaming project and will work with all other involved international and/or national consultants.

Expected tasks

The key tasks of the consultant are as follows:

A. Based on inputs from the working group members, the lead consultant will develop the following chapters of the new redaction of Forestry Code:

- General information
 - a) Definitions
 - b) General information about forest fund (coverage, type of forests, types of vegetation)
 - c) Forestry legislation
 - d) International treaties and obligations
 - e) Property rights
- Role of state institutions in administration of forestry sector
 - a) Roles of the Parliament
 - b) Roles of the Government
 - c) Roles of local public authorities
 - d) Role of citizens
 - e) Role of other institutions
- Land use principles in the forestry fund
 - a) Land use principles in forestry fund
 - b) Land categories in forestry fund
 - c) State control on the land use within forestry fund
- Forestry fund integrity assurance
 - a) Prohibition on reducing the coverage of the state, community and private forestry fund
 - b) Compensation for excluding lands from forestry fund
 - c) Changing the land use category within the forestry fund
- Forestry and hunting sector guarding and protection
 - d) Guarding assurance of the state forestry fund
 - e) Fire prevention
 - f) Forest guard service. Roles and responsibilities.
 - g) Forest inspection. Roles and responsibilities.
- Forest management planning. State forestry cadaster. Forestry monitoring
 - a) Definition, importance and mode of implementation of the forest management planning.
 - b) State forestry cadaster

- c) Forestry monitoring
- Sanctions for forestry legislation violation
 - a) Types of forest contraventions
 - b) Sanctions for forestry related contraventions (illegal logging, hunting, grazing, etc.)
 - c) Compensations paid for contraventions

The content of the each chapter will be discussed in detail during the working group meetings.

- B. Based on inputs from Technical national forestry consultant and working group, develop the consolidated draft Forestry Code.
- C. Facilitate the zonal consultation (north, centre, south) of the draft Forestry Code and develop the final draft of the document ready for official consultation..
- D. The consultant will provide support to the Forest Agency Moldsilva, in close collaboration with Technical national forestry consultant during the official consultation process of the Forestry code prior to Government decision through providing relevant inputs to the received feedback (avize) and completing the table of divergences.

III. DELIVERABLES, ESTIMATED WORKLOAD AND TIMEFRAME:

The assignment should be carried out within a period of October 2016 – August 2017, not exceeding 70 working days.

	Deliverable	Deadline and workload
1	Inputs for the new redaction of the Forestry Code provided	November 20, 2016 30 working days
2	Draft Forestry Code ready for official consultation process based on zonal consultations	December 20, 2016 20 working days
3	Report on the support provided to the working group during the Forestry code official consultation process	August 31, 2017 20 working days

Deliverables can be amended or specified for the purpose of the assignment.

Management Arrangements:

Consultant will work under the overall guidance of the BD mainstreaming/Clima East Project Manager, in coordination with the Ministry of Environment of Moldova and other stakeholders. The Contractor will report to the UNDP BD mainstreaming/Clima East Project Manager.

Financial arrangements:

Payment will be disbursed in instalments upon submission and approval of the final documents as specified under 'Deliverables and Timeframe' section and certification by the Project Manager, and UNDP Portfolio Manager, that the services have been satisfactorily performed.

IV. QUALIFICATIONS AND SKILLS REQUIRED

Academic Qualification:

- University or Advanced Degree in law, environmental law, or other relevant fields. Education in biodiversity conservation, forestry, environment protection will be an asset.

Experience:

- At least five years of experience in law, environmental law, environmental protection, forestry or other related fields.
- Good knowledge of the environment, land use and forestry sectors is required.
- Experience in interacting and working with state institutions at central levels.
- Experience in similar positions in a UNDP and/or other international projects are a strong advantage.

Language requirements:

- Fluency in oral and written Romanian and Russian. Knowledge of English will be an asset.

The United Nations Development Programme in Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic or religious minorities, persons living with HIV, as well as refugees and other non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.