



Procurement reference No. UA/IC-9

Terms of Reference

Improving the regulatory framework for forest management practices in protected areas of Natural Reserve Fund of Ukraine

A. Background

The Forest Law Enforcement and Governance (FLEG) II Program¹ will be carried out over a four-year period 2012-2016, focusing on improving forest governance in seven countries that are included in the European Union's European Neighborhood and Partnership Instrument² (ENPI) East region: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine, and the Russian Federation. The Program builds on and further develops initiatives and activities undertaken during implementation of the first EU funded FLEG Program (2008-2012).

The Program is supported by the European Union contributing to a 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) and in close coordination with governmental and nongovernmental stakeholders of the participating countries.

The **vision** for the end of the Program in 2016 is that the participating countries have clear sector policies and implementation capacity to fight against illegal logging and associated trade, take into account the full social, environmental and economic value of forests, state-of-the-art forest sector laws, and modern forest sector institutions.

The three specific **Program Development Objectives** are to:

- i. make progress implementing the 2005 St. Petersburg FLEG Ministerial Declaration in the participating countries and support the participating countries commit to a time-bound action plan to ensure its implementation and follow-up activities (regional level);
- ii. review or revise (or establish a time-bound action plan to review or revise) forest sector policies and legal and administrative structures; improve knowledge of and support for sustainable forest management (SFM) and good forest governance (including the impact of related EU regulations) in the participating countries (national level); and,

¹ <http://enpi-fleg.org/>

² <http://www.enpi-info.eu/>

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- iii. test and demonstrate best practices for sustainable forest management and the feasibility of improved forest governance practices at the field-level on a pilot basis in all participating countries (sub-national level).

The Program will support the participating countries strengthen forest governance through improving implementation of relevant international processes, enhancing their forest policy, legislation and institutional arrangements, and developing, testing and evaluating sustainable forest management models at the local level on a pilot basis for future replication.

Proposed assignment will contribute to the implementation of project activity on improving the regulatory guidelines for forest management practices in protected areas of Ukraine. The activity is part of the activities conducted by WWF DCP (hereinafter the Client) under the approved Country Work Plan (CWP) for Ukraine, plan which contains activities that will contribute to achieving Program Development Objectives and will support Ukraine in making progress in the implementation of the 2005 St. Petersburg FLEG Ministerial Declaration.

Protected areas in Ukraine have different level of protection, state institutions ownership and site status. The most important identified areas are strictly protected under the jurisdiction of Law of Ukraine "On Nature Conservation (Reserve) Fund of Ukraine" (NRFU) and correspond to the different (not easily matching) IUCN categories of protected areas that are mostly recognized worldwide and in the EU (http://www.iucn.org/about/work/programmes/gpap_home/gpap_quality/gpap_pacategories/).

Many nature protected area sites are situated on forested land, which cover 15.9% of the territory of Ukraine (9.6 mln ha) and more than 11% of them assigned to the NRFU.

The previous regulation act, which regulated forestry management regimes at NRFU nature protection areas approved in 2003 "Guidelines for forest ecosystems protection regimes on the territory of Nature Reservation Fund of Ukraine of different categories" was abolished, due to persistent problems related to overuse of sanitary and other forestry logging activities (including clear cuts), procedures allowed in the document. Thus, it was and still considered that valuable biodiversity is not provided with the appropriate protection on forestry lands within even NRFU objects due to the situation when their current forestry management is under the same legislative framework as other state forests.

The aim of this activity is to develop sustainable forestry management techniques from which will benefit the protection of certain species and habitats, as well as ensure long term maintenance of other services of the forests on the nature protected areas of NRF of Ukraine and which can replace existed previously "Guidelines for forest ecosystems protection regimes on the territory of Nature Reservation Fund of Ukraine of different categories".

B. Objectives

Objective of the assignment is to improve existing legal state of forestry management practices on protected areas by proposing a regulatory guidelines for sustainable forest management practices on the

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areas and objects of Nature Reserve Fund of Ukraine, which will incorporate best available practices on Sustainable Forestry Management (SFM) within protected areas.

