

Terms of Reference

Short Term Expert in National Rio Conventions Legal Framework

CB2 Project MSP - PIMS 3069 “Strengthening Capacity to Integrate Environment and Natural Resource Management for Global Environmental Benefits”

I. INTRODUCTION

Project background information

The CB-2 project aims to expand Romania's capacity to generate global environmental benefits through mainstreaming the Rio Conventions into national, regional and local decision-making. It will do this, *firstly*, by enhancing the enabling environment for convention implementation, including modifying institutional, legislative, policy and reporting frameworks to reflect conventions commitments and, *secondly*, by improving institutional and individual capacity within the lead agencies for convention implementation (MoEF and MARD)¹. The latter component will strengthen mechanisms, tools and training to support the use of Integrated Resource Management to mainstream conventions themes into sectoral plans and programmes. The project also addresses the objectives of the three GEF focal areas and three of the four interim programming priorities under GEF Strategic Priority CB-2, **Cross-cutting Capacity Development: (1) *Improve national convention institutional structures and mechanisms*; (2) *Strengthen policy, legislative and regulative framework*; and (3) *Mainstream global environmental priorities into national policies and programmes*** The project is consistent with a key UNDP programme objective for Romania: to enhance environmental governance at national and local levels for better compliance with EU standards and international conventions, through policy development and integration of environment into other sectors.

The Ecological University of Bucharest (UEB) is the Delegated Executing Agency of this project. A Project Management Unit (PMU) was formed², with the aim of providing project management service. The PIU reports to the National Steering Committee (NSC) and UNDP, and liaise closely with the National Execution Agency (NEA) and the chair and members of the NSC to prepare all project work plans and managerial and financial reports.

Situation Analysis

Romania has ratified over 20 Multinational Environmental Agreements since 1992, including the “Rio Conventions” on biodiversity, climate change and land degradation (CBD, FCCC, CCD) and prepared related Action Plans. Romania's accession to the EU, in January 2007, has triggered improvements to the institutional, legal and policy framework for environmental management, and led to the preparation of numerous environmental and sectoral plans, strategies and programmes. However, Rio conventions management has continued to be

¹ MoEF = Ministry of Environment and Forests; MARD = Ministry of Agriculture and Rural Development

² PMU, is made up of a Project Manager (PM), and a Project Assistant (PA)

fragmented and uncoordinated, and conventions implementation has been weak, due, in part, to poor integration of convention themes into EU-related reforms in policy-making, environmental and natural resource management, public administration, decentralization and regional and local planning.

The analysis of the baseline situation indicated that there are many positive initiatives to improve environmental and natural resource management, yet there are also missed opportunities to integrate convention themes into these initiatives. *Institutions:* There is a well-developed institutional framework for environmental and natural resources management, with Rio Convention Units in MoEF (FCCC, CCD and CBD) and MARD. However, convention responsibilities are unclear and convention units and activities are poorly integrated into MoE and MAFRD programmes at national, regional or local levels. There are no or weak collaborative mechanisms to involve other ministries or stakeholders in achieving convention goals. There have been only limited efforts to bring convention issues into sectoral plans and strategies, and there has been no involvement by regional and local environmental authorities.

Project Strategy

The strategy of the current project is three-fold, as follows³:

A. Enhance the enabling environment (institutional, legal and policy frameworks).

This involves strengthening the institutional and legal arrangements for convention implementation, including delineation of accountability, roles and responsibilities, and reporting and collaborative mechanisms. It also involves amendments to current laws, strategies and plans to enable integration of convention themes into relevant policies, plans and programmes.

B. Strengthen capacity to integrate the conventions with sectorial and regional planning, programmes and projects. The MARD has the mandate for the agriculture and rural development sectors. Thus, strengthening its institutions, laws and norms, enhancing the capacity of its personnel and promoting collaboration with MoEF creates rich possibilities for meeting multiple convention objectives through Integrated Resource Management (IRM). Alignment and close coordination with EU-supported institutional and sectorial capacity building provides a strategic entry point for the GEF to address cross-cutting convention issues that now are not being addressed.

C. Improve institutional and individual capacity of MoEF and MARD. This strategy involves strengthening the technical capacity of MoEF and MARD through awareness-building, technical assistance and applied training, so that they can better implement convention themes into Ministry activities at national, regional and local levels.

II. PURPOSE OF THE CONSULTANCY

³ The proposal was initially submitted to GEF Secretariat on April 26th, 2006 and re-pipelined for 2007 as per GEF Secretariat information and upon request resubmitted on March 2nd, 2007. Proposal approved on March 28th, 2008; Project Document signed in June, 2008.

The main objective of the consultancy is to review the existing legislative and policy frameworks dealing with the Rio Conventions Implementation and related to the implementation of the Multi-lateral Environmental Agreements (MEAs) in Romania, particularly within the context of the harmonization with the EU Directives, and to propose actions to overcome the existing gaps and barriers.

A second objective of the consultancy is to optimize the decision-making process, the human resources management and the public financial management within the Ministry of Agriculture and Rural Development and the Ministry of Environment and Forests, i.e. the main central administration bodies in charge with Rio Conventions implementation, from the legal view point.

These objectives are premised on the need to reduce overlapping of responsibilities and duplication of efforts at the level of central administration bodies implementing the Rio Conventions, as well as to insure the legal framework necessary to the country compliance with obligations under the Rio Conventions, and set basis for collaborative agreements of efforts joining in mainstreaming the integrative approach to Rio Conventions implementation, as well as on the general management of natural and environmental resources.

