



**“Support to alignment of NBSAP with CBD obligations and to Development of CHM”  
– Biodiversity Enabling Activity Project –**

GEF - UNDP Project, assisting MMDD, through execution by UEB

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**Terms of Reference  
for Short-Term Expert: for a Study on the equitability of sharing of benefits  
from biodiversity valorization  
in the  
Review and Development of the Biodiversity  
Romanian Strategy and Action Plan  
within the framework of UNDP-GEF project  
*“Support to alignment of NBSAP with CBD obligations and development of  
CHM”***

## **1. Project background information<sup>1</sup>**

The project’s objective is to enhance the national capacity to implement the Convention on Biological Diversity (CBD) provisions, through addressing institutional and human capacity gaps, and adopting a more integrated approach to biodiversity conservation.

The main components of the project are:

- **Aligning the National Strategy and Action Plan on Conservation and Sustainable Use of Biodiversity with legal obligations under the CBD.**

The main deficiency of the existing Biodiversity Strategy and Action Plan (BSAP - Romania) is that the document was formulated by a limited number of local experts without broader consultation and stakeholders’ involvement. The document, therefore, contains not only outdated information, but it is, also, largely based on expert judgments and views on priorities and threats to biodiversity. No major gap analysis has been undertaken during the BSAP preparations. Therefore, as part of the add-on project, Romania will be given an opportunity to do a consultative and participatory in-depth analysis of critical gaps and barriers to effectively bringing the biodiversity conservation agenda forward.

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<sup>1</sup> Source: NBSAP-Romania Project Document

- **Strengthening Romania's Clearing-House Mechanism (CHM).**

Despite existing databases for biological diversity at national level, and the nomination of a CHM National Focal Point, there is no coordination program setting to provide for integrated data and information management system for biodiversity conservation in Romania. The existing efforts are important, but not consolidated in support of decision-making. Therefore, a comprehensive CHM, in place and effectively running, is an urgent priority to overcome the current deficiency in the respective information, communication and collaboration system.

- **Undertaking detailed capacity needs assessment in the areas of priority to the CBD implementation.**

The National Capacity Self-Assessment (NCSA), conducted in 2005, identified a number of priorities under the biodiversity thematic area. However, more in depth analysis is needed. And, because three years have already passed, a validation/updating process should take place. For example: Initial assessment and monitoring programs, including taxonomy and implementation of measures for in-situ and ex-situ conservation and sustainable use – capacities needs will be carefully analyzed following with the design of a training and capacity building modules. With changing legal framework, for ownership rights and land use, these issues require particular attention.

The approach of aligning the Biodiversity Strategy with the CBD obligations will be highly participative through broad consultation of relevant stakeholders. Mechanisms of voluntary cooperation will be explored in order to improve the biodiversity related information flow between the institutions and a Clearing House Mechanism (CHM) with linkages to national biological data bases will be developed. The capacity needs assessment will be strictly focused on CBD obligations and implementation, and tailor-made training modules will be designed, targeting the key stakeholders responsible with the CBD implementation.

## **2. Scope of Work for this Consultancy Services**

### ***During the Stock-taking phase, the consultant will be responsible for:***

- Identification of the beneficiaries of present use of biological resources. Categorize them into groups. Special attention will be made to indigenous groups who hold or held traditional tenure to natural areas. Identify and analyze cases of apparently inequitable sharing of costs and benefits of the conservation and use of biological resources.
- Describe the existing systems for collecting and preserving indigenous knowledge on biodiversity. Analyze how it is being used by national and international commercial interests. Analyze the equitability of the sharing of the costs and benefits of preserving and using indigenous technical knowledge. Specifically, analyze how the holders of this knowledge are benefiting, if at all;
- Analysis of the equitability of the sharing of benefits from the sale of logging/fishing/resource exploitation rights, especially their sale to foreign business interests and especially the benefits received by indigenous people and local communities. Examples include logging rights, fishing rights, hunting rights, charcoaling/urban fuel-wood cutting rights, etc.
- Analysis of modalities and root causes of over-exploitation of biodiversity (clear-cutting) on private land. Proposals for improving the application of law.
- Analysis of the legal basis for protecting the intellectual property rights for biodiversity at the level of the country and of indigenous people, communities, national businesses and institutions;
- Analysis to what extent benefits from resource conservation and use are reinvested in

protection and sustainable management. Analyze the equitability of the sharing of these costs and benefits.

- Analysis of the equitability of the exploitation of biological resources by foreign, commercial business interests. Analysis of modern and traditional laws and policies on land tenure and resource access rights in terms of equitability of access and of benefits.
- Complete the identification of information needs for biodiversity conservation (done by the NCSA and the CBD Strategic Plan) and analyze the extent to which these information needs are already being supplied by existing institutions.

***During the National Strategy development phase, the consultant will be responsible for:***

All tasks during the Strategy Development Phase will be undertaken as a team member working in close coordination with other national consultants and under the overall supervision and guidance of the Key Expert. The Team Leader will have a coordination role.

