

## **TERMS OF REFERENCE**

### **Assistance to the Ministry of Local Public Administration for Promoting Administrative Decentralization Policy**

- A. **Job Title** : International Consultant in Local Governance and Decentralization
- B. **Duty station** : Chisinau, MOLDOVA
- C. **Project Reference** : Integrated Local Development Programme
- D. **Duration of Initial Contract** : six months

### **Background**

Based on global and national experience in local self-governing facilitation and community-led development, UNDP Moldova is implementing the Integrated Local Development Programme (ILDP) which offers knowledge-based policy advisory services at central and local level joint by a major intervention at community level aiming to integrate local authorities in development processes from regional and community levels.

At central level, ILDP grants assistance to the Ministry of Local Public Administration (MLPA) to enhance legal and regulatory framework for mainstreaming the administrative procedures and systems. Special approach is granted to the preliminary framework for efficient delegation of its duties to Local Public Administrations (LPAs), administrative and fiscal decentralization for providing the basic public services, as well as promoting a more significant role of women in decision-making structures.

At local level, ILDP grants assistance for institutional capacities building for target LPAs in the field of planning and implementing programs and services, as well as monitoring their success with a more extended participation and involvement of citizens. At the same time, the Programme advocates for a higher level of civil society's and community's participation in the development and implementation of local development plans and regional strategies. ILDP makes efforts to enhance local NGOs' capacities for playing more influential roles in planning, implementation and monitoring of local and regional development programs.

#### **Specific Details:**

At the moment, decentralization represents an essential political option for the internal reform agenda of the Republic of Moldova, aiming to qualitatively transform the public sector, to enhance the local autonomy, to delegate relevant duties to the closer-to-citizens' authorities, following the principles of transparency, legality, efficiency, responsibility and administrative solidarity.

On the 28<sup>th</sup> of December 2006, the Parliament of the Republic of Moldova has passed the Framework Law on administrative decentralization, which entered into force on the 1<sup>st</sup> of January 2007. The law has to be enforced after approving the Plan of Actions that shall establish the distinct stages for implementing the administrative decentralization process.

In accordance with the given law (article 16), the Ministry of Local Public Administration (MLPA) together with other relevant authorities from central public administration, the association structures of local public administration and the civil society shall prepare and submit to the

Parliament for examination and approval the drafts of the legislative acts on administrative decentralization stages.

Based on above Law, the Parity Commission for Administrative Decentralization has been created and performing under the leadership of the Minister for local public administration. The commission members are deputy ministers of line ministries, representatives of local authorities' associations and civil societies. The Parity Commission shall submit the administrative decentralization Plan of Actions to the Government of Moldova with its further submission for adoption to the Parliament.

## **Duties and Responsibilities**

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Under the overall guidance of the UNDP Assistant Resident Representative (Local Development) and ILDP Manager the Consultant will identify and lead a team of local experts to provide assistance to the Ministry of Local Public Administration of the Republic of Moldova for promoting decentralization policy in accordance with the Framework Law of the Republic of Moldova on Administrative Decentralization, No 435, dated December 28, 2006, and the Government Decision No 93, dated February 4, 2008, on "the Approval of the Regulation of the Parity Commission for Administrative Decentralization", through the following:

- § Provide the MLPA with necessary expertise during the process of defining the implementing methodology of the administrative decentralization in the Republic of Moldova, in close cooperation with national stakeholders and expertise in the administrative, financial and public property areas;
- § Contribute to the set up of a functional interaction among the decision makers and the general public through the analytical tools for enhancing local autonomy, legality, own and delegated authorities – all set forth on an agenda focused on efficient governance issues;
- § Enhance analytical and professional capacities of the MLPA in terms of decision-making within the framework of decentralization process, providing ad-hoc advice and technical support;
- § Promote a participatory approach for decentralization by involving local and national stakeholders in the effort of generating critical and constructive feedback, specific observations that shall direct the changes in the system.

