



## **Government of the Republic of Moldova**

## **United Nations Development Programme**

### **Strengthening Institutional Capacity of the Parliament of the Republic of Moldova**

This project aims at supporting the Parliament of Moldova in strengthening the institutional capacity to perform its constitutional (lawmaking, representative and oversight) functions in a more transparent and efficient manner, thereby contributing to increasing public confidence in the Parliament, establishment of the rule of law and good governance.

Providing activities targeted to each of the Parliament's constitutional functions, the project will contribute to development of its institutional capacity, transparency and effectiveness of legislative structures, systems and processes, as well as expansion of knowledge of legislators and staff.

## SIGNATURE PAGE

Country: **Republic of Moldova**

UNDAF Outcome(s)/Indicator(s): \_\_\_\_\_

(Link to UNDAF outcome., If no UNDAF, leave blank)

Expected Outcome(s)/Indicator (s):

***Strengthened Parliament's institutional capacity to perform its constitutional (lawmaking, representative and oversight) functions in a more transparent and efficient manner.*** (MYFF Service Line 2.2 Parliamentary Development)

**Indicator 1: Lawmaking function**

- Length of time in making Bills into laws.
- Number of laws exposed for public comments in reasonable time, debated with NGOs/CSOs and approved, taking into consideration the comments provided/international standards.
- Share of Bills that originated in Parliament and in the Executive.

**Indicator 2: Oversight Function**

- Improved procedures and hearings on law enforcement/budgetary oversight.

**Indicator 3: Representation Function**

- Types and frequency of contacts between the Parliamentarians and constituents over the legislative period.

Expected Output(s)/Indicator(s):

***Parliament's institutional capacity, transparency and effectiveness of legislative structures, systems and processes developed and knowledge of legislators and staff expanded.***

**Indicator 1.** Skills of at least 30% of legislators/staff on lawmaking and oversight techniques, procedures and processes in compliance with the international standards are improved

**Indicator 2.** Systems and processes for legislative research and outreach (information, dissemination and responsiveness to citizen constituents) are put in place, including Parliamentary forums for public comment on Bills, expanded library resources etc.

**Indicator 3.** Internal management systems are improved.

Executing Agency: **Parliament**  
(designated institution)

Other Partners: **Government, Civil Society Organisations, Donor Community**  
(formerly implementing agencies )

Programme Period: 2002-2006  
Programme Component: Fostering Democratic Governance  
Project Title: Strengthening Capacity of the Parliament of Moldova  
Project ID: 00041115  
Project Duration: 2005-2007  
Management Arrangement: NEX

Budget: **USD 1,103, 620**  
General Management Support Fee \_\_\_\_\_  
Allocated resources: \_\_\_\_\_

- Government \_\_\_\_\_
- Regular **USD 400,000**
- Other:(including in-kind contributions)
  - Donor \_\_\_\_\_
  - Donor \_\_\_\_\_
  - Donor \_\_\_\_\_

Unfunded budget: **USD 703,620** \_\_\_\_\_

**Agreed by (Government):** \_\_\_\_\_  
Minister of Economy

**Agreed by (Executing Agency):** \_\_\_\_\_  
Chairman of the Parliament

**Agreed by (UNDP):** \_\_\_\_\_  
UNDP Resident Representative

## Introduction

The conditions of Moldova's development in the last decade affected also the Parliament's capacity to exercise its constitutional functions. Today, the Parliament has only limited capacity to effectively review the state's budget and hold Government accountable for its use of the national resources. Similarly, Parliament's ability to review draft legislation does not guarantee that its inputs strengthen the rule of law and the internal consistency of the country's legal framework. The Parliamentary committee system is in need of strengthening, as is Parliament's civil service.

The country's proportional electoral system, based on nation-wide party lists, does not allow members of Parliament to represent specific local interests. The people of Moldova find it equally difficult to hold individual members of Parliament (MPs) accountable for their decisions in Parliament. Information about the work of Parliament and MPs is limited and fails to reach many of the rural areas where a majority of Moldova's population lives. This poor communication flow can only widen the existing perception of disparity between urban (topmost the capital city, Chisinau) and rural areas in both income and economic activities on the one hand and access to social services on the other. As a result, the Parliament runs the risk of being perceived as isolated from the realities of life in Moldova's villages and small towns, since citizens are not always aware of national efforts to support them. This contributes to lack of confidence in the country's institutions.

In mid 2004, as part of the mid-cycle review and discussion with the UNDP National Coordinator - the Minister of Economy - of development priorities which UNDP should focus on over the next several years, the support to the Parliament was recognised as a high priority. Specific requests for UNDP support in this area were made by high officials of the Parliament. A UNDP regional advisor (Mr. Sergei Sirotkin) undertook a fact-finding mission shortly after and following his recommendations specialised needs assessment was carried out in December 2004 by an international expert - Mr. Geoffrey Dubrow, Director for Eastern Europe of the Parliamentary Centre of Canada. Recommendations from the HURIST Programme Review Mission<sup>1</sup> were applied to the design of the project. Further consultations have taken place between the UNDP and the Parliament of the Republic of Moldova, including the Speaker, Director General of the Secretariat and Chairmen of the Standing Committees, Leaders of Factions and Chiefs of the Secretariat's main departments. The experts and UNDP Moldova representatives also consulted the Ministry of Justice, representatives of NGOs, mass-media and donors.

These preparatory exercises led to the identification of four main areas where support is required:

1. Legislative functions
2. Oversight functions
3. Transparency and contacts with civil society
4. Internal Management

Building the project activities around these four areas will respond to priority development needs of this institution and will also ensure ownership and sustainability of the desired development change.

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<sup>1</sup> The missions concluded Assessment Reports with a set of recommendations that are/shall be available at UNDP Moldova.

### 1.1. Country Background

Moldova's transition to a market-based economy since gaining independence in 1991 has been slow and difficult: significant internal political divisions within successive governments delayed structural reforms. The cumulative decline of the economy during 1990-2000 exceeded 60% (second only to Tajikistan among transition economies). Moldova is a low-income country, with an HDI<sup>2</sup> of 0.681 (on the 113<sup>th</sup> position out of 177 countries), which places Moldova in the group of countries with medium human development level. Behind these data are a poor quality of governance, a high level of corruption, and multi-dimensional poverty<sup>3</sup> (rooted in acute differentiation of income, unemployment, out-migration of labour force, brain-drain etc.), registering highest rates in small towns and rural areas. About 600,000 people, or 37% of the total active population, left the country searching employment abroad<sup>4</sup>.