C. Scope of Services

The Consultant tasks are:

- Identify the best internationally recognized forestry practices in IUCN categories of PA's – highlighting/linking the conservation objective of these categories with the forest management measures (including non-interventions) recommended in order to keep or restore the identified value (species, habitats, landscapes, peat-bogs, etc.).
- Analyze current problems and identify the best forestry practices in NRFU according to the conservation objective of the different categories of PA's in Ukraine;
- Compare the conservation objectives of the two categorization systems and their respective forest management measure proposed and come-up (develop) the best regulatory guidelines for Ukraine. Additionally, a correspondence between the different categories of PA's within the two systems can be done – based on the conservation objectives analysis.
- Develop a draft of the guidelines for improved (sustainable) forest management practices in protected areas of Ukraine, based on assessed information and the existing legal framework analysis, including the EU Directives implementation requirements in Ukraine and previously developed appropriate ENPI FLEG II related to increasing of biodiversity protection in forests of Ukraine proposals. At least the following topics should be covered in the guidelines:
 - a description of general sustainable forestry management systems, treatments and techniques oriented at close to nature silviculture that are suitable for practicing on protected areas;
 - Ukrainian Nature Reserve (Conservation) Fund protected areas need to be identified within the IUCN categorization of protected areas and proposed SFM practices should be linked to them (a table format of ranking the NRFU areas according to the level of IUCN protection is suggested);
 - different forestry management techniques in relation to different categories of protection of NRFU areas (and to different zones within the sites) depending on their management objectives (intent), country environmental conditions (zones);
 - typical combination of silvicultural prescriptions to the list of protected species depending on their needs;
 - community and other interested stakeholders engagement into the management decisions;
 - relation of the guidelines to the development of SFM plans (Projects) for the NPFU (objects).
- Publish online and conduct consultations for one month over the developed draft of the guidelines with appropriate national/regional experts, State Forest Resource Agency (SFRAU),

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Ministry of Environment, protected areas professionals, highly active environmentally oriented NGO's and other relevant stakeholders. Conduct together with WWF a meeting/seminar in Kyiv with specialists/decision makers (including the Ministry of Environment and SFRAU) and NGO's to present and debate on the developed draft;

- Finalize the Guidelines by including the relevant proposals received during the consultation process.

D. Reporting and Approval Procedures

Reporting of the consultant is toward FLEG II Project Coordinator and Forest Expert in Ukraine.

Expected results of consultant's work are:

- **Interim Report:**
 - i. assessment of the existing forest management practices in IUCN PAs and different PAs in EU countries and their appropriate legislative framework;
 - ii. assessment of the NRF protected areas of different categories in Ukraine and its current legislative framework;
- **Final Report:**
 - iii. on developed guidelines for improved forest management practices in the NRF protected areas of Ukraine (e.g. "Guidelines for forest ecosystems protection regimes on the territory of Nature Reservation Fund of Ukraine of different categories"), based on the assessments made;
 - iv. on consultations notes made during the public consultation process while developing the guidelines for improved forest management practices in the NRF protected areas of Ukraine.

The Consultant shall submit the reports into Ukrainian language (with extended English version of an executive summary).

The work is expected to be carried out over the period of six months, with a time-input of the consultant of about 50 working days.

Acceptance and approval of the Interim Report, and Final Report will be done by the Client through the FLEG II Project Coordinator and Forest Expert in Ukraine. The Country Project Coordinator will provide feedback to the consultant within 5 calendar days after receiving the reports (on expiration of this period, if no reply is received by the Consultant, then reports will be deemed as accepted otherwise the corrections are expected).

Project reports need to be sent by an e-mail address: dkarabchuk@wwf.panda.org and bprots@wwfdcp.org. Besides 1 copy of the printed reports and a CD copy needs to be sent to the

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address: WWF Danube Carpathian Programme Ukraine (Dunajsko-Karpatska Programa), 42 Mushaka Street, 79011 Lviv, Ukraine.

E. Institutional Arrangements

FLEG II Program coordinator in Ukraine for WWF DCP Dr. Bohdan Prots and forest expert Dr. Dmytro Karabchuk (dkarabchuk@wwf.panda.org) will coordinate the execution of the proposed assignment.

WWF will provide to the selected Consultant support with the results of the previously analyze of the legal framework and initial proposal developed in the first year of activity implementation, as well as with the FLEG communications procedures.

WWF Ukraine will be responsible for organizing the proposed meeting, in cooperation with the Consultant by creating the meeting agenda; developing and sending the invitations; organizing a venue, etc.

F. Client's Input

The Consultant will perform the services using its own resources. However, the Consultant may request additional data and assistance from the Client on the issues related to the implementation of the assignment. The Consultant is expected to participate actively in any additional public, media, workshop, round table and other professional meetings within the objective of this assignment and coordinate the necessary expert's involvement into the events.

G. Qualification Requirements

- At least 5 years required for consultant's experience in forestry and nature protected areas;
- Forest management and biodiversity conservation studies (university degree); PhD or international education or experience is an advantage;
- Good knowledge of the Ukrainian protected areas and forestry systems and related legislation, especially linked to sustainable forest management techniques.
- Good knowledge of relevant international treaties and agreements including EU nature protection legislation and practice;
- Records and experience on analytical studies or legislative framework for sustainable forest management and protected areas are an advantage;
- Excellent communication skills;
- Good knowledge of Ukrainian and English;
- Computer literacy (Word, Excel, Power Point).

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