



TERMS OF REFERENCE

Job title:	National Legal Consultant to finalize the draft of the methodology for Environmental damage assessment caused by the operation of Dniester Hydro Power Complex in accordance with the objections and proposals of the Ministry of Environment and Participation and consultation and development procedure.
Duty station:	Chisinau (remote working arrangements available)
Reference to the:	Study on social and environmental impacts of Dniester HPC
Contract type:	Individual Contract (IC)
Contract Duration:	November - December 2021

Job content

A. Background

The project aims to support the Moldovan Government's efforts to avoid further environmental degradation and likely negative socio-economic impacts resulting from the functioning of the **Dniester HPC**, through the provision of support in the course of the negotiation of intergovernmental Agreement between Moldova and Ukraine on the functioning of Dniester Hydro Power Complex in Ukraine

The Overall Objective of the project is to protect and effectively manage the water resources of the Dniester River in a sustainable and transboundary collaborative manner.

The Specific Objectives are:

- To ensure that the Government of the Republic of Moldova is fully prepared for negotiations on the Agreement on the functioning of the Dniester HPC.
- To contribute to public awareness raising and involvement in the protection of the Dniester River.

Three outputs shall be produced under the Dniester Project. These are:

- Output 1. Detailed Study on current and potential environmental and socio-economic impacts on the territory of Moldova resulting from the operation of the hydro power generation facilities on the Dniester River elaborated, and the findings widely distributed
- Output 2. Capacities of the Moldovan negotiation team enhanced
- Output 3. Public awareness raised, and transparency of the transboundary management of the Dniester River increased

Along above-mentioned objectives to be achieved, the implementation of the Project shall also contribute to the improvement of the Moldo-Ukrainian transboundary cooperation by providing both parties with a better understanding of the management objectives for the large scale hydro power infrastructure, based on the improved knowledge of long-term negative environmental and socio-economic impacts on the downstream region, water resources management in a transboundary context and state of the art requirement and proper due diligence.

B. Duties and Responsibilities

Under the guidance and direct supervision of the Project Team Leader, the incumbent provides an effective, timely and efficient consultancy support to the project team. The Legal expert will embrace a client-oriented approach and

comply with UNDP rules and regulations. He/she will ensure timely outputs.

The Legal expert must work in close collaboration with the other experts in the project for the effective achievement of results, anticipating and contributing to resolving complex project-related issues and information delivery.

The National Expert, in close cooperation with the Team Leader, will ensure the provision of development services and products (commensurate with the scope of the Project) of the highest quality and standards to national stakeholders through applying HRBA and GE approaches. More specifically:

1. Finalizing the draft of the methodology for environmental damage assessment caused by the operation of Dniester Hydro Power Complex in accordance with the objections and proposals of the Ministry of Environment and participation in the consultation and promotion procedure
2. Finalizing the methodology for estimating minimum spring flows and environmental flows and essential monitoring indicators for the functioning of the Dniester HPC, in accordance with the objections and proposals of the authorities and participation in the consultation and promotion procedure.
3. Providing the necessary support to the working group on legal aspects within the Dniester Commission in further expertise on the draft Agreement for functioning of Dniester HPC and draft rules for the operation of HPC reservoirs: assistance in promoting the new version of the draft Agreement for functioning of Dniester HPC.
4. Providing advice (depending on the level of access to negotiating documents, based on security regulations) on the theoretical and practical aspects regarding border delimitation in International Law and will come up with recommendations for their application in the Republic of Moldova and in the field of registration; use of public property (lease agreements), cadastre (land registration).

EXPECTED DELIVERABLES, TENTATIVE TIMEFRAME AND OTHER ARRANGEMENTS

The assignment will require the completion of the following tasks:

No.	Deliverables	Tentative timeframe
1.	Finalizing the draft of the methodology for environmental damage assessment caused by the operation of Dniester Hydro Power Complex in accordance with the objections and proposals of the Ministry of Environment and participation in the consultation and promotion procedure.	November - December 2021
2.	Finalizing the methodology for estimating minimum spring flows and environmental flows and essential monitoring indicators for the functioning of the Dniester HPC, in accordance with the objections and proposals of the authorities and participation in the consultation and promotion procedure.	November - December 2021
3	Providing the necessary support to the working group on legal aspects within the Dniester Commission in further expertise on the draft Agreement for functioning of Dniester HPC and draft rules for the operation of HPC reservoirs: assistance in promoting the new version of the draft Agreement for functioning of Dniester HPC.	November - December 2021
4.	Providing advice (depending on the level of access to negotiating documents, based on security regulations) on the theoretical and practical aspects regarding border delimitation in International Law and will come up with recommendations for their application in the Republic of Moldova and in the field of registration; use of public property (lease agreements), cadastre (land registration).	November - December 2021

C. MANAGEMENT ARRANGEMENTS

The Legal expert will work under the direct supervision and guidance of the Team Leader and EECC Cluster Lead. The Legal expert will be provided with the information and materials necessary to carry out his / her tasks.

The Consultant is expected to start the mission at the beginning of November 2021 and complete the mission in December 2021. *In performing his tasks, he will closely cooperate with other technical project experts, both nationals and internationals.*

Performance evaluation

The Individual Consultant's performance will be evaluated against such criteria as timeliness, responsibility, initiative, communication, accuracy and quality of the products delivered.

Financial arrangements

Payments will be disbursed in several instalments, upon submission and approval of deliverables, and certification by UNDP Moldova Programme Specialist / Cluster Lead that the services have been satisfactorily performed.

D. QUALIFICATIONS AND SKILLS REQUIRED

Education background:

- Master's degree or equivalent in Law, public administration, water governance or closely related areas.

Professional Experience:

- 5 years of experience in the field of jurisprudence.
- Proven knowledge of techniques for drafting legal acts;
- At least 2 years of previous legal consultancy within technical assistance projects;
- Experience with water management/governance projects;
- Knowledge of issues regarding the transboundary management of the Dniester River.
- Good command of MS Microsoft (Word, Excel, etc.).

Competencies:

- Ability to meet deadlines and prioritize multiple tasks;
- Ability to work in team and take leadership over processes. ;
- Strong communication and inter-personal skills, including the ability to effectively communicate with persons from a variety of backgrounds;
- Ability to enter new environments, adapt quickly and produce immediate results;

Language requirements:

- Fluency in oral and written Romanian and Russian are required, English will be considered as an advantage.

The United Nations 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.

Selection criteria are shown in the Procurement Notice advertised together with this Terms of Reference.

E. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS:

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. CV, including information about past experience in similar projects/assignments and contact details for at least 3 referees for a reference check;
2. Financial proposal - in USD, specifying a total lump sum amount and the number of anticipated working days, incorporated in the Offeror's Letter to UNDP confirming interest and availability for the Individual Contractor (IC) assignment;
3. Brief description of why the individual considers him/herself as the most suitable for the assignment.