The Public Opinion Barometer, carried out since 1998, consistently shows that most citizens are not satisfied by the quality of governance in the Republic of Moldova and does not trust most state institutions.<sup>5</sup> 63% of respondents in the November 2004 survey replied that they are not satisfied with the political life in the country and 56% of respondents thought that things in the country are going in the wrong direction. A majority of respondents (52.6%) have expressed little trust for the Parliament and invoked its transparency. Thus, a challenge for the Parliament is to raise the level of transparency in order to gain public trust, given that most of the population knows little about legislature's agenda and activity.

The Government of Moldova has undertaken in the last several years a number of steps which, if implemented successfully, could lead to reduction of poverty and inequality levels, sustained economic growth and better governance. The Economic Growth and Poverty Reduction Strategy (EGPRSP) was approved by the Parliament in November 2004, providing a medium-term framework for social and economic development, and linking with longer-term objectives of attaining by 2015 the MDGs targets for the country; the EU-Moldova Action Plan was signed on February 22, 2005, providing a medium term framework for the political dialogue with the EU and responding to the European integration aspirations of the country<sup>6</sup>. Their implementation contributes to the achievement of common development objectives of the country. The leadership of the country confirmed its commitment to the implementation of these strategies, and the role of the Parliament in this regard is a distinct and important one. Therefore, this proposed project comes at a good time to support a key national institution and strengthen its capacity in the implementation of Moldova's medium-term development priorities.

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<sup>2</sup> Human Development Report 2004 (<http://www.undp.md>)

<sup>3</sup> WB Poverty Assessment and poverty in Moldova reports, 2004

<sup>4</sup> Data released by the Department of Migration.

<sup>5</sup> Public Opinion Barometers is a yearly survey carried out on the basis of the same questionnaire; it is managed by the Institute for Public Policies, [www.ipp.md](http://www.ipp.md)

<sup>6</sup> For more information, please see the EU-Moldova Action Plan available at: <http://europa.eu.int/>

## 1.2. Role and Structure of the Parliament in Moldova

The first free multi-party parliamentary elections in the country took place in February 1994. This Parliament gave the country a new Constitution, according to which, the *Parliament* is "the highest representative organ of the people of the sole legislative authority of the State in the Republic of Moldova". The members of Parliament (MPs) are elected for a 4-year term. Since 2000 Moldova is a parliamentary republic; thus, the Parliament elects the President, appoints the Prime Minister and approves the Cabinet.

Along with the Constitution of the Republic of Moldova, the legal framework of the Parliament is guided by the Electoral Code, the Law on the Status of the Member of Parliament and the Law on the Adoption of the Parliamentary Rules (Rules of Procedure). The Law on the Adoption of the Parliamentary Rules (Rules of Procedure) was adopted in 1996. The mission revealed that there are eight versions of changes to the rules of procedure circulating in the Parliament and it is expected that the Parliament elected in the spring of 2005 would adopt the final rules of procedure that synthesise the best practices included in the draft versions under discussion. The Council of Europe has also recently reviewed the Parliament's current rules of procedure and has recommended changes.

In 1997, when the Electoral Code was developed, the MPs insisted on preserving the full proportional system on the grounds that a limited proportional system would not permit the citizens from Transnistria to participate in elections. The system does not contain any majority-oriented elements and allows parties, electoral blocs of two or more parties and/or socio-political organizations and independent candidates to compete with each other and to nominate candidates. The Electoral Code contains a set of thresholds based on valid votes: 3% for independent candidates, 6% for parties; 9% for a bloc of two parties and 12% for a bloc of more than two parties. There is also a threshold for the validity of the parliamentary elections: elections are invalid if less than half of the voters included on the voter rolls participated in them. The country forms only one constituency where the citizens of Moldova vote on the basis of universal, equal, direct, secret and freely expressed suffrage. A survey of twenty Eastern European countries demonstrates that Moldova has the second-highest threshold after Georgia and the highest threshold for a system using only proportional representation.

The Parliament has one chamber and consists of 101 members. As a result of the last elections of 6 March 2005, the elected 101 MPs formed 4 parliamentary factions: Communists' Party of the Republic of Moldova Faction - 56 MPs, "Alianta Moldova Noastra" Faction - 23 MPs; Christian Democratic People's Party Faction - 11 MPs, Democratic Party of the Republic of Moldova Faction - 8 MPs) and 3 independent MPs. In terms of gender representation, 22 MPs are women and 79 MPs are men.

The Parliament exercises its powers through its sessions, standing committees and special committees, parliamentary party fractions, which have specific responsibilities, structure and procedures. There are 9 standing committees.<sup>7</sup>

The Members of the newly constituted Parliament adhered to the Declaration of Political Partnership for four years (2005-2009) to achieve the objectives of European integration (further Declaration),

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<sup>7</sup> Details can be found at <http://www.parliament.md/structure/>.

which sets the ground for political partnership in achieving/undertaking the following prioritized joint actions:

- a) Implementation of the Action Plan EU – Moldova
- b) Peacefully and democratically resolve Transdniestrian conflict
- c) Strengthening the rule of law and democratic norms
- d) Ensure the independence of the judiciary system
- e) Fight corruption
- f) Foster mass media
- g) Contribute to social development and poverty reduction
- h) Improve investment climate
- i) Full-fledged development of the state language as well as the development of languages and cultures of national minorities.

It was for the first time in the recent history of Moldova after the declaration of independence in 1991 that MPs reached consensus on such a large spectrum of sensitive issues which previously provoked huge conflicts.

In the view of improving the Legislature's work, the Parliament has identified 4 priorities: 1) overall improvement of the Legislature's work; 2) strengthening and development of the interaction among the Parliament, the President's office and the Government; 3) identification of the foreign policy priorities; 4) ensuring a greater transparency of the Legislature.