Within the framework of this ToR, the consultant is expected to perform the following duties:

- Structure a small working group to oversee the consultancy and particularly its results. The group should include key stakeholders involved in the legal framework related to the implementation of Multilateral Environmental Agreements (MEAs) signed by Romania but also representatives from regions and NGOs;
- Review NCSA⁴ reports and any other relevant reports such as national strategies, action programmes, implementation plans, as well as particular reports relevant to legal framework of Rio Conventions implementation;
- Review legal mandates of organizations responsible for the implementation of MEAs signed by Romania – including the Rio Conventions: CBD, FCCC and CCD but also others such as Stockholm Convention (POPs);
- Review the list of MEAs signed by Romania – including the Rio Conventions: CBD, FCCC and CCD but also others such as Stockholm Convention (POPs); particularly the obligations;
- Review the status of their implementation in Romania: national action plan, strategies, national [progress] reports, communications, etc.;
- Review the legislation and environmental policies in Romania and how MEAs obligations are integrated into the existing legislation and policy frameworks;
- Identify legislative and policy gaps to fulfill Romania's obligations related to the implementation of MEAs;
- Organize a focus group with Officers in charge of these Conventions (Focal Points) and conduct a SWOT analysis on the legislative and policy aspects of the implementation of MEAs in Romania, in order to review and analyze the roles and responsibilities of MARD and MoEF regarding the implementation of Rio Conventions legal Requirements compliance;

⁴ National Capacity Self-Assessment

- Identify critical barriers for improving the legislation frameworks within the current environmental management framework in place in Romania in order to improve the implementation of MEAs in Romania;
- Review and validate findings with the working group (legislative gaps and critical barriers);
- Identify measures to address these gaps and barriers which would improve the implementation of these Conventions in Romania;
- Validate a proposed plan of actions with the working group; emphasizing feasibility, timing and budget, to the legal framework necessary improvements in relationship to Rio Conventions mainstreaming implementation;
- Review and analysis of documents type and their flow inside the the both ministries mentioned above, in order to reglement decisions making process improvement;
- Review and analysis of information stock and its availability for the stakeholders involved or affected by the measures taken up in order to implement the Rio conventions requirements
- Participate in the functional and institutional analysis of the MoEF and MARD (together with its management and the national consultant) and submit concrete recommendations for the improvement of the respective institution's functioning and optimal distribution of tasks;
- Establish and maintain a dialogue with the bodies under review, national consultant, and other decision-makers and advocate for the delivered results;
- Provide consultation on amending the internal regulations of MoEF and MARD (and subordinated structures) aiming at optimization of functions and tasks.

III. EXPECTED DELIVERABLES AND TENTATIVE TIMEFRAME

Deliverables:

- A preliminary report detailing how the MEAs and their implementation are integrated into the legislative, policy and institutional set-up currently in place in Romania. This report will also contain the legislative, policy and institutional gaps and barriers preventing a good implementation of these MEAs;
- Summary report of the focus group debates and outcomes;
- A final report summarizing the revised preliminary report and detailing the validated plan of actions.

Tentative timeframe

- Consultancy work shall start March 10th, 2010 to be concluded through May 31st, 2010.
- Estimated consultancy time allocation = 30 work-days

Preliminary report	Delivery expected: March 25 th , 2010
Summary report of the focus group	Delivery expected: April 25 th , 2010
Final report	Delivery expected: May 25 th , 2010

IV. REQUIREMENTS:

The consultant should possess the following Competencies and meet the following Requirements:

Competencies:

- Good working experience in undertaking desktop research and publications review;
- Experience in conducting interviews and focus groups;
- Demonstrated skills to interpret, present and report data/information;
- Good knowledge of the legislative and policy aspects of the environmental management framework in Romania;
- The consultant should have a high degree of familiarity with the UNFCCC, UNCBD, UNCCD and their implementation in Romania and at global level as well as knowledge of other Conventions, such as the Stockholm Convention (POPs) and others relevant Conventions for Romania;
- Knowledge of the EU environmental management framework; particularly the related Directives to the Rio Conventions areas;
- The consultant must have the capacity to coordinate working groups and use participative methods to build consensus;
- Acquaintance with the Romanian administrative and local governance structures legal framework;
- In addition, the consultant should be prepared to work in a fast evolving dynamic environment; including all changes implemented under the harmonization programme with the EU Directives;
- Acquaintance with MoEF and MARD structures.

Required Skills and Experience:

Education:

Advanced university degree in the fields of environmental protection, natural resource management, public administration or related fields.

Work experience:

At least five years of experience in areas of legal and policy frameworks related to the implementation of the Rio Conventions and/or other MEAs.

Languages:

Able to provide assignment outputs of high quality in Romanian and English

V. IMPLEMENTATION ARRANGEMENTS:

The principal responsibility for managing this consultancy lies with the Delegated Executing Agency – The Ecological University of Bucharest, and the Project Management Unit. The Project Management Unit within the Ecological University of Bucharest will contract the consultant and ensure timely provision of the necessary feedback on deliverables.

The project management unit within the Ecological University of Bucharest will have the responsibility of liaising with the team of consultants and assisting with logistical support, as case may be, in setting up stakeholder's interviews and coordinate with the Government.

VI. EVALUATION OF APPLICANTS:

Successful candidates will be selected based on a cumulative analysis of their technical capacity and their financial offer.

All applications and enquiries must be sent by e-mail to:

- Mr. Pop Dorin Alexandru, CB2 Project Assistant, dorinal Alexandru@yahoo.com and with Cc at environment.ro@undp.org.

Applications must contain the following documents:

- CV
- Letter of intention, that will highlight the applicant's skills in relationship to the assignment and the applicant's approach to the given assignment
- Financial offer, expressed as fee/ day.

Applications should indicate: “National Expert on Rio Conventions Legal Framework”

The deadline for submitting applications is March 8th, 2010, 5 pm Romanian time.