Specific functions are described below:

**1. Provide substantive and methodological support to the activity of the Parity Commission for Administrative Decentralization.**

**a. Design and submit for MLPA approval the Final Draft of the Regulation for the functioning of the Parity Commission functioning**

- § Provide assistance to the MLPA for the development of the set of documents, in the process of improvement of the Regulation on set up and functioning of the Parity Commission for Decentralization.
- § Provide ad-hoc advice in the decentralization areas as requested by the MLPA and Parity Commission.

**b. Deliver the Information Seminar/Presentation on experience, methodologies and implementation instruments of decentralization in the Central and Eastern Europe, including best practices and lessons learned**

- § Undertake a comparative analysis on administrative decentralization stages in the Central and Eastern European countries and develop specific recommendations for the Republic of Moldova.
- § Conduct an Information Seminar/Presentation for the MLPA staff, Parity Commission members and the sectoral working groups involved on experience, methodologies and implementation instruments of decentralization and present comparative analyses of

administrative, financial and public property decentralization methodologies recently applied in the Central and Eastern Europe.

**c. Identify of the legislative and policy needs for administrative, fiscal and property decentralization**

- § Propose to MLPA and Parity Commission a list of legislative and policy changes/improvements for administrative, financial and public property decentralization.
- § Support the MLPA and the Parity Commission in guiding and advising the sectoral working groups that integrate independent experts, government employees and foreign experts responsible for the development of sector studies and assessment of decentralization issues of interest (functions, normative acts, resources and competences).
- § Provide ad-hoc consultancy aimed to increase MLPA capacities in the field of planning, development, monitoring and implementation of administrative, financial and public property decentralization policies.
- § Develop roadmaps for the sectoral working groups created by the Parity Commission.

**2. Develop the Draft of the Action Plan defining the distinct implementation stages of the administrative, financial and public property decentralization process in the Republic of Moldova and consult it with the representatives of CPA, LPA, civil society and development partners.**

**a. Conduct a Seminar on a proposed administrative decentralization scenario and mechanism applicable to Moldova and comparable with experience of the Central and Eastern European countries.**

- § Based on above actions, elaborate the vision, and propose an administrative decentralization scenario applicable to Moldova, defining specific recommendations for the Republic of Moldova.

**b. Draft the proposal of the decentralization methodology with the set of indicators for the development of sector (including economic, public service, power sectors and others) assessments and impact analyses**

- § Develop, in consultation with MLPA and Parity Commission, the methodology and the set of indicators for the implementation of sector assessments and impact analyses.
- § Conduct a general audit of the competencies/authorities (own, those to be delegated to LPAs within the decentralization process) within the basic sectors related to MLPA's, other ministries' and other central authorities' activity.
- § Elaborate an algorithm for the calculation of the administrative capacity and management tools for the processes related with delegation of authorities.
- § Conduct a study on piloting the administrative decentralization within a Territorial Administrative Unit.

**c. Draft the Terms of Reference for the implementation of at least five sector studies and impact analyses**

- § Provide assistance to MLPA and Parity Commission in determining the priorities of sector assessments and impact analysis (five relevant ToRs to be elaborated).

**d. Draft the Plan of Actions with decentralization implementation stages in the Republic of Moldova approved by MLPA and Parity Commission**

- § Develop, in collaboration with relevant stakeholders, the draft Plan of Actions for the decentralization process in the RM and submit it for discussion and approval to the Parity Commission.
- § Update the Final Draft Plan of Actions for the decentralization process and assist the MLPA in the Action Plan public promotion and approval.

