



Terms of Reference
Project Formulation: Capacity Development of Moldovan Public Institutions for European Integration

1 international and 1 local consultant

Duty Station: Chisinau, Republic of Moldova
Period of Employment: November - December, 2009
Working days: up to 15 days each
Contract type: SSA
Organizational setting: The consultants will work under the supervision of the Programme Analyst for achievement of the task.

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A. BACKGROUND

Relations between the Republic of Moldova (RM) and EU formally started with the signing of the Partnership and Cooperation Agreement (PCA) in 1994 that entered into force in 1998. The PCA established the basic principles of cooperation between the RM and EU and was designed for 10 year period. Before formal expiring of the term, i.e. July 1st 2008, the Agreement is being prolonged automatically if none of the parties is not requesting a formal canceling of the agreement. Formally, the PCA agreement is the framework of relations between the RM and EU.

In 2005 in the context of the new European Neighborhood Policy, RM and EU signed an agreement: EU-Moldova Action Plan (EUMAP) for a period of 3 years, where a series of actions were included in order to intensify cooperation between the two parts. At the end of the period of the Action Plan, the European Council adopted in February 2008 a decision regarding a principle availability of the EU to initiate new negotiations with the RM with the aim of signing of a new agreement.

In parallel with the Action Plan, RM has signed with EU an agreement for a facilitated visa regime, as well as obtained from EU a preferential trade regime for most of the goods produced in Moldova.

Although substantive progress in governance and reform was noted by official communications of the EU and Government of Moldova bodies¹, some independent monitoring reports of the EUMAP implementation show several areas requiring improvement particularly concerning the justice system, liberties and democracy issues, freedom of media and others.

Successive EU enlargements have brought countries in Eastern Europe and in the Southern Caucasus closer to the EU and their security, stability and prosperity do clearly have an impact on the Union. 33 countries are part of the Eastern Partnership Agreement (EPA): all 27 EU Member states, Armenia, Azerbaijan, Belarus, Georgia, Ukraine and, Moldova. Even if the European Neighbourhood Policy has already enhanced relations between the EU and its neighbours, the EPA should go further. It suggests that Association Agreements (AAs) can provide a response to partners' aspirations for a closer relationship and create strong political bond as well as promote further convergence by establishing a closer link to EU legislation and standards. This contractual frame for a stronger engagement will be negotiated with partners that are willing and able to take on the resulting far-reaching commitments with the EU in the area of all three pillars. The content of the agreements will of course vary and will be adapted according to the country's objectives and capacities.

The mandate of negotiations for an AA between Moldova and the EU has recently been adopted and the country has today concretely been given the possibility to deepen its relationship with the EU. The negotiation team will have to be well-prepared in order to negotiate in Moldova's best interests and the discussion will last for quite a while, as we are talking about an agreement that will include countless areas and will need to be negotiated into the tiniest details. It would be crucial that the negotiation process will be well supported with the implementation actions. For this purpose Moldova needs adequate capacities in place. UNDP has conducted preliminary assessments in order to identify the needs of the Government for pursuing these objectives.² The analyses focused on

¹ Implementation of ENP in 2008 – Progress Report of Moldova, and relevant documents available on <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009SC0514:EN:NOT>

² Report on structure of central administration involved into the negotiation process for a new Agreement between the EU and Moldova, Project "Building institutional capacities of the Ministry of Foreign Affairs and European Integration"; Moldova's Route to the European Dream, by Camilla Mariéthoz, UNDP

assessing the institutional framework, proposing recommendations for its development and identifying areas of future support for a development intervention. The main **drawbacks** in terms of institutional capacities to carry on intensive actions towards bringing Moldova closer to the European Union that were noted are:

- the limited financial and human resources in the public administration institutions;
- inadequate human resource management systems able to motivate qualified personnel for a longer term;
- scattered technical assistance provided by development organizations.

