**Mid-term evaluation**

**of the**

***Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration Project – Chisinau***

**Final Report**

**Chisinau**

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# INTRODUCTION

**1.1 BACKGROUND**

In March 2013, the UNDP launched a competition in order to procure the services of two consultants, an international and a national expert, to conduct a mid-term evaluation of the *Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration Project - Chisinau*. The objectives of the assignment as set out in the Term of Reference stated that[[1]](#footnote-1):

“*The expected output for the international consultant’s assignment is to evaluate the results of the Project from the beginning of its implementation in 2008, until December 31st 2012, identify and critically analyze the relevance of the project activities as well as the effectiveness of the implementation modalities. The evaluation will examine whether the activities, outputs and objectives outlined in the project document (our emphasis) have been achieved and make recommendations on the way forward in the remaining implementation period until the end of 2014*”.

However, during the briefing meeting at the UNDP, the Consultants pointed out that the objectives of the assignment implied two different forms of evaluation and two different reports: the objectives and principal activities of the project during the period 2008-2011 (Phases I & II) were substantively different for those of Phase III, which commenced in January 2012. Phases I & II should be the subject of an ex post evaluation, while Phase III should be the subject of a mid-term evaluation.

It was subsequently agreed that the Consultants would focus on Phase III, but would include a brief summary of the outputs and results of Phases I & II and comment upon their impact and sustainability, assess how these factors had impinged upon the design and implementation of Phase III, and recommend ways in which impact and sustainability might be further enhanced in the future.

The Consultants also questioned why the time-frame of the evaluation should terminate at the end of January 2012. Given that all the necessary data up to the middle of May 2013 was available, it would be more constructive and useful to examine the period from the 1st January 2012 to the 19th May 2013, the start date of the mission. This was also agreed.

In effect, therefore, the Consultants mission was:

* To carry out an independent mid-term evaluation of Phase III of the project. The principal goals of the mid-term evaluation were to:
* Ensure that the project is being implemented in a timely and effective manner; that the planned inputs, activities and results are contributing to the achievement of objectives; that efficient use is being made of the resources; that the project if implemented successfully will have impact; and that the outcomes are sustainable in the longer term
* Recommend appropriate and immediate remedial action should it be discovered that the expected results are not being achieved
* Provide feedback to inform and improve future programming and project design
* Assist UNDP and the Development Partners to fulfil their internal reporting obligations
* Assess whether the UNDP’s project implementation and financing arrangements were the most cost-effective to achieve the desired outputs and outcomes
* Consider cross-cutting issues such as gender and human rights
* Propose changes to the Results and Resources Framework including the Risk Log[[2]](#footnote-2)
* To prepare a comprehensive, high-quality, mid-term evaluation report;
* To suggest ways in which the project might be refocused or improved and to provide guidance on the timing and content of project activities for the remaining 18 months of the project;
* To deliver a debriefing seminar to permit the stakeholders to comment upon the analysis and the recommendations

The period covered by the mid-term evaluation is from the negotiation of the agreement between the Development Partners and the MoFAEI and the subsequent design of the project in December 2011 and the 19th May 2013, the effective start date of the field work. The research and analysis was carried out between the 19th May 2013 and the 12thJune 2013. The Mid-Term Evaluation Report was drafted between the 13th June 2013 and 28th June 2013 and was formally submitted for comment on the 29th June 2013. The Evaluators subsequently carried out verbal debriefing of the UNDP, Sweden as the principal donor and the MoFAEI as the beneficiary.

**1.2 METHODOLOGY**

The methodology for carrying out the mid-term evaluation was based upon the results-oriented monitoring and evaluation approach elaborated by the DAC Committee of the OECD, which forms the basis for the monitoring and evaluation regime employed by UN Organisations and the Development Partners generally. The focus was upon the design/relevancy, efficiency, effectiveness, impact and sustainability of the assistance. A definition of each of these concepts is presented at the start of the relevant Section of this Report.

The work comprised the following:

* Desk analysis of the programming documents, the project work programme and *Results and Resources Framework*, the project budget and expenditure details, project reports, Minutes of the Project Board, procurement/ works schedules;
* Review of previous monitoring and audit reports;
* Face-to-face interviews, with key decision-makers, other donors, programme staff and civil society organisations

Details of the persons interviewed and documents consulted are appended in **Annexes 2 & 3** respectively. The notable omission from the list of interviewees was Ms. Natalia Gherman, who was the primary interlocutor on behalf of the MoFAEI. Ms. Gherman has recently been promoted to the post of Minister in the new Coalition Government and because of pressures of work involved in taking up her new post was unable to meet with the evaluators.

The evaluators were provided with some of the relevant contract documentation, including budget, project reports, Minutes of the Project Board, and experts’ outputs. In addition, the evaluators received a copy of a special HACT review prepared by Ms Minna Tyrkko[[3]](#footnote-3) and commissioned by the Project Board to illuminate discussions on the application of HACT to this project.

However, the evaluation process revealed two issues, which it would be pertinent to consider for future evaluations:

1. It might be more appropriate for the principal donor to commission and manage evaluations in the future in order to avoid any potential conflicts of interest. UNDP is in a dual position: it is the project manager but is also a “beneficiary” of donor funds. This is not to suggest that the independence of the evaluation was compromised, but such an approach would ensure that there is visible distance between the evaluation and the interests of the two beneficiaries, UNDP and MoFAEI;
2. Second, the managers of the evaluation should ensure that all relevant information / documentation is provided to the evaluators at the outset of the evaluation. The evaluators cannot be expected to know in advance what documentation exists, which might have a crucial being upon their work. This evaluation has been constrained by the fact that key documentation and correspondence was not provided to the evaluators and therefore much germane information was only “discovered” during the course of the evaluation.

# analysis

* 1. **Design and Relevancy of Phase III of the project**

*This Section of the Report examines the design of the Programme and the planned Actions to ensure that they are appropriate, that they address the key problems and are likely to produce the anticipated results and achieve the objectives. During the lifetime of the Programme, the institutional, financial, legal and policy environment within which the Programme is being implemented may change. This may necessitate a redefinition of the Actions, inputs etc. if the results and objectives are to be achieved. The goal therefore of evaluating* ***Design and Relevancy*** *is to determine whether or not the Programme is well-designed and is likely to achieve its immediate objectives and contribute to the achievement of the wider objectives.*

In 2008, the Government of Moldova requested assistance to strengthen the institutional capacities of the MoFAEI, to facilitate regional cooperation and to further the European Integration agenda. This request was received positively and financial support was provided by the Swedish, Austrian, Norwegian and Estonian Governments, the UNDP and the Open Society Institute. In 2010, the project was extended for a further two years to assist the MoFAEI to coordinate and lead the negotiations regarding the Association Agreement, including a Deep and Comprehensive Free Trade Area, and to coordinate the implementation of the Visa Liberalisation and Readmission Agreements. These first two phases of the assistance are not covered by this evaluation except insofar as they created a platform for the current phase of the assistance.

Phases I & II produced a substantive number of high quality outputs under three core areas:

1. **Institutional capacity building of the MoFