



TERMS OF REFERENCE

Job title:	National consultant to review the legislation regulating the Parliament of Moldova oversight mechanisms of the security sector
Duty station:	Chisinau, Moldova
Reference to the project:	"Support to Parliamentary Development in Moldova"
Contract type:	Individual Contract (IC)
Expected workload:	45 days
Starting date:	August, 2012

Job content

I. Background

The "Support to Parliamentary Development in Moldova" Project 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 legislatures law-making, representation and oversight roles.

In accordance with 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. 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 parliament to effectively and efficiently exercise its oversight and legislative functions, it is important that the legal framework is offering enough tools and mechanisms to do that.

The Parliamentary Rules of Procedure and other regulations defining functions and competencies of parliamentary committees are outdated and do not reflect the reality anymore. In order to identify gaps and deficiencies within the current legal framework regulating the parliamentary oversight function over security sector, there is a need to make a thorough assessment of its correspondence to international and European regulations. Within the Parliament of the Republic of Moldova a special standing committee is primarily responsible for systematically overseeing the government in the areas of national security, defense and public order. The results of the expected expertise will help the Committee on national security, defense and public order to better define its activities, plans and adjust the legal framework regulating the security sector.

II. Scope of work and expected outputs

The expected output for the national consultant's assignment is to review the legislation regulating the Parliament of Moldova oversight mechanisms of the security sector.

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

- Undertake a comprehensive desk review of the relevant national legal framework, relevant studies, researches, reports, EU/international best practices regarding parliament's oversight of the security sector;
- Analyze similar regulations, experiences in other national European Parliaments, look for recommendations developed by international organizations (i.e. IPU/DCAF)
- Prepare a detailed work plan to be applied for respective assignment;
- Undertake and facilitate interviews with the key stakeholders, Members of the Parliament and with parliamentary staff;

- Review the legislation regulating the Parliament of Moldova oversight mechanisms of the security sector. Support the international consultant in developing of a Report containing findings and specific recommendations for follow-up activities;
- Overview the current capacities and practices of the parliamentary oversight and identify key challenges and recommendations for an efficient and reliable comprehensive oversight of the security sector;
- Organize a Roundtable discussion with MPs, parliamentary staff;
- Actively participate in the discussion of the delivered results (developed documents) with Parliament and advocate for them;
- Support the international consultant in organizing a one day training on parliamentary oversight mechanisms over security sector;
- Coordinating with the Parliamentary Committee on national security, defense and public order during the process of drafting.

III. Deliverables and Timeframe

Nr.	Deliverables	Tentative timeframe/deadline
1.	A detailed Work Plan developed	By 27 August, 2012
	A draft Report on parliamentary oversight of the security sector in Moldova developed*	By 28 September, 2012
2.	One day training on parliamentary oversight mechanisms of the security sector organized	By 23 October, 2012
3.	A round table discussion on the draft of the Report on parliamentary oversight of the security sector in Moldova organized	By 24 October, 2012
4.	Analyze comments and suggestions regarding the draft Report on parliamentary oversight of the security sector in Moldova. Complete and present the final Report.	By 26 October, 2012

* **The Report should include**, but is not limited to, the following:

- An overview of the current structure and practices in parliamentary oversight of the security sector;
- The role and competences of the Committee on national security, defence and public order;
- The legal framework which regulates the relations between the security institutions and the Parliament: the Constitution of the Republic of Moldova, Parliament's Rules of Procedure, Law on National Defence, Law on Intelligence and Security Service, Law on Border Police, Law on State Secrets, National Security Strategy of the Republic of Moldova etc. (the final list of laws to be agreed with the Committee on national security, defence and public order);
- The reporting mechanisms Security institutions-Parliament;
- Necessity for Increased Capacities for Parliamentary Oversight over security sector. Best international and European practices;
- Internal and political accountability mechanisms needed. Coordination and Cooperation of Committees;
- A list of Findings and Recommendations for follow-up activities.

All the deliverables have to be coordinated and agreed by Parliamentary Committee on national security, defence and public order and provided in English, hard and electronic copies.

The timeframe for the work of national consultant is tentatively planned through August – October 2012.

Management Arrangements: The national consultant will work under the guidance of UNDP's counterpart at the Parliament of Moldova and in close cooperation with the Chief Technical Advisor and with selected international consultant – for substantive aspects of the assignment, and under the direct supervision of the Project Manager – for administrative aspects. The national consultant will report to the Parliament appointed representative and the Project Manager.

The consultant will work closely with the Parliament's staff and parliamentary Committee on national security, defense and public order, and, upon the need, will be located in the premises of the Parliament.

Financial arrangements: Each candidate will be required to submit an aggregated financial offer ("aggregated financial offer" is the total sum of all financial claims of the candidate for accomplishment of the task). Payment will

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be disbursed in two installments upon submission and approval of deliverables and certification by the Project Manager that the services have been satisfactorily performed.

IV. Qualifications and skills required:

Qualifications:

- University / Master degree in Law;
- At least 5 years of relevant professional experience related to security sector and oversight mechanisms;

Experience:

- In-depth knowledge and understanding of the security sector in general and in Moldova specifically;
- Experience in comparative analysis, research, assessment on the implementation of the international legislation and policies;
- Experience in working with government institutions, international organizations (successful experience in working with UN agencies is an asset);
- Knowledge of the parliament or government institutions;

Abilities:

- 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).
- Availability to work with UNDP and Parliament during the indicated /approved period;
- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Fluency in English and Romanian. Knowledge of Russian will be an asset.

Skills:

Computer literacy and ability to effectively use office technology equipment, IT tools.

Documents to be included when submitting the proposals: Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Proposal: explaining why they are the most suitable for the work;
2. Financial proposal;
3. Personal CV including past experience in similar projects and at least 3 references.