



## United Nations Capital Development Fund

### TERMS OF REFERENCE

<b>Title:</b>	Legal Advisor
<b>Type of Contract:</b>	Special Service Agreement
<b>Duration :</b>	6 months
<b>Duty Station:</b>	Dili, Timor-Leste

---

#### Background

The Government of Timor-Leste is currently engaged in the process of honoring the country's constitutional commitment to decentralization and the establishment of a system of democratic local government. In March 2008, the Council of Ministers approved the Policy Orientation Guidelines for Decentralization and Local Government and its accompanying Decentralization Strategic Framework Part I (DSF I) – which together have guided the ongoing process of reform and led to the drafting of three inter-related pieces of legislation (a draft Organic Law on Local Government, a draft Municipal Electoral Law and a draft Law on Territorial and Administrative Division).

Assuming that the remaining two laws are approved by the National Parliament (the Law on Administrative Division has been approved in mid 2009), the Government will proceed with the phased implementation of local government reforms across the country. The Decentralization Strategic Framework Part II (DSF II) was approved by the Government in 2008 and provides a roadmap for this and lays out the steps that will need to be taken by the Government in order to implement these laws and thus establish and sustain an effective, transparent and accountable system of local government in Timor-Leste.

As part of its commitment, UNCDF, Local Government Support Programme (LGSP), has been assisting the central government in defining appropriate functional assignments to be decentralized from central line Ministries to the new Municipal level and corresponding budgets as well as with providing technical input towards the drafting the subsidiary legislation, which will complement and specify the basic Local Government Laws. With the new Law on Local Government (expected to be approved in early), Municipal Elections anticipated for the end of 2010 and the approved Decentralization Strategic Framework II (DSF II), the Government has committed itself to clearly define and delegate/devolve certain service delivery responsibilities. It is expected that this transfer will be implemented in accordance with a phased approach starting with the election of Municipal Governments with a long-term view and evaluation of local level “readiness” and performance.

As part of this decentralization process, a number of pieces of subsidiary legislation will need to be drafted/reviewed and approved by parliament, to provide the legal framework for decentralization and local governance, e.g. on local planning, local public financial management and monitoring and evaluation, Starting early 2011, when the first batch of four municipalities have been established, the municipalities will start drafting municipal acts to set out the legal framework for the functioning of the municipalities at the local level. The Ministry of State Administration and Territorial Management (MSATM) has requested technical support for both areas of responsibilities.

### **Objectives of the Assignment**

- Assist the Ministry of State Administration and Territorial Affairs in drafting, reviewing and expediting legislation, internal rules and procedures and any other legal instruments related to decentralization and local governance, as requested and according to the DSFII
- Provide advice and legal inputs to the MSATM with regard to subsidiary legislation related to decentralization/local government reforms
- Support the ministry in drafting of municipal acts, internal rules and procedures, and defining the role and functioning of municipal assemblies and administrations for future municipalities
- Support the ministry staff to effectively implement policies and regulations
- Provide legal and technical support to the ministry in assisting and developing capacities of municipalities with regard to legal issues, drafting of municipal acts, etc.
- Assist in the professional development of national staff that provide legal and related support services to the MSATM.

### **Scope of Work**

- Assist the Ministry of State Administration and Territorial Affairs in drafting, reviewing and expediting legislation, internal rules and procedures and any other legal instruments related to decentralization and local governance, as requested and according to the DSFII
- Provide advice and legal inputs to the MSATM with regard to subsidiary legislation related to decentralization/local government reforms
- Support the ministry in drafting of municipal acts, internal rules and procedures, and defining the role and functioning of municipal assemblies and administrations for future municipalities
- Support the ministry staff to effectively implement policies and regulations
- Provide legal and technical support to the ministry in assisting and developing capacities of municipalities with regard to legal issues, drafting of municipal acts, etc.
- Assist in the professional development of national staff that provide legal and related support services to the MSATM.

### **Duration of Assignment, Duty Station and Expected Place of Travel**

- Duration of the assignment: 6 months, starting as soon as possible, renewable subject to demand and availability of funding
- Duty Station: Dili, East-Timor
- Expected Place of Travel: N/A.

### **Deliverables/Output**

*The objective* of this consultancy is to support the MSATM in the following:

- Assist the Ministry of State Administration and Territorial Affairs in drafting, reviewing and expediting legislation, internal rules and procedures and any other legal instruments related to decentralization and local governance, as requested and according to the DSFII
- Provide advice and legal inputs to the MSATM with regard to subsidiary legislation related to decentralization/local government reforms
- Support drafting of municipal acts, internal rules and procedures, and defining the role and functioning of municipal assemblies and administrations for future municipalities
- Support the ministry staff to effectively implement policies and regulations
- Provide legal and technical support to the ministry in assisting and developing capacities of municipalities with regard to legal issues, drafting of municipal acts, etc.
- Assist in the professional development of national staff that provide legal and related support services to the MSATM.

*Deliverables:*

- Draft subsidiary legislation on decentralization, decrees, regulations and standing orders
- Regular monthly progress reports.

### **Provision of Monitoring and Progress Control**

The client for this mission is the Minister of State Administration and Territorial Management and LGSP. Draft written reports shall be submitted to the Minister of MSATM through the LGSP CTA and Director of DNDLOT

### **Degree of Expertise and Qualifications**

The consultant will have the following qualifications and experience:

- Advanced university degree in Law
- Minimum of 7 years of experience in drafting laws/legislation, ideally in the context of decentralization and local governments reforms
- Knowledge of the legal system and legislative processes, related to decentralization processes, ideally in Portugal or another country, where the legal system is similar to the legal system in Timor-Leste
- Extensive experience in the provision of legal advice and drafting in the context of decentralization/ municipalisation processes
- Experience in working with local authorities would be an additional asset
- High level interpersonal and communication skills

- Ability to work in a tropical climate where appropriate infrastructure and systems are not well established
- Sensitivity to diverse opinions and difficulties arising from differing social and cultural perceptions
- Ability to contribute towards conflict resolution in the workplace
- Experience working in developing countries; experience in Timor-Leste would be a strong asset
- Experience in capacity building of national staff in developing countries preferable
- Fluency in Portuguese and English is required; knowledge of Tetum would be an additional asset.

**Please visit <http://www.undp.or.th/aboutus/jobs.html> to see full job descriptions. Interested persons should submit a detailed resume, and UN Personal History Form (P11) with a cover letter clearly stating the position title by 12 March 2010. Women candidates are encouraged to apply. Kindly send the application to:**

**Procurement Unit**

**G.P.O Box 618, Bangkok 10501 or email to: [rcb.procurement.th@undp.org](mailto:rcb.procurement.th@undp.org)**

**Only shortlisted candidates will be notified**