



Empowered lives.
Resilient nations.

TERMS OF REFERENCE

International Consultant on parliamentary oversight

Job title:	International Consultant
Duty station:	Chisinau, Moldova
Reference to the project:	"Improving the quality of Moldovan democracy through parliamentary and electoral support"
Contract type:	Individual Consultant
Contract duration:	April - August 2016
Starting date:	April 11, 2016

Job content

1. BACKGROUND

The "Improving the quality of Moldovan democracy through parliamentary and electoral support" Programme, Parliament Component, further on referred to as the Democracy Programme, aims to enhance parliamentary capacity in carrying out its core functions, thus contributing to viable democracy and open society in Moldova. The project adopts a comprehensive, long-term approach to parliamentary development including strengthening of the legislature law-making, representation and oversight roles.

In accordance with the constitutional rules, Parliament is the highest representative body of the people and is the sole legislative authority in the state. The parliamentary oversight function is one of the cornerstones of democracy. According to Inter-Parliamentary Union, parliamentary oversight is defined as 'review, monitoring and oversight of government and public institutions, including implementation of policies and laws'.¹ Oversight is a means for holding the executive accountable for its actions and for ensuring that it implements policies in an effective manner.

However, to enable the Parliament to effectively and efficiently exercise its oversight and legislative functions, it is important that the legal framework offers sufficient legal basis and adequate tools and mechanisms to do that. The Parliament of Moldova's Rules of Procedure (RoP) and other regulations defining functions and competencies of parliamentary committees need to be adjusted to meet the present need for a comprehensive parliamentary oversight. Currently, parliamentary oversight of the government and other public authorities is limited and does not fully utilise opportunities for enhanced coordination between the Government's agenda and the work of the Parliament.² Additionally, the Parliamentary Committees that carry out the detailed scrutiny of draft legislation, oversight of government activities and ensure interaction with the public and external actors, shall have sufficient capacities to carry out their role.

In order to support the Parliament of the Republic of Moldova enhance its oversight role, the Democracy Programme is seeking to hire an international consultant on parliamentary oversight to support the work of selected parliamentary standing committees. The support will be provided in the context of parliamentary committee's role to control and eliminate excesses of authority beyond the mandate provided by laws by the government and other public institutions, as well as ensure that government policies and actions, with focus on budgetary cycle, are both efficient and commensurate with the needs of the public. Special attention will be put to improve Parliament's interaction with Court of Accounts when it comes to strengthening oversight capacities of the Parliament vis-à-vis management of public finances and auditing.

¹ Yamamoto H. (2007), 'Parliamentary Oversight Tools', Interparliamentary Union, Geneva, last accessed on March 14, 2016: <http://www.ipu.org/PDF/publications/oversight08-e.pdf>

² http://ec.europa.eu/enlargement/neighbourhood/pdf/key-documents/moldova_2014_2017_programming_document_en.pdf

2. OBJECTIVES

International consultant is expected to conduct an assessment of the legal framework regulating Parliament's oversight role, offer strategic advice on its further development, and provide substantive input and design effective instruments aiming to enhance parliamentary oversight in the Republic of Moldova.

Expected results:

- Selected Standing Committees' (especially legal affairs and budget committees') oversight and parliamentary practices related to budgetary oversight are improved based on Consultant's advice on experiences and good practices from other parliaments;
- Standing Committees' secretaries are better able to conduct their work effectively in accordance with international best practice; and
- A plan for continuous development of the committee capacities and practices is designed.

In order to achieve the stated objective, the Consultant will have the following responsibilities:

- 1 Prepare a detailed work plan to be applied for respective assignment:
 - 1.1 Undertake a comprehensive desk review of the relevant national legal framework, existing guidelines/manuals and reports detailing current practices on parliamentary oversight related to inquiry committees, oversight and reporting on implementation of legal acts, parliamentary questions, interpellations and hearings, as well as review of government's progress report and annual report of public authorities;
 - 1.2 Review national legislation on budgetary cycle and budgetary oversight;
 - 1.3 Conduct initial meetings with relevant Standing Committees, Office of the Speaker and staff from Parliamentary Secretariat;
2. Assess the existing oversight practices within the Committees, focusing on the legislative and budget committees, and provide recommendations for enhancing the oversight role:
 - 2.1 Conduct a capacity needs assessment and a comprehensive functional, structural and procedural review from the perspective of carrying out the parliamentary oversight function;
 - 2.2 Organise and lead a focus group discussion on parliamentary oversight tools with relevant practitioners;
 - 2.3 Based on the findings of the review provide recommendations and advise on:
 - sustainable and effective systems, processes and tools, including oversight hearings (inquiries), used by committees to conduct oversight of government performance, laws, policies and budget execution as per international best practices;
 - committee processes and procedures which may need revision to enable more efficient and effective work of committees;
 - mechanisms for committees to manage and process information that would support more effective and objective legislative decision-making including ways to measure/assess policy implementation against national development goals;
 - requirements in staff capacities to better assist committees with effective oversight activities and provide a list of relevant training for committees staff;
 - develop a road map towards improved committee performance with inclusion of sample committee oversight plans in line with international parliamentary oversight standards.
 - 2.4 The report containing detailed recommendations and suggested instruments and tools shall be discussed with the Parliament management and finalized in collaboration with relevant MPs, parliamentary committees and staff.
3. Provide support to the standing committees, with a particular focus on the Committee on Economy, Budget and Finance (CEBF), in carrying out budgetary oversight by means of enhancing the capacities of the members and staff and developing relevant documentation:
 - 3.1 Draft an assessment report on the cooperation between the Parliament of the Republic of Moldova and the Court of Accounts, identifying the loopholes in cooperation and providing recommendation to enhance the relationship;

- 3.2 Draft recommendations to be included in Parliament's Rules of Procedure (RoP) to enhance the cooperation between the Parliament and the Court of Accounts;
- 3.3 Provide expertise and on job assistance in the context of preparations and examination of the Court of Accounts reports;
- 3.4 Prepare and deliver practical training on the best practices regarding models of examining and follow-up on the Court of Accounts reports;
- 3.5 Develop a draft guideline to conduct public hearings discussing Court of Accounts' reports;
- 3.6 Provide analytical support in setting the criteria for the selection of an audit company to conduct the audit of the Court of Accounts
- 3.7 Prepare the concept and organise a 2-day workshop for the members of Parliament and representatives of the Court of Accounts to discuss better communication, cooperation and reporting to Parliament;
- 3.8 Provide guidance to the CEBF in organising public consultations to review Court of Accounts reports on usage of on public funds by state institutions
4. Provide guidance and analytical support to the Parliament to enhance the role and functioning of the parliamentary inquiry mechanism:
 - 4.1 Draft a briefing note for MPs to present best international practices in functioning of investigative committees and parliamentary inquiries;
 - 4.2 Prepare the concept and organise a 2-day workshop for MPs and parliamentary staffers on investigative committees and parliamentary inquiries;
5. Based on the findings of the desk review and subsequent assessment of existing regulations and practices, develop a draft handbook for committees on the methods of implementing effective oversight;
6. Propose a Plan for continuous development of the parliamentary committees' capacities and practices on parliamentary oversight
7. Undertake three Missions to Moldova during the period of April – July 2016:
 - 1st mission: last week of April
 - 2nd mission: second half of May
 - 3rd mission: last week of June - first week of July

3. KEY DELIVERABLES AND TENTATIVE TIMETABLE*

	Key deliverables:	Tentative timeframe/deadline
1.	A detailed Work Plan developed based on desk review of relevant documents and initial consultations with UNDP Moldova project staff and relevant Parliament of Moldova interlocutors	April 18, 2016
2.	<ul style="list-style-type: none"> • Report containing findings and recommendations for enhancing the oversight role of the standing committees developed and submitted for feedback to the Parliament; • Report with findings of the focus group discussions on parliamentary oversight tools, with relevant practitioners, developed and submitted for feedback to the Parliament. 	May 24, 2016
3.	Support to the Committee on Economy, Budget and Finance (CEBF), by means of enhancing the capacities of the members and staff provided: <ul style="list-style-type: none"> • Assessment report on the cooperation between the PRM and the Court of Accounts, identifying the loopholes in cooperation and providing recommendation to enhance the relationship developed; • Recommendations to be included in the RoP to enhance the cooperation between the Parliament and the Court of Accounts developed; • Expertise and on job assistance in the context of preparations and examination the Court of Accounts reports provided; • Practical training on the best practices regarding models of examining the Court of 	June 30, 2016