Tasks for the consultant:

- Identification of the constraints that impede the achievement of the strategy objectives, with a special emphasis on the following categories of constraints- (pertaining to Education/Communication and Public Awareness related to biodiversity conservation):
  - i. Identification of specific laws, policies and regulations pertaining to biodiversity conservation, that need to be reformed;
  - ii. Specific potential changes to institutional mandates that should be made;
  - iii. Institutional and individual capacity needs;
  - iv. Information constraints;
- Work with the Key Expert and other national consultants, add his/her input to develop a strategy of the envisioned situation for biodiversity conservation in Romania until 2025;
- Work closely with key stakeholders to develop a consensus on sections of the strategy to be elaborated;
- Provide the necessary input related to his/her assignment for the development of the corresponding sections of the biodiversity strategy;
- Present the sections of the draft strategy that the consultant was responsible with, at the second national stakeholders' workshop;
- Incorporate into the respective sections of the strategy the feedback from the workshop with stakeholders and other written review comments;

***Consultant's tasks for the development of the National Action Plan should include:***

All tasks during the Action Plan Development Phase will be undertaken as a team member working in close coordination with other national consultants and under the overall supervision and guidance of the Key Expert.

Tasks will be:

- Working as part of the team, to identify the key priority actions and respective activities to be undertaken during the following two time periods:
  - Short term priority actions for the period 2008-2010
  - Mid-term priority actions for the period 2011- 2018
- In consultation with key stakeholders, provide detailed activity descriptions of specific Short-Term activities (2008-2010), as assigned by the Key Expert. These activity descriptions will include:
  - Title
  - Timeframe
  - Justification within the context of the National Biodiversity Strategy

- Activity or Project objectives and outcomes
- Budget
- Proposed implementing agency(ies)
- In consultation with relevant stakeholders, prepare the draft plan of activities to be undertaken during the Mid-Term period (2011—2018):
  - Justification
  - Description of the activity/project
  - Indicative budget
- Incorporate in the National Action Plan, into the respective sections, all of the written review comments.

***Capacity Assessment phase should include:***

Based on the stock-taking phase data, and along with the in-puts to the National Strategy parts elaboration and the proposals for the Action Plan designing, the consultant should also provide recommendations in terms of training needed for the improved implementation of the alignments to CBD requirements, and the key issues identified in the NCSA final report. Reporting on the Institutional and Human Resources capacity needs should be taken into consideration.

**3. General Obligations and Deliverables:**

The consultant will:

- participate in the national consultant team "brainstorming sessions" organized by the Project Manager, with the Key expert and National Steering Committee (NSC) representatives;
- prepare a full draft report covering all Stock-Taking tasks and results in his/ her TOR prior to the first national stakeholder workshop;
- propose **detailed objectives** vis-a-vis each task/ thematic area covered and propose **strategic options for achieving each objectives**, by identifying priorities, constrains and needed resources (financial, legal, institutional, and human), and develop alternative scenarios for meeting requirements of those objectives implementation;
- present his/ her findings and proposals at the first stakeholder workshop;
- revise his/ her report based on workshop feedback and on review comments received;
- develop and run activities and consultative approaches as to elaborate on the respective parts into the National Strategy Draft writing, the Action Plan designing, and the Capacity Assessment needs Report, on institutional and training for NBSAP implementation, as it pertains to his/ her area of expertise and assigned tasks under these TORs;
- participate in the Second National Workshop, as to take in-puts for the necessary adjustment of these documents, and integrate them into their final version.

**4. Qualifications and requirements:**

- background in Social Sciences, with proven experience in Natural Resources sharing
- proven familiarity with the CBD requirements and the COP decisions, with respect to the specific expertise and aimed deliverables under these TORs and the NBSAP project objectives, as for cross-reference guidance, in the scope of this consultancy;
- knowledge of English language is a must, since all reports shall be submitted to the International Team Leader and UNDP CO, for review, comments and final validation;

## 5. Consultancy implementation arrangements

The principal responsibility for managing this consultancy lies with the Project Management Unit and UNDP Romania.

UNDP Romania will ensure timely provision of the necessary feedback on deliverables.

The Project Management Unit, within the Ecological University of Bucharest, will contract the consultants and have the responsibility of liaising with the team of consultants and assisting with logistical support, as case may be, in setting up stakeholders' interviews and coordinate with the Government of Romania/ NSC – National Steering Committee/UNDP, which shall validate final documents, out-puts, results and success indicators achievement.

## 6. Work Schedule

This consultancy should meet the following overall project implementation tasks and dead-lines:

Month/Activity	Sept 08	Oct 08	Nov 08	Dec 08	Jan 09	Feb 09	March 09	April 09	May 09	June 09	July 09	Aug 09	Sept 09
Work assessments performing, to be concluded within a First National Workshop													
Collation of all in-puts, in Preparation of NBSAP Draft, and of Capacity associated doc., for NSC validation and its debate into a Second National Workshop													
Final docs edit, submission and validation													
Contract resuming, with final reports submission, final statements and payment													

## 7. Supervision and payment

Consultations regarding the assignment with Ecological University of Bucharest (UEB) shall begin work immediately upon contract signature. The contractor shall report to the Project Team Leader - Key Expert and to the Project Manager. The payment schedule will be devised at a later stage; however, usually, this is being done through three installments and/or upon the completion, delivery of certain outputs, pending on their content validation, by the Project Manager, NCSA and UNDP Romania. A final substantial and financial project report will be submitted with the request for final payment.

## **8. Application:**

Applications must be in English, and entail the following:

- Letter of Intent
- CV
- Consultancy fee (USD/Day)

## **9. Consultants Selection process**

Based on the relevant candidates' qualification, as entailed in their submitted professional resume, those who can prove eligibility to project work shall be contacted for interviews, in view of contractual terms setting. The dialogue shall be held with a panel including: the Project Key Expert, the Project Manager, and the Project UNDP-Romania Coordinator.