The Parliament meets in two ordinary sessions per year. The first parliamentary session starts in February and may not go beyond the end of July. The second parliamentary session starts in September and may not go beyond the end of December. Special sessions of the Parliament may be convened if the President proclaims a state of emergency or war or at specific requests of the President, Speaker of the Parliament or a third of MPs. According to the article 65 of the Constitution, the Parliament sessions are public, but the Parliament may decide to hold certain sessions behind closed doors. The practice shows that in most cases the access to sessions is limited for both the public and mass-media.

The 101 Members of Parliament are supported by 194 staff which form the **Parliament's Apparatus (Secretariat)**; its primary duty is to ensure an organizational, informational and technological assistance to the activity of the Parliament, the Standing Bureau, standing committees, and parliamentary factions and deputies. The structure and numbers of Secretariat's personnel is approved by the Parliament. The Secretariat is headed by the Director General and has the following subordinated units:

- The Legal Department
- The Parliamentary Documentation Department
- The Administrative Department
- The Department for External Parliamentary Relations
- The Service for Information, Analysis and Forecasts
- The Press and Image Service
- Audiences and Petitions Service
- The Personnel Service
- Councillors

The Director General has two deputies, one responsible for the administration and one covering documents and document flows.

The **Legal Department** reports to the Director General. The department has 2 sections: the Public Law Section (with four subunits per areas of law) and the Private Law Section (with 2 subunits). The Legal Department provides legal assistance to MPs, conducts analysis (“expertise”) of draft legislation divided by public law, private law and international law. At present, the capacities of Legal Department in assessing Moldovan draft legislation for its conformity with EU standards are very limited. As this is one of the key activities, strengthening capacities is imperative.

The **Parliamentary Documentation Department** is responsible for preparing all materials for parliamentary sessions, and includes sections for preparing the sessions of Parliament (typing and copying bureaux), a section on parliamentary procedures, an “editorial office”, and the archive. The observation of the mission regarding this department was that most operations are performed manually, including registration of draft bills received and tracking of legislation. This situation makes it difficult to achieve such objectives as providing the public with timely information about draft laws coming up for debate and consideration by Parliament. Automating these processes would help feed this information to other units of the Parliament in a faster and more systematic manner

The **Administrative Department** includes the Finance section, the Logistics section, and the Information and Network Management section. A major capacity bottleneck is the fact that the Parliament is not automated. Most of the Administrative Department’s operations are performed manually (although a very detailed and precise system exists) and there is no shared drive in the Parliament. This Department manages the Parliament’s IT network, and in this context one of the tasks is to provide the Secretariat with necessary databases (for the evidence and storage of legislation, documents’ flow, etc.), which currently does not exist. Additionally, digitising the Archive would be a welcome improvement. Moreover, the obsolete equipment used by the Parliament’s plenary hall dates back to the 1970’s and needs to be replaced. The conclusion is that upgrading of the equipment and of the network managing systems is necessary.

The **Information & Analysis Service** including the Library, has a total staff of 7 people. The Service answers public queries, elaborates analytical, synthesis and documentation materials concerning legal, economic, finance and social problems, provides information and library service to the Speaker, Deputy Speakers, MPs and staff. The Library has little information on EU norms, legislation and experience of other EU countries. The collection of laws and political/economic literature continues to be oriented towards the countries with linguistic ties, namely Romania, Russia, Ukraine and Belarus. A collection of Soviet era laws and literature takes up most of the space. The two librarians do not speak EU languages (like French, English, German), and slow internet capacity in the library makes research cumbersome. The Library does not have subscriptions to economic/social/political databases that could provide information on European best practices. The library receives on average 20 verbal requests and three written requests per day.

**The Press and Image Service** ensures the communication of the parliament with mass media and, together with the Information & Analysis Service, contributes to promoting the transparency and the image of the parliament through available means and methods. One of these is the web page which needs to be modernised and developed. It is also necessary to publish the parliamentary Bulletin as a periodical edition in three languages in order to distribute it within the Parliament and to external audiences.

### 1.3. Legislative Process

The right to initiate legislation belongs to members of Parliament, the President of the Republic of Moldova and the Government. The legislative process starts with the submission of the draft law or of any other act by the initiator to the Speaker of the Parliament. The Speaker or his deputies distribute the draft law for discussion and endorsement to the relevant standing committee, as well as to other interested committees, to the Legal Department of the Apparatus.

The relevant standing committee drafts the report on the draft law which, having enclosed the endorsement (recommendations and conclusions) of the other interested committees and the Legal Department is sent to the Standing Bureau of the Parliament. The Standing Bureau includes the draft law into the agenda of the plenary session after 15 working days. The law is considered to be approved if the majority of MPs (in case of the constitutional law-with the vote of 2/3 MPs), who have registered their presence at the session, will vote in favour of the law. 75% of draft laws are initiated by the Government.

In supporting the priorities stipulated under the Declaration, this year the Parliament has created 7 task forces to draft proposals on improvement of legislation in the areas which refer to: the Electoral Code, the Law on Audio Visual and Mass-Media, Justice, Local Public Administration, Audit Chamber (Court of Audit), Security, as well as the Constitution. During the 29 plenary meetings of the 2005 spring-summer session, the Parliament has demonstrated some successful results in adopting/amending 212 legislative acts, among which it is worth mentioning the Law on Audit Chamber, Law on Supreme Court of Justice, Law on State Budget etc. In the education area, the Parliament has contributed to the country's adherence to the Bologna process. The Parliament has recognised the process of harmonization of the national legislation with the *Acquis Communautaire* as a high priority and has thus approved the Decision with regard to Legislature's Programme for 2005-2009, setting the ground for organizing this process. However, the current Parliament structures have insufficient capacity to play a value-added role in assisting MPs to develop legislation and amendments consistent with EU accession requirements and to improve the often poorly-drafted legislation prepared by ministries<sup>8</sup>. The legal department does conduct revisions of legal drafts [public law (15 staff), private law (7 staff)]; this is done to ensure conformity with existing Moldovan legislation as well as constitutionality and conformity with international agreements to which Moldova is party. A lot of the legal department's resources are spent in correcting legislation forwarded by Government departments (although draft laws are reviewed by the Ministry of Justice), which the Parliament's legal department considers substandard. Also, during the last year mission, it was revealed that the legal department is not considered by some NGOs and opposition politicians to be independent. In order to overcome this weaknesses, and also in the context of the harmonisation process of the economic policies and the legislation to the *Acquis*, the parliament considers establishing a series of civil society consultative councils working with permanent commissions.