	Accounts reports delivered; <ul style="list-style-type: none"> • Draft guideline to conduct public hearings to discuss Court of Accounts reports developed; • Analytical support in setting the criteria for the selection of an audit company to conduct the audit of the Court of Accounts provided; • Workshop for the members of Parliament and representatives of the Court of Accounts to discuss better communication, cooperation and reporting to Parliament delivered; • Guidance to the CEBF in organising public consultations to review Court of Accounts reports on usage of public funds by state institutions provided. 	
4.	Briefing note for MPs to present best international practices in functioning of investigative committees and parliamentary inquiries developed	July 10, 2016
5.	Workshop for MPs and parliamentary staffers on investigative committees and parliamentary inquiries developed	July 20, 2016
6.	Draft handbook for committees on the methods of implementing effective oversight developed	August 15, 2016
7.	Plan for continuous development of the committee capacities and practices designed	

4. INSTITUTIONAL ARRANGEMENTS

The consultant will work under the guidance of the UNDP Parliamentary Specialist for substantive aspects of the assignment, and under the direct supervision of the Senior Project Officer – for administrative aspects. The consultant will report to the Parliament appointed representative and the Parliamentary Specialist of UNDP Democracy Programme.

The consultant will work closely with the Parliament's senior management and Parliamentary Committee on Economy, Budget and Finance and Committee on Legal Affairs and Immunities.

All communications and documentation related to the assignment will be in English. Before submission of the deliverables, the consultant will discuss the draft documents with the parties involved (i.e. Parliament, UNDP and other stakeholders) so that final products reflect their comments.

The timeframe for the work of consultant is tentatively planned through April - August 2016. The Parliament will provide consultant with working space, access to Internet, a printer and a telephone line.

Financial arrangements: Payment will be disbursed in two instalments upon submission and approval of deliverables and certification by UNDP Parliamentary Specialist and UNDP Programme Manager in cooperation with the Parliamentary Committee on Economy, Budget and Finance and Committee on Legal Affairs and Immunities, that the services have been satisfactorily performed.

5. QUALIFICATIONS AND SKILLS REQUIRED

I. Academic background:

- Master degree or equivalent in social and/or political sciences, public and/or business administration, law, management, economics or related discipline.

II. Work experience:

- A minimum of 7 years of relevant working experience in the area of parliamentary oversight, including budget oversight;
- At least 3 years of proven experience in organizing, facilitating and conducting seminars, trainings and round tables with state institutions/agencies/organizations;
- Experience within a parliamentary administration (in senior positions, such as: head of department, senior advisor etc.), or extensive experience as a parliamentarian will be a strong asset;
- Experience of working in former CIS countries will be an asset.

III. Competencies:

- Excellent drafting and analytical skills;
- Previous experience providing support to parliamentary committees in a transition country context, including experience in conducting a capacity needs assessment and review of parliamentary committee system with focus on oversight role;
- Proven knowledge budgetary and oversight tools, public accounts' oversight and related research and mechanisms available to parliament. Thorough understanding of the oversight of public spending;

- Extensive knowledge and experience with public consultation tools and process and public hearings;
- Proficiency in English. Knowledge of Romanian and/or Russian is considered an advantage.

Proven commitment to the core values of the United Nations, in particular, respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status.

6. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS:

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

- a. Proposal: explaining why they are the most suitable for the work including past experience in similar Projects (please provide brief information on each of the above qualifications, item by item);
- b. Financial proposal (LUMP SUM) in USD, specifying in a total requested amount per day, number of days needed to complete the assignment, including all related costs, travel, phone calls etc.);
- c. Duly completed P 11 form, personal CV and at least 3 references.