Justification

Initially, the framework for European integration in Moldova was set up through an inter-ministerial commission with some competences left with the Ministry of Foreign Affairs and European Integration (MFAIE). On the sector coordination issues MFAIE was excelling while the commission due to lack capacity and resources was not able to advance in the process and deliver timely on planned activities.

At the moment the national institutional framework of Moldova responsible for the European Integration is composed of the National Commission for European Integration that supervises the work of several other state institutions involved in this process: Ministry of Foreign Affairs and European Integration, departments and units within the central public authorities responsible for and involved in international relations and European integration as well as the Center for Legislative Harmonization, responsible for verification procedure on conformity of the draft laws to the Acquis Communautaire.

The new agreement proposed for negotiations between EU and RM contains a long list of cooperation areas, among which free trade area, common European security policy, justice and internal affairs, as well several sector areas of cooperation. Most of these areas are already mentioned in the PCA and EU-MD Action Plan, but deepening the cooperation will be required in those, as well as a more precise and concrete statement of the positions from both sides will be expressed. A separate element is the legislation harmonization activity as an indicator for assumed engagements.

The negotiating delegation will have to present clearly and in knowledge of situation the national position, that will reflect the needs and interests of the country. In this context, for the mission of this delegation to succeed several factors should be enhanced:

- a) Negotiations carrying out capacity
- b) Thorough knowledge of Acquis Communautaire within which it will be possible to identify sectors for cooperation
- c) Existence of a national capacity/system of public authorities to coordinate the negotiation and implementation processes of the new agreement

After an eventual signing of a new agreement with the EU, the RM will need to consolidate its capacity to implement the agreement. This capacity will need to be strengthened in at least two dimensions:

- a) Organizational level capacity to effectively implement, monitor and report on the new agreement, and
- b) Individual level capacity, including the design and establishment of an effective motivation/incentive system/mechanism to retain the created pool of experts within the respective state bodies.

UNDP Programme on Institutional Development

UNDP has a major programme that focuses on the institutional development of the public sector, and more specifically, on supporting the public administration reform process both horizontally across the Government and through tailored support to individual Ministries in their re-organization process. The main institutions supported are Office of the Prime Minister and the First Deputy Prime Minister, Ministry of Economy and Trade, Ministry of Foreign Affairs, Ministry of Local Public Administration, Ministry of Justice, Ministry of Internal Affairs, Ministry of Information Development and specialized central public administration bodies like, Border and Customs Services, Statistics Bureau. UNDP helps develop capacities mostly at institutional and individual level, with selected interventions at the level of enabling environment (legislation).

Before the electoral events of 2009 the government reform stagnated and there was not steady progress in implementing the functional review recommendations that were developed in 2007. Once a new Government is appointed, the central public administration reform process will require urgent attention especially given the budget scarcity and the announced cuts. Institutional and individual level capacity development responses will continue to be UNDP priority in this area with an emphasis on human resource management, development of European integration capacities across the public administration institutions, reform of the interior and border and customs management.

With the above presented considerations and based on requests received from the Government, in particular from the MFAEI, UNDP was invited to assist in developing the capacities on EU integration and addressing the gaps and limitations in the central public administration institutions. Therefore, UNDP is interested to engage a team made of an international expert and a local consultant to assess the situation and needs and produce a project document for initiation of such assistance.

B. OBJECTIVES AND SCOPE OF ASSIGNMENT

The objective of the assignment is to provide advice to UNDP in terms of type of assistance for developing the capacities of Moldovan institutions in relation to EU Integration, with immediate focus on negotiating an enhanced cooperation agreement with the European Union and implicitly its implementation as well as to translate them into an UNDP intervention. This should be based on the analysis of the existing capacities / structures in Moldova, the country's aspirations and related processes for EU integration as well as best practices of the countries that undergone similar processes.

The output of the mission should be a comprehensive project document with interventions and components covering the below noted issues, including the relevant strategy and actions, for presentation to the Government and donors for their consideration. It is planned the project to be submitted for funding to several donors.