The laws (as well as Parliament and Government Decisions, Presidential Decrees, rulings of the Constitutional Court and Reports of the Chamber of Accounts) are made public through the publication in the "Official Monitor". However, the right of free access to all laws and normative

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<sup>8</sup> An audit of the Moldovan Parliament showed that on the basis of 23 laws adopted during the period 2001-2003, there were 322 amendments. The documents subject to most changes were: Law on Annual Budget – changed 68 times in the past 3 years, Criminal Code – 32 times, Administrative Code – 55 times; Civil Code – 13 times, Criminal Procedures Code – 27 times. Source: Democratic Audit in the Parliaments of Moldova, Bulgaria and Georgia (2003-2004), IDIS, IRIS, CIPDD

acts is not ensured through this step, due to the fact that “Official Monitor” has not such a wide circulation. The information about the work of Parliament and MPs is limited and fails to reach many of the rural areas where a majority of Moldova’s population lives. This poor communication flow can only widen the existing disparities between the capital and the rest of the country. As a result, Parliament runs the risk of being perceived as isolated from the realities of life in Moldova’s villages and small towns, since citizens are not always aware of efforts at the central level to support them. This contributes to lack of confidence in national institutions.

Access to the legislative agenda, participatory policy-making (mechanisms for participation of different stakeholders and groups in the elaboration of laws), and ensuring effective and efficient enforcement/implementation are priorities in the opening up of the Parliament to its citizens. The population does not believe that it can influence decision-making and policy-making, both at national and local levels. A conclusion coming out of public opinion surveys is that the improvement of the social economic situation of the country should start by **improving the mechanisms of law implementation and oversight**.

#### **1.4. Parliamentary Committees and Oversight**

Along with lawmaking, on the most important function is the oversight. During last year mission, the consultant has assessed that the former Legislature didn’t have a clear understanding of relationship (the roles and responsibilities) between the Legislative and the Executive, other oversight bodies (Audit Chamber, Centre for Human Rights, and others) under the given function. In the context of the latest developments, it is worthwhile mentioning that the current Legislature started to give more importance to the oversight function. The Parliament sees that in the view of achieving the Country’s strategic objectives, there is a need of strengthening the coordination and cooperation between the Legislative and Executive, that is: coordination of the annual and quarterly work plans of the Government (strategies, concepts, programs, draft laws etc.), involving the staff of Secretariat (committee’s representatives, staff of the Legal Department) in developing sectorial laws and policies, as well as introducing the procedure on having regular thematic hearings with the representatives of Governmental agencies in the separate and common sessions of the specialised parliamentary committees. Here it is worthwhile that the role of the committees is crucial.

As mentioned above, 9 standing committees of the Parliament were formed after elections. The Parliament has the Committee on Human Rights (CHR), which provides reviews of laws on compliance with the human rights principles. The CHR monitors the implementation of the National Human Rights Action Plan and holds once or twice per year a joint session with the Centre for Human Rights on major human rights issues and discusses their findings. The Parliamentary committees are led by Chairmen and are relatively well-staffed by ‘consultants’ and a committee clerk or lead consultant. Still calibre and knowledge of all representatives on the oversight procedures and processes vary and there is no clear oversight mechanism established.

#### **1.5. Current Donor Assistance**

Current donor support for parliamentary development is limited. In the past, the Parliament benefited from technical assistance from USAID (mainly equipment). Last year the Parliament received a grant from the Government of China that shall help establish the e-voting system and efforts will be invested in training the MPs and staff on its usage. This year, the U.S. Embassy through its *International Visitor Program* supported the exposure of a small group of

Parliamentarians (4 people) to the US experience of parliamentary development. The office of the International Republican Institute (IRI) has provided the opportunity to 5 parliamentarians and 1 non-parliamentarian to communicate Moldova's security, economic and political needs to U.S. Congress. Both IRI and the National Democratic Institute (NDI) intend to support the Parliament to strengthen the capacity of political parties in legislative issues, including the approximation of the national legislation to EU standards<sup>9</sup>.

### **UNDP capacities and strengths**

Worldwide, UNDP supported and supports legislative development in 51 countries in areas like electoral assistance, constitutional reform, building the legislative-constituency relations, participatory law drafting, strengthening legislators' internal organization and capacity building for legislators and staff. UNDP also helps reinforce the role of parliaments in holding governments accountable for policy commitments and the use of resources for poverty reduction. In particular, the budget analysis capacity of parliamentary budget committees can be strengthened to help ensure that national allocations match MDG plans and commitments. On the regional level, UNDP implements a parliamentary program which provides capacity building to Parliaments from Central Asia States.<sup>10</sup>

UNDP has been working with the Parliament of Moldova since 1994<sup>11</sup>, when it assisted in developing the Constitution and harmonizing the legislation, established the country's Ombudsman institution, the Parliamentary Advocates and the Centre for Human Rights in the Parliament, as well as develop a National Human Rights Action Plan for 2004-2008. Following Parliament's approval of the National Human Rights Action Plan in October 2003, UNDP is now providing support to the implementation of the Plan which is included in the EU-Moldova Action Plan<sup>12</sup>, in close cooperation with the Parliament's Committee on Human Rights.

UNDP Moldova brings to this proposed project its own expertise and capacity, as well the expertise, knowledge and best practices from the region, made available through the Regional advisors and collaboration with other UNDP offices from Central and Eastern Europe and CIS countries. This type of support was already visible at the stage of the present project preparation and has been provided successfully in many other current projects. UNDP has good working level linkages with consultants and experts from new EU member states and accession countries, providing entry points for exchanges of experience and best practices between Parliaments of Moldova and other countries.

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<sup>9</sup> Please see the Annex III: Matrix to facilitate coordination of assistance to the Parliament.

