



TERMS OF REFERENCE

National Consultant on parliamentary oversight

Job title:	National Consultant on parliamentary oversight
Duty station:	Chisinau, Moldova
Reference to the project:	"Improving the quality of Moldovan democracy through parliamentary and electoral support"
Contract type:	Individual Contract (IC)
Expected duration of the assignment:	Up to 35 days within a 4 months assignment (May – September 2016)
Starting date:	May, 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 a national consultant to offer support to the 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.

2. OBJECTIVES

The expected output for the national consultant's assignment is to support the international consultant by providing substantive and administrative support, in the process of carrying out the assessment of the legal framework regulating Parliament's oversight role, providing substantive input and designing effective instruments aiming to enhance

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

parliamentary oversight which are in line with or can be interpreted in future in the national legislation of the Republic of Moldova.

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

1 Provide substantive input to a detailed work plan to be applied for respective assignment:

1.1 Identify and submit to the international consultant on parliamentary oversight 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 Identify and provide to the international consultant on parliamentary oversight the relevant national legislation on budgetary cycle and budgetary oversight;

1.3 Identify key stakeholders and facilitate initial meetings with relevant Standing Committees, Office of the Speaker and staff from Parliamentary Secretariat and other relevant institutions and CSOs

2. Provide analytical and administrative support in the process of assessing the existing oversight practices within the Committees, focusing on the legislative and budget committees:

2.1 Provide support in drafting the questionnaires and instructions for conducting the capacity needs assessment;

2.2 Provide support in the process of drafting the relevant tools and instructions for carrying out a comprehensive functional, structural and procedural review from the perspective of carrying out the parliamentary oversight function;

2.3 Provide advice and facilitate organisation of a focus group discussion on parliamentary oversight tools with relevant practitioners;

2.4 Based on the findings of the review, provide support to the international consultant in shaping the recommendations and advise on the issues above described, so that these are in line with the national legislation and standards of the Republic of Moldova:

- 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 but not limited to

- 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.

2.5 Provide support to the international consultant in the process of developing the report containing detailed recommendations and suggested instruments and tools. Facilitate discussions and consultations with the Parliament management.

3. Assist the international consultant in supporting 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 Provide support to the international consultant by collecting data and information for developing the assessment report on the cooperation between the Parliament of the Republic of Moldova and the Court of Accounts;

3.2 Identify relevant stakeholders and facilitate fact finding meetings in the context of carrying out the assessment of the cooperation between the Parliament of the Republic of Moldova and the Court of Accounts;

3.3 Carry out proof reading and shaping of the draft recommendations to be included in Parliament's Rules of Procedure (RoP) to enhance the cooperation between the Parliament and the Court of Accounts, in line with the standards of national Moldovan legislation;

3.4 Provide expertise and on job assistance in the context of preparations and examination of the Court of Accounts reports;

3.5 Prepare and facilitate organisation of the practical training on the best practices regarding models of examining and follow-up on the Court of Accounts reports;

3.6 Provide substantive support from the national legislation perspective in the process of developing the draft guideline to conduct public hearings discussing Court of Accounts' reports, ensuring compliance with the requirements of the national legislation as to the format and content of the document;

3.7 Facilitate organisation of 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, by means of developing informative notes on the issues which will be submitted for the public hearings, collecting data and information as well as facilitating the organisation of the hearing.

4. Provide support to the international consultant in the process of offering guidance and analytical support to the Parliament to enhance the role and functioning of the parliamentary inquiry mechanism:

4.1 Provide support to the international consultant in the context of preparation and delivery of the 2-day workshop for MPs and parliamentary staffers on investigative committees and parliamentary inquiries;

5. Provide support to the international consultant on oversight in the process of drafting handbook for committees on the methods of implementing effective oversight:

5.1 Ensure the compliance of the handbook with the existing regulations and practices;

5.2 Ensure legal proof reading of the translated document and collect feedback from the beneficiary regarding the draft handbook.

6. Provide upon necessity ad-hoc translation of legislative documents relevant for the activity of the international consultant as well as interpretation during meeting and interviews.

3. KEY DELIVERABLES AND TENTATIVE TIMETABLE

	Key deliverables:	Tentative timeframe/deadline
1.	A joint detailed Work Plan, in consultation with UNDP and international consultant, developed;	May 30, 2016
2.	Analytical and administrative support to the international consultant in the process of assessing the existing oversight practices within the Committees, focusing on the legislative and budget committees provided;	July 30, 2016
3.	Support to the international consultant in drafting the Report containing findings and recommendations for enhancing the oversight role of the standing committees provided;	
5.	Support in preparation and delivery of the workshop for MPs and parliamentary staffers on investigative committees and parliamentary inquiries provided;	September 9, 2016
6.	Support to the international consultant in the process of drafting handbook for committees on the methods of implementing effective oversight provided;	

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 international consultant on parliamentary oversight, Parliament's senior management and Parliamentary Committee on Economy, Budget and Finance and Committee on Legal Affairs and Immunities.

Language

All communications and documentation related to the assignment will be in English and Romanian. 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.

Timeframe

The timeframe for the work of consultant is tentatively planned through May - September 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 Qualifications:

- Master degree or equivalent (5 year university degree) in social and/or political sciences, public and/or business administration, law, management, economics or related discipline.

II. Work experience:

- A minimum of 5 years of relevant working experience in the area of good governance and/or budget oversight;

- At least 2 years of proven experience in organizing, facilitating and conducting seminars, trainings and round tables with state institutions/agencies/organizations;
- Experience in comparative analysis, research, assessment on the implementation of the anti-corruption legislation and policies would be an advantage;
- Experience in organizing public events, workshops and roundtables at the Parliament or Government level will be strong asset.

III. Competencies:

- In-depth knowledge of national legislation and regulations on parliamentary oversight, budgetary cycle and budgetary oversight;
- Strong analytical and drafting skills;
- Ability to analyze, plan, communicate effectively orally and in writing, draft report, organize and meet expected results, adapt to different environments (cultural, economic, political and social);
- Fluency in Romanian and English. Knowledge of Russian will be an asset.

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.