**e. Support organization of public discussions (at national and regional levels) organized for debating the final draft of the Plan of Actions and Sector Studies/ Impact Analyses in close collaboration with MLPA.**

- § Participate in at least two public discussions on sensible issues in administrative, financial and public property decentralization with the representatives of local public authorities associations, non-governmental sector and academia environment
- § In coordination with MLPA, consult the Plan of Actions with the representatives of local public administrations, civil society, academia framework, international/European bodies (development partners)

**3: Create the platform for adjusting normative and practical aspects of local self-administration.**

**a. Conduct a survey on the interconnection of the administrative and fiscal decentralization and their role in local self-administration promotion  
Conduct LPA Survey on the types, cost, quality, volume and norms of local public services**

- § Collaborate with MLPA and national experts in conducting the survey and elaborating the relevant report.
- § Question the local authorities regarding the types, cost, quality, volume and norms of public services delivered at territorial level with the aim to establish indicators and recommendations to be followed

**b. Prepare the Cost and Quality Standards for public services delivery at local and sub-national levels**

- § Participate to at least 2 public discussions (at national and regional levels) organized for debating the draft of Cost and Quality Standards for public services delivery at local and sub-national levels.
- § Collaborate with MLPA and national experts in the design of the Manual of Local Procedures on types, cost, quality, volume and norms of public services.
- § Consult, jointly with MLPA, the draft of the manual with the representatives of LPA, civil society and academia environment, thus ensuring the credibility and applicability of this local policy document.

**c. Draft the Registry with statistical indicators for the evaluation of decentralization evolution/levels/stages**

- § Consult the MLPA and national experts on the Registry technical requirements
- § Draft amendments to the existing legislation regarding the delimitation of competencies/authorities between CPA and LPA in administrative decentralization context (*i*), and (*ii*) delimitation of duties for developing policies by MLPA from the duties dealing with the policies execution.

## Timetable

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	Months					
	1	2	3	4	5	6
1. Provide substantive and methodological support to the activity of the Parity Commission for Administrative Decentralization	X	X				
2. Develop the Draft of the Action Plan defining the distinct implementation stages of the administrative, financial and public property decentralization process in the Republic of Moldova and consult it with the representatives of CPA, LPA, civil society and development partners.		X	X	X	X	X
3: Create the platform for adjusting normative and practical aspects of local self-administration				X	X	X

## Competencies

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The applicant should have a strong background in decentralization. Candidates with prior UN and international project/programme management experience in this field may be given preference.

### Key Competences:

- Good knowledge of democratic governance and international development related issues, with emphasis on local governance and decentralization;
- Proven practical experience from working on decentralization and local governance issues in the transition context, preferably in the Central and Eastern Europe.
- Demonstrated ability to work in an independent manner, ability to organize work efficiently and deal with a heavy workload;
- Excellent problem-solving and communication skills;
- Clear and convincing writing style, proven analytical capacity;
- Confirmed ability to adjust to new situations quickly, to work efficiently under pressure and to meet deadlines;
- Ability to handle effectively multiple tasks without compromising quality, team spirit and positive working relationships.

### Corporate Competencies:

- Demonstrates integrity by modeling the UN's values and ethical standards;
- Advocates and promotes the vision, mission and strategic goals of the UN system;
- Displays cultural, gender, religious, ethnic and age sensitivity and adaptability;
- Treats people fairly and without favoritism.

### Management and Leadership Competencies:

- Strong results orientation;
  - Effective problem-solver;
  - Demonstrated capacity-building and facilitation skills;
  - Flexible and responsive with a client-oriented approach.
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## Required Skills and Experience

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University/post-university education, Master degree and relevant training/studies in decentralization related field; e.g., development studies, public policy and management, international affairs, political science, law, economics or sociology or other related discipline would be asset but it is not a requirement.

### Experience:

- 5 years of relevant experience working in a development work position in decentralization area, preferably in the Central and Eastern European Countries
- Working experience with international organizations and governments of the Central and Eastern European countries
- Proven knowledge/experience in the area of Local Governance and Decentralization
- Working experience with international organizations and governments acting in the Republic of Moldova shall be considered as an advantage
- Project Management skills are an asset
- Proficiency in corporate software and IT skills, including experience in handling of web based management systems

### Language Requirements:

Fluency in English is a must (both excellent writing and communication skills)  
Knowledge of Russian and/or Romanian is an asset.