<sup>10</sup> Reference to Sub-regional Capacity Building Project for the Parliaments of Central Asian States (please see [http://europeandcis.undp.org/?wspc=subpractice-62\\_h\\_2\\_2](http://europeandcis.undp.org/?wspc=subpractice-62_h_2_2))

<sup>11</sup> In 1994, UNDP provided assistance to the Parliament within the project MOL/94/001/A/01/31 *Technical Assistance to the Parliament and the Judiciary in Moldova*.

<sup>12</sup> For easy reference, please see the paragraph Human Rights and Fundamental Freedoms under the EU-Moldova Action Plan

A Parliament which fulfils better its constitutional functions and is a modern and strong institution is an objective reflected both in longer-term and medium-term country development frameworks – the Millennium Declaration, to which Moldova committed in 2000, along with other 146 countries; and the EGPRSP and the EU-Moldova Action Plan.

The last two documents highlight the aspiration to join the European Union, through priorities and actions leading to the implementation of the Copenhagen criteria, which include:

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union;
- the ability to take on the obligations of membership including adherence to the aims of political, economic & monetary union

The existing political support for European integration is matched by wide public support (66% of public opinion survey respondents support EU integration for the Republic of Moldova).

The proposed project will support the Parliament to strengthen its capacity as a key national institution and will also support it in the implementation of Moldova's medium-term development priorities.

The current UN Development Assistance Framework and the UNDP Country Cooperation Framework (2002-2006) identify good governance as a key area, recognising that the country requires strong and effective public institutions that are able to enforce laws and to maintain norms and practices essential for a genuine market economy and human development.

This project falls within the UNDP priority area of *Fostering Democratic Governance* and proposes to make an identifiable and specific contribution towards the **Multi Year Funding Framework<sup>13</sup> Service Line 2.2 of Parliamentary Development**, with particular focus on strengthening the Parliament's institutional capacity to perform its constitutional (lawmaking, representative and oversight) functions in a more transparent and effective manner, thereby contributing to increasing the public confidence in the Parliament, the establishment of the rule of law and good governance.

The project will work towards the **overall objective: *Parliament's institutional capacity, transparency and effectiveness of legislative structures, systems and processes developed and knowledge of legislators and staff expanded*** through several streams of activities, covering core functions of the Parliament and its management capacity:

1. **Legislative Function** (Improve skills of legislators to analyze, debate, introduce and amend legislation in compliance with international standards);
2. **Oversight Function** (Develop procedures/processes to clarify the roles and responsibilities under the oversight function);

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<sup>13</sup> Multi Year Funding Framework is a strategic framework document for UNDP worldwide for the period 2004-2007; it determines the priority areas UNDP is focusing and the funding envelopes available.

3. *Transparency and contacts with civil society* (Strengthen Parliament's outreach, information, dissemination and responsiveness to citizen constituents);
4. *Internal Management* (Improve the efficiency and effectiveness of internal management systems).

### **Description of Activities:**

In its activities, the project will actively involve all relevant stakeholders, including academia, non-governmental organisations, representatives of political parties and other civil society actors, representatives of relevant donor agencies and projects. The project will use the expertise and build synergies with other UNDP projects in the areas of Local Development, Justice and Human Rights and Achieving MDGs and Poverty Reduction.

The direct beneficiaries of the project will be the MPs, and the staff of the Secretariat. The MPs will be better informed; the staff will be better trained and more professional.

The ultimate beneficiaries will be the people of Moldova who will have access to and benefit from a more transparent Parliament with a greater capacity to pass legislation that would promote social and economic development and improve public sector performance through oversight. In all, the elected representatives will be better able to serve the interests of the people.

A detailed description is provided in the Results and Resources Framework. This section offers further an outline for every project activity.

### **1. Legislative Function:**

The medium term objective for the Parliament in this area would be to create national legislative capacity in line with international standards, using the existing institutional framework or through operating structural changes.

The project envisages therefore a combination of consultancy work, participatory elaboration of mechanisms and tools and learning from regional experiences through focused/thematic study tours for senior parliamentary personnel, staff of secretariat, committees. The study tours will be closely coordinated with other donors supporting similar activities in order to avoid duplication. Based on lessons learnt from previous projects and striving to achieve greater efficiency, terms of reference for the study tours will be developed.

In order to enhance the skills of MPs and staff and other relevant counterparts, module-based training will be designed and delivered. Along with this, national and international expertise shall be provided to assist the Parliament in carrying out the harmonisation of the Moldovan legislation with the *Acquis Communautaire*.

### **2. Oversight Function:**

The project proposes to undertake an assessment of the current roles and responsibilities of all relevant stakeholders under the given function, as well as raise awareness of the relevant committees, local and central government representatives, national and local NGOs on roles and responsibilities under the **oversight function, including oversight of laws implementation and public finances** with special focus on "pro-poor" budgeting. Efforts shall be also made to foster the effective cooperation of the parliamentary committees with the oversight bodies like Centre for

Human Rights and Audit Chamber etc., as well as help the Parliament develop the necessary procedures/processes to provide for effective oversight.

### **3. Transparency and contacts with civil society:**

In terms of expanding the Parliament's public outreach, the project envisages to strengthen the capacity of the Press and Image Service, the Information, Analysis & Forecast Service, including Library to provide the legislators with information on European best practices, legislations etc. The project will also contribute to reorientation of Parliament's units dealing with mass-media and public relations to better manage the information, communication and civic education efforts. In this respect, a **Communication Strategy for Parliament** shall be developed and implemented, with different activities focused on enhancing the dialogue and interaction between the Parliament and local and central public administration authorities, CSOs, academia. This will include designing and publishing a **parliamentary newsletter** to be distributed inside and outside the parliament, redesigning and updating the **Parliament's website**, organizing an **open-door day**, etc.

### **4. Internal Management:**

A properly-functioning legislature requires a well-established, agreed-to and workable **set of rules and procedures** to allow the proper debate, careful examination of draft legislation and passage of legislation without excessive delay. In this respect, the project envisages to provide international expertise to undertake a review of the internal processes, as well as work with a standing committee of the Parliament to develop final rules of procedure to be discussed and approved by the senior management.