Indicative objectives of the new initiative would be, but not limited to:

- *Creation of appropriate institutional capacity within the Government*

The institutions identified for priority support might include the National Commission for European Integration, Ministry of Foreign Affairs and European Integration, the Ministry of Economy and Trade, the Ministry of Justice and other key Central Public Administration units to receive technical

assistance for developing and institutionalizing a system allowing effective decision making during the negotiation process

- *Strengthening the national negotiation and expertise individual capacity* - Improvement of individual level expertise needed for the negotiation and implementation of the new Moldova – EU agreement

Institutions to be involved in the negotiations process will need individual level capacity development actions, including but not limited to negotiation skills, thorough knowledge of the aquis, analytical expertise to effectively handle large volumes of information regarding the national interests and eventual gaps in capacities. Support will be needed to allow for ensure adequate knowledge, transfer of experience of other countries and exposure of the national officials/experts to foreign professional expertise in the field (on the job coaching, training, study visits etc.)

- *Development of implementation capacity* - Creation and implementation of an efficient mechanism for developing and retaining the expertise in the civil service.

After an eventual signing of a new agreement with the EU, the Republic of Moldova will need to consolidate its capacity to implement the agreement. This capacity will need to be strengthened in at least two dimensions:

- Institutional capacity to effectively coordinate and implement, monitor and report on the new agreement, and
- Individual capacity, including an effective motivational system to retain the created pool of experts within the respective state bodies.

Anticipated expected results of the new initiative:

- National institutional system for negotiation and implementation of a new agreement between Moldova and the EU established
- Consolidated institutional and expertise capacity of the newly created National European Integration System
- Improved cooperation with EU in various areas

C. METHODOLOGY

The methodological approach will include documentation review, qualitative consultations with local, national and international stakeholders (key ministries, donors / development partners, etc), UNDP senior management and Programme officers as well as UNDP Project Managers from selected projects, in particular, the Institutional Capacity Development for Moldovan MFA. The experience of other countries, new EU member states in particular will be taken into consideration as well as similar initiatives elsewhere as implemented by the UNDP and others.

D. DUTIES

In the course of achieving the above objective and delivering the output, and based on:

- Fieldwork in Moldova; discussions with key national and international interlocutors and stakeholders; and a comprehensive literature review ensuring inter alia that full account is taken of the lessons learned from the related experience of new EU member states as well as previous UNDP interventions and similar initiatives elsewhere as implemented by the UNDP and others.

The later should include review of the ongoing UNDP institution development interventions in Moldova and consider the recommendations of the previous report produced on this topic.

- Ensuring that proposals take account of the institutional capacity needs of Moldova to conduct the negotiations for the EU agreement and to road map the longer term process for EU integration as well as to coordinate and implement those in the future.

The team will:

- § analyze the current and planned Government policies and capacities;
- § map the previous, ongoing and planned assistance to the country and identify possible gaps;
- § review UNDP Moldova activities/projects within the institutional development portfolio and other related practices;
- § assess and advise on actions and measures to assist in building the national institutional infrastructure and capacities in a sustainable and longer term basis. This should include the most relevant institutional set up at different levels, as well as the capacity development assistance to these institutions and review the objectives for such initiatives; and synergy and complementarities with past and present initiatives and national development strategies. Clear justification for strategy and actions is essential, as is demonstration of linkages and consistency with the national strategies/plans;
- § building on the above, prepare project document with strategy and specific actions (considering that adequate consultation with national authorities and stakeholders prior to finalization – based on a Project Brief/draft Project Document) for UNDP interventions.
- § finalize the Project Document Draft taking into account comments and consultation with UNDP and stakeholders;
- a. advise UNDP on potential partners and donors for the recommended interventions, based on the discussions in Moldova and practices of other countries.

