

Joint Integrated Local Development Programme**Terms of Reference**

Job Title: National Consultant to provide legal support to the Working Groups of the Parity Commission and the State Chancellery.

Duty Station: Chisinau Moldova

Reference to the project: Joint Integrated Local Development Programme

Type of Contract: Individual contract

Starting Date: 11 March, 2013

Duration of Assignment: 12 months, estimated workload 240 days

Job Content**I. BACKGROUND**

The Government of Moldova (State Chancellery) in partnership with the UNDP and UN Women are implementing since 2007 several phases of the Joint Integrated Local Development Programme (JILDP) funded by the Government of Sweden. The JILDP was designed to improve the policy framework, as well as to support the administrative systems and procedures focused on efficient transfer of competencies to Local Public Administrations (LPAs), decentralization and promotion of LPAs' role in decision making. It also helps in building the capacity of LPAs to plan, implement and monitor their strategic plans and improve local public service delivery, involving civil society and community efforts and participation. Actions in the project seek to secure positive change in areas of human rights, tackling social exclusion and ensuring gender equality.

Starting with 2013, a new phase of JILDP is being implemented. With the adoption of the Decentralisation Strategy an overarching framework for decentralization in the country has been created. The JILDP will provide central and local public authorities with the support mechanism to implement this strategy. This will include the support to the elaboration of sector-specific strategies to outline the details in these sectors and the assistance to different institutions in the practical arrangements to actually implement the strategy. JILDP will support the Central government to ensure the functionality of relevant units to lead the reform: the Decentralization Policies unit at the State Chancellery, to coordinate the implementation of the entire decentralization Strategy, and the Intergovernmental fiscal policies unit at the Ministry of Finance, to lead, monitor and adjust the financial aspects of the reform. It will also assist the Special Parliamentary Commission on decentralization in legal drafting and adjustment. In order to improve the knowledge and skills of the local officials, JILDP will partner and improve the capacity of the Academy of Public Administration.

II. SCOPE OF WORK AND EXPECTED OUTPUTS

JILDP/UNDP seeks National Consultant (hereinafter Consultant) in order to provide legal expertise, review relevant existing legislation as well as draft laws and regulations, identify gaps and inconsistencies, develop proposals for ensuring removal of legal, administrative and fiscal barriers for improving the regulatory

framework for an efficient and effective decentralization. The Consultant will provide legal support to the Working Groups of the Parity Commission and the State Chancellery to amend and develop draft laws and regulations, as well as other normative or policy documents in the field of decentralization.

The assistance will be provided in compliance with relevant international legal and regulatory frameworks Moldova is part of, and specifically with particular emphasis on Human Rights Based Approach (HRBA) and Gender Equality (GE) principles.

III. TASKS AND WORKLOAD

Tasks and Activities	Estimated workload
1. Draft normative acts for approval by Government regarding: (a) Methodology for administrative capacity assessment of the local public authorities; (b) Classification of LPA competences; (c) Policy paper on granting it to certain –raion-center towns; (d) amendment of the existing legal framework regarding the coordination of the deconcentrated services.	60 days
2. Provide legal assistance to the Division for decentralization policies of the State Chancellery, in particular for the examination and submission of opinions during the review process of sectoral Strategies (social services, education, communal services, etc).	30 days
3. Offer permanent legal support for the activity of the Sectoral Working Groups of the Parity Commission on Decentralization (Ministry of Finance; Ministry of Economy; Ministry of Education; Ministry of Environment, Ministry of Regional Development and Constructions, Ministry of Internal Affairs) ensuring the elaboration of sectoral policy documents based on the principles stated in NDS.	50 days
4. Provide permanent legal assistance for the Division for decentralization policies of the State Chancellery in the process of examination and submission of opinions on draft laws and other normative acts.	80 days
5. Provide technical and legal support to the State Chancellery during the public consultations process of the Decentralization policy documents	20 days
Total up to	240 days

IV. DELIVERABLES AND TIMEFRAME

Deliverables	Deadline
1. Monthly report on activities performed	Monthly
2. Draft normative acts presented for approval by Government regarding: (a) Methodology for administrative capacity assessment of the local public authorities (d amendment of the existing legal framework regarding the coordination of the deconcentrated services	30 March 2013
3. Draft normative acts for approval by Government regarding: (a) Classification of LPA competences; (b) the amendment of the existing legal framework regarding the coordination of the deconcentrated services.	30 June 2013
4. Reports on the legal support provided to the Sectoral Working Groups of the Parity Commission on Decentralization, ensuring the elaboration of sectoral policy documents.	15 July 2013 15 January 2014
5. Opinions on drafts of the sectoral strategies and draft amendments to local government laws and other normative acts.	At least 2 opinions per each month
6. Final Activity report	15 February 2014

The timeframe for the assignment of the Consultant is tentatively March 2013 – March 2014. The consultant will be placed at the State Chancellery. The State Chancellery will provide the Consultant with working space, access to Internet, printer and telephone line.

The Consultant will work in close collaboration with the staff of State Chancellery, the Working Groups of the Parity Commission, the JILDP International Consultant on policy issues – for substantive aspects of the assignment, and the JILDP Programme Manager – for administrative aspects. The Consultant will report to the State Chancellery's appointed representative and the JILDP Programme Manager. Monthly progress reports will be presented to the JILDP Programme Manager and State Chancellery's appointed representative.

V. QUALIFICATIONS AND SKILLS REQUIRED

Qualifications:

- University Degree in Public Law, Public Administration or other relevant fields;

Experience:

- Minimum 5 years' experience in legal assistance (consultancy, advice and litigation) to local governments and/or public institutions;
- Experience in policy and/or legal drafts development;
- Proven experience in working with the international organizations (successful experience in working with UN agencies is an asset);
- Previous experience in human rights and gender equality analysis of national legislation;

Abilities:

- Demonstrated capacity of team-orientation work, excellent planning and organizational skills;
- Strong communication and inter-personal skills; including the ability to effectively communicate with persons from a variety of backgrounds;
- Advanced knowledge of both domestic and European public legislation;
- Ability to achieve results and deadlines in a timely manner, maintaining a high standard throughout;
- Fluency in both oral and written Romanian and knowledge of English ;