In the period of progressive development of informational technologies (IT) and heavy information flows, the **modernization of IT infrastructure** is one of the most important exercises which could help remove many of the bottlenecks the Parliament faces in exercising its functions. Thus, with reference to the situation analysis, support should be provided in carrying out an IT assessment (so-called Technical Audit) that would identify the major IT constraints in ensuring the efficient flow of information and documents within and outside the Parliament, as well as propose a set of recommendations for its improvement. After the approval of the recommendations by the senior management, the project shall contribute to the implementation of some actions included in the assessment and will support the Parliament in raising funds for the full implementation of the recommendations, should the volume of investments surpass the possibilities of the funds allocated by UNDP. In such a way, an modernized Parliament could be created, with strong networks for future technical advisory support and information exchanges, as well as links and compliance with the E-Governance strategy shall be ensured, involving one of the UNDP development drivers- Information and Communication Technologies.

The project will make provision for the **procurement of equipment** that is most necessary for the implementation of the project's activities and more effective operations of the Parliament, specifically to enhance legislative drafting, research and information, management.

### **Assumptions, Risks and Risk Management**

Given its strategic nature and the involvement of a number of stakeholders, the project requires support and commitment of major stakeholders. The proposed activities take as a basis some key assumptions, which will be vital for the project's successful implementation. They are:

1. Leadership of Parliament supports the project activities
2. Parliament is open to the participation of civil society organisations in the project activities
3. Projects products, including systems, and processes are used effectively by the legislature

The lessons learnt from other development initiatives show that a frequent risk is that projects products are not applied/used, they remain at the proposal stage, due to changed commitments of the beneficiary, lack of resources, conflicts of interest. This reduces considerably the sustainability chances of the project. In the context of the recently started organisational changes within the Parliament a potential risk may be weak commitment of the leadership and non-systematic participation of the representatives in the project activities due to uncertainty/lack of resources and time. Another risk may be the reduced capacity of civil society groups and organisations to contribute effectively to the project work.

In this respect the project shall make a continuous assessment of risks and adjust its interventions accordingly. To mitigate the risks, a number of tools will be applied: a continuous dialogue will be maintained with decision-makers, they will be involved in project work from the very beginning and kept informed about progress. Appropriate communication tools (negotiations, regular (SC) meetings etc. will be used with particular stakeholders. It is important to ensure coordination with other development initiatives in the area.

### **PART III. Management Arrangements**

To enhance the sustainability of the development project by increasing the ownership and commitment to development activities, the project will be NEX executed. UNDP guidelines and policies for project implementation on National Execution (NEX) modality<sup>14</sup> will be observed in the process of project implementation.

The project will be implemented by the Parliament of the Republic of Moldova, under overall coordination of the Steering Committee. The Steering Committee will include representatives of the Parliament, the President's office, the Government, Civil Society and Donor Community. The Chairman of the Parliament shall be the National Coordinator, responsible for supporting the implementation of this project, and will serve as a focal point on the part of the designated institution. This will include primary responsibility for engaging in continuous and effective dialogue with the main stakeholders (namely the Parliament representatives (MPs and staff), Governmental agencies, CSOs, Donor community and the general public) during the implementation period, as well as ensure effective monitoring and evaluation of the activities under implementation as per UNDP monitoring and evaluation procedures and plan to be designed at the inception phase of the project. The Head of the Office of Parliament (Aparatul Parlamentului) shall be the alternate National Project Coordinator to ensure back up and smooth functioning of the project.

Given the limited Parliament's human resource capacity, the implementation of the project activities will be supported by a project team. The proposed composition of the project team is: Project Manager, Project Assistant and a Project Consultant; their duties and responsibilities are reflected in the terms of reference annexed to the project document

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<sup>14</sup> For information on UNDP programming rules, refer to the UNDP Programming Manual at <http://www.undp.org/bdp/pm/>

As direct beneficiary of this project, the Parliament will have the responsibility for ensuring that outputs are produced through an effective process of management of the project funds, active coordinating with other donors and dialogue thus leading to the achievement of the overall project development objective.

***Inputs from the Parliament:***

Parliament staff and MPs will participate actively in all activities under the project, including working groups, trainees groups, and will ensure that the products developed in the project frameworks are promoted and used.

The Parliament will provide premises and facilities adequate for an effective operation of the project team, will make available the staff for the project activities and will provide the necessary support for a successful implementation.

***UNDP inputs:***

UNDP will provide financial inputs for the implementation of the project in the amount of USD 400,000 over the period of 2005 – 2007, with a possible extension.

UNDP Moldova Country Office will support the implementation of the project through: advocacy and support for Parliament's efforts of additional fund-raising for project activities; will provide assistance in recruitment of staff and project start-up activities, in procurement of goods and services, monitoring and evaluation of the Project implementation and project audit according to UNDP rules and procedures.

The additional funding mobilised from other donors will be added to the project through signing Cost-sharing Agreements between UNDP and each contributing partner, and by revising the Project work plans and budget.

**Communication and visibility**

The expertise and the experience of the UNDP Communication section will ensure that the project is visible and that the necessary information is prepared and provided to the media placed on the Parliament's web-site. Various Public Relations events will be organised as relevant. Should other donors contribute to the project; their visibility will be ensured according to their requirements.

**PART IV. Monitoring and Evaluation**

Monitoring and evaluation will follow the UNDP guidelines on Monitoring and Evaluating for Results. A monitoring and evaluation plan will be developed during the inception phase.

In order to ensure the efficient monitoring and evaluation of project results, maintain continuous cooperation between project's partners at all stages of Project implementation, the Project Steering Committee will meet every three months. The members of the Project Steering Committee will provide feedback on lessons learned, propose corrective actions to solve problems, ensure

accountability, and make recommendations how to improve the quality of current and future interventions (as per the terms of reference annexed to the project document)

The Project Manager, under the direction of the Project Coordinator and UNDP Moldova programme representatives, will prepare and submit to the members of the Project Steering Committee quarterly work plans and quarterly reports prepared according to UNDP standards.

The project will be subject to the Annual Programme Review. The Project Manager, in consultation with the Project Coordinator and the Project stakeholders, will be responsible for preparing and submitting to the Annual Programme Review meeting the annual Project Progress Report in UNDP format. It shall be prepared in draft sufficiently in advance to allow review and technical clearance by the Project partners, at least one month prior to the Annual Project Review meeting.