E. IMPLEMENTATION ARRANGEMENTS

An international expert will lead the mission and will be supported by a local consultant. The international expert will be ultimately responsible for the deliverables and for the quality and timely submission of the Project Document to the UNDP. The local consultant's deliverables will be determined primarily by the international expert and will be guided by this ToR's deliverables. Logistical support will be provided by UNDP CO Moldova, that will assist and organize the meetings with the key stakeholders and other (potential) partners. During the mission to Moldova, UNDP will suggest key partners for interviews and meetings, however, the consultant will be fully independent and will retain enough flexibility to determine the best approach in collecting and analyzing information and suggesting meetings.

F. DELIVERABLES

The key product expected is a comprehensive Project Document that includes, but is not limited to the following components:

- Executive summary
- Situation Analysis/Background
- Donor presence in the area
- Strategy: Goal and Objectives
- Key Project Deliverables with Detailed Activities
- Results and Resources Framework (according to UNDP template)

- Project Management Set-Up
- Monitoring and Evaluation of Project's results
- Indicative Project Budget
- Annexes: Indicative Plan of Actions, Partners etc.

The international expert in coordination with the local consultant is expected to propose to UNDP a detailed methodology and an action plan prior to the start of fieldwork in Moldova. After arrival to Moldova, the consultant will develop a Project Brief within the first 3 days of the visit, based on the existing project Concept Note³.

G. REQUIREMENTS

Required qualifications, skills and experience for the international consultant:

- Advanced university degree in public administration, European studies, economics or related field
- Strong knowledge of EU accession policies/processes and work experience in pre-accession countries striving to fulfill EU requirements in the process of EU accession, preferably from the countries within the region.
- At least five years of experience in development of programmes in the area of European integration, accession to EU, including capacity building for negotiation of accession agreements etc.
- Experience in provision of policy advice to and coordination of policy advisory processes with Government representatives.
- Sound knowledge on results-based management
- Previous work experience in related areas with UNDP or other development organizations, preferably in the region
- Fluency in English (Russian or Romanian are an advantage)

Required qualifications, skills and experience for the national consultant:

- University degree in public administration, European studies or related fields
- At least five years of experience in the area of public administration, European integration and/or foreign affairs
- Sound knowledge/experience of EU accession process and Moldovan Foreign Policy and European Integration issues
- Previous work experience in related areas with UNDP or other development organizations
- Fluency in English, Russian and Romanian

H. TIMEFRAME

The detailed schedule of mission to Moldova will be discussed with the consultant prior to the assignment. The estimated duration of evaluators' assignment is up to 15 working days for each consultant. The final Project Document should be delivered by 15 December, 2009.

³ To be shared prior to the assignment

Indicative Assignment Schedule

Activity	Timeframe	Place	Responsible Party
Methodology, detailed work plan, and desk review	1 - 10 November, 2009 3 days	In house	UNDP CO, International consultant
Interviews, consultations Project brief and Presentation to UNDP and the Government counterparts	10 – 20 November, 2009 7 days	In Moldova	International consultant, local consultant
,Preparation and submission of 1 st draft of the ProDoc	20-25 November, 2009 3 days	In house	International consultant, local consultant
Feedback on draft ProDoc from partners and UNDP	25 - 30 November, 2009	In house	UNDP Moldova
Finalization of ProDoc. Presentation to stakeholders	5 December, 2009 2 days	On-line or In Moldova	International consultant, local consultant

I. BACKGROUND MATERIALS FOR CONSULTANTS

1. EU-Moldova Action Plan for 2005-2008
2. Monitoring Reports of EU-Moldova Action Plan, including from:
 - o Government of Moldova
 - o European Commission
 - o Independent Reports (from think tanks, other)
3. Government Decision no. 102, 09.02.2009 regarding the Approval of the Nominal Composition of the National Delegation of Negotiators of the new Agreement between Moldova and the EU
4. Report on structure of central administration involved into the negotiation process for a new Agreement between the EU and Moldova, Project “Building institutional capacities of the Ministry of Foreign Affairs and European Integration”;
5. National Development Strategy of the Republic of Moldova, 2008-2011
6. UNDAF Moldova 2007-2011
7. UNDP Moldova CPAP 2007-2011