The implementation of the Project will be coordinated with UNDP. The project team is encouraged to seek support from other donors active in the field of parliamentary development. During the project implementation, the project team will continuously assess the risks and seek solutions for their mitigation.

Audits will be performed in the course of the implementation of the Project, according to UNDP requirements. Given the strategic nature of the Project, a comprehensive external evaluation is recommended in the last year of Project implementation.

## **PART V. Legal Context**

This Project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of the Republic of Moldova and the United Nations Development Programme, signed by the parties on October 2, 1992. The host country executing agency shall, for the purpose of the Standard Basic Assistance Agreement, refer to the government cooperating agency described in that Agreement.

The following types of revisions may be made to this Project document with the signature of the UNDP Resident Representative only, provided that he/she is assured that the signatories of the Project Document have no objections to the proposed changes:

- (a) Revisions in, or addition of, any of the annexes to the Project document,
- (b) Revisions which do not involve significant changes in the results of the Project, but are caused by the re-arrangement of inputs already agreed to or by increases in costs due to inflation, and
- (c) Mandatory annual revisions which re-phase the delivery of agreed inputs, increase experts cost and other costs due to inflation, or take into account expenditure flexibility.

## PROJECT RESULTS AND RESOURCES FRAMEWORK\*

<p><b>Intended Outcome as stated in the Country Results Framework:</b> Strengthened Parliament's institutional capacity to perform its constitutional (lawmaking, representative and oversight) functions in a more transparent and effective manner.</p>				
<p><b>Outcome indicator as stated in the Country Programme Results and Resources Framework, including baseline and target.</b></p>				
<p><b>Indicator 1: Lawmaking function</b></p> <ul style="list-style-type: none"> <li>• Length of time in making Bills into laws.</li> <li>• Number of laws exposed for public comments in reasonable time, debated with NGOs/CSOs and approved, taking into consideration the comments provided/international standards.</li> <li>• Share of Bills that originated in Parliament and in the Executive.</li> </ul> <p><b>Baseline:</b> The lawmaking mechanism is considered to be weak (affirmed by the public perception) Draft laws are not exposed for public comments and no official record on NGO/CSOs contribution. In 2004, 75% of Laws were initiated by the Government and 25 % were initiated by Presidency and Parliament (around 12%).</p>				
<p><b>Indicator 2: Oversight Function</b></p> <ul style="list-style-type: none"> <li>• Improved procedures and hearings on law enforcement/budgetary oversight.</li> </ul> <p><b>Baseline:</b> There is unclear roles and responsibilities under oversight function between Legislative and Executive; a low understanding of the oversight function (on those two dimensions of the oversight: budgetary and law enforcement/implementation) among Parliamentarians; weak and non-participatory budget sessions.</p>				
<p><b>Indicator 3: Representation Function</b></p> <ul style="list-style-type: none"> <li>• Types and frequency of contacts between the Parliamentarians and constituents over the legislative period.</li> </ul> <p><b>Baseline:</b> There is a perception that Parliamentarians work more actively with the constituents only before the elections.</p>				
<p><b>Applicable MYFF Service Line:</b> 2.2 Parliamentary Development</p>				
<p><b>Partnership Strategy</b> The project shall contribute to development of partnerships on both international and national levels. On the international level, the project shall foster inter-parliamentary interaction and exchange of experience on parliamentary development issues. On the national level, the project shall foster the interaction between Legislative-Executive-CSOs to effectively partner in the lawmaking , oversight and communication processes.</p>				
<p><b>Project title and ID:</b> Strengthening Capacity of the Parliament of the Republic of Moldova</p>				
Intended Outputs	Output Targets for (years)	Indicative Activities	Responsible Party	Inputs
<p><b>Output:</b> Parliament's institutional capacity, transparency and effectiveness of legislative structures, systems and processes</p>	<p><b>Target 2005:</b> Study tour to the parliament of one EU member state</p>	<p><b>Lawmaking function</b></p> <p><b>Activity 1:</b> Improve skills of legislators to analyze, debate, introduce and amend legislation in compliance with international standards.</p>	<p>UNDP project team,</p>	<p><b>\$ 290,000</b></p> <p>International and</p>

<p>developed and knowledge of legislators and staff expanded</p> <p><b>Indicator 1.</b> Skills of at least 30% of legislators/staff on lawmaking and oversight techniques, procedures and processes in compliance with the international standards are improved</p> <p><b>Baseline:</b> At the beginning of 2005, around 60% of the staff was dismissed. There is weak capacity within the Parliament to efficiently develop and oversight the laws in compliance with international standards.</p>	<p>organized.</p> <p><b>Target 2006/2007:</b> Skills of at least 30% of legislative staff in lawmaking techniques, procedures and processes.</p> <p>3 laws debated with CSOs and started to be developed in compliance with international standards.</p>	<p><b>Actions:</b></p> <ol style="list-style-type: none"> <li>1.1. Study tour to the parliamentary drafting/approximation units of a new EU member state (ex. Poland, Czech Republic or Lithuania/Estonia/Latvia) which will lead to developing a draft Action Plan for an efficient/functioning lawmaking mechanism (2005)</li> <li>1.2. Design and provide module-based training on analytical support to legislative process (legal drafting techniques, impact assessment of laws, approximation with Aquis, differential impact on gender etc.) for staff of Parliament (legal department, committees) (2005/6)</li> <li>1.3. Provide international expertise in the approximation of some priority national laws with international standards(Aquis) (select each year the priority laws which desire special attention) (annually)</li> <li>1.4. Organize round-tables/workshops with working groups/committees representatives (e.g. Legal committee and HR committee) to debate/discuss the priority (complex) laws with CSO's representatives 2005/2006</li> <li>1.5. Carry out comparative analysis studies on laws to be developed ,approved /impact assessments of the laws approved (annually)</li> </ol>	<p>Parliament,</p> <p><b>Partners:</b> Specialised NGOs, Donor community and other UNDP projects etc.)</p>	<p>Local travel, International and national consultants/NGOs, Sundry, Translations</p>
	<p><b>Target 2006:</b> Awareness on the oversight role, techniques of application etc. raised.</p> <p><b>Target 2006/2007:</b> Procedures/processes to improve the oversight function developed.</p>	<p><b>Oversight Function</b></p> <p><b>Activity 2:</b> Develop procedures/processes to clarify the roles and responsibilities under the oversight function developed.</p> <p><b>Actions:</b></p> <ol style="list-style-type: none"> <li>2.1. Conduct an assessment of the existing status/knowledge of roles and responsibilities and provide recommendation for their improvement 2006</li> <li>2.2 Provide international expertise to train MPs from relevant committees about parliamentary oversight functions 2006</li> <li>2.3 Develop necessary procedures and processes to improve the oversight function 2006/2007</li> </ol>	<p>UNDP Project team, Parliament, involved institutions</p>	<p><b>\$45,000</b></p> <p>International and local expertise, local and international travel, translations, sundry,</p>

<p><b>Indicator 2.</b> Systems and processes for legislative research and outreach (information, dissemination and responsiveness to citizen constituents) are put in place, including Parliamentary forums for public comment on Bills, expanded library resources etc.</p> <p><b>Baseline:</b> There are weak systems and processes for legislative research and outreach.</p>	<p><b>Target 2005:</b> Platform for legislative outreach, information and dissemination created.</p> <p><b>Target 2006/2007:</b> Communication strategy developed and started to be implemented.</p>	<p><b>Transparency and Contacts with Civil Society</b></p> <p><b>Activity 3:</b> Strengthen legislative outreach, information, dissemination and responsiveness to citizen constituents.</p> <p><b>3.1.</b> Strengthen capacity of the Parliamentary Information, Analysis and Forecast Service to provide legislators with information on European best practices, legislations and the experience of other countries:</p> <p>3.1.1 Design, publish and translate a parliamentary periodical/newsletter to be distributed inside and outside parliament (annually, starting in 2005)</p> <p>3.1.2. Redesign/update the Parliament's website for user-friendly information about legislative processes (including status of bills) 2005/2006</p> <p>3.1.3. Study tour to other parliamentary library and research units / 2006</p> <p>3.1.4. Expand library resources (subscribe the centre (Information and Analytical Sector/Library) to social/economic/political/EU legislation databases and provide training on its usage, procurement of specialized literature) annually 2006</p> <p>3.2. Reorientation of Parliament's units dealing with Mass-Media and Public Relations to better manage the information, communication and civic education efforts through:</p> <p>3.2.1. Development Communications Strategy for Parliament (2006)</p> <p>3.2.2 Implementation of the communication strategy (2006/2007), including:</p> <ul style="list-style-type: none"> <li>- Identification and exposure to training programs for Mass-Media and Public Relations staff on strategic communications in a Parliamentary context</li> <li>- Organizing awareness events</li> </ul> <p>(ex: parliamentary Open Door Day: organize parliamentary sessions with the Children's Parliament/Academia to discuss different legislative issues; organize study tours within</p>	<p>UNDP project team, Parliament (relevant divisions)</p> <p><b>Partners:</b> International consultants, other parliaments, academia, donor community, other projects (ICT etc.)</p>	<p><b>\$324,310</b></p> <p>Local and international expertise; procurement of equipment, books, periodicals software/databases, travel; international and national expertise;supplies; sundry; local and international travel, translations</p>
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		Parliament, organize contest on best articles about the legislative issues (pilot project: something like: law initiatives and their impact on society. It shall be open to students from law faculties. The winner receives “substantive” internship in the Parliament); organize regional thematic workshop to provide exchange of experience among the Parliaments from the region etc.) - Promotion of MDGs		
<p><b>Indicator 3.</b> Internal management systems are improved.</p> <p><b>Baseline:</b> Parliament is passing through reform of the internal management. There are inefficient internal management systems and processes; circulation flow of documents; rules and procedure not concluded.</p>	<p><b>Target 2005:</b> Assessment on internal management process and IT conducted and the report with recommendations discussed.</p> <p><b>Target 2005/2006:</b> Rules and procedures concluded.</p> <p><b>Target 2006-2007:</b> Internal managements systems started to be improved.</p>	<p><b>Internal Management</b></p> <p><b>Activity 4:</b> Improve the efficiency and effectiveness of internal management systems</p> <p>4.1. Undertake an assessment of efficiency of internal management processes and provide a report with recommendations for improvement 2005</p> <p>4.2. Carry out an IT assessment (technical audit) and provide a report with recommendations on improvement of Parliament’s IT infrastructure to better ensure access and circulation of the documents within and outside parliament 2005</p> <p>4.3. Discuss and implement the recommendations of the IT assessment (with involvement of relevant stakeholders in order to build linkages with the E-Governance Strategy; procurement of some equipment which shall support the implementation of some activities under the project ) 2005/2006</p> <p>4.4. Provide international expertise to assist the Parliament conclude the new Rules and Procedure 2005/2006</p> <p>4.5. Provide English/computer usage courses yearly, starting with 2006</p> <p>4.6. Redesign, publish and update a user-friendly manual (“how parliament works”) to serve the parliamentary freshmen 2006</p>	<p>UNDP project team, Parliament (relevant divisions)</p> <p><b>Partners:</b> UNDP project (E-governance), international and national expertise, donor community</p>	<p><b>\$ 363,460</b></p> <p>International and national expertise, sundry, local/international travel, supplies, equipment, sundry</p>

	<p><b>Target 2005:</b> Project team formed and fully operational.</p> <p><b>Overall targets:</b>  1) Ensure at least 90% delivery rate;  2) Timely implementation of planned activities;  3) Timely development and submission of work plans and progress reports;  4) Compliance with UNDP rules and regulations.</p>	<p>4.7. Develop and deliver a short-term orientation workshops using case study approach for newly elected MPs 2005/2006</p> <p>4.8. Undertake specialized study tours</p> <p><b>Project Management</b></p> <p><b>Activity 5:</b> Project efficient management</p> <p><b>Actions:</b>  5.1. Recruit project staff  5.2. Rent and equip the office  5.3. Launch the project  5.4. Implement projects activities  5.5. Annual monitoring and external evaluation by the end of the project period</p>	<p>UNDP Moldova Parliament</p>	<p><b>\$80,850</b></p> <p>Permanent staff (3 representatives), Office space, Equipment, UNDP assistance, National/International expertise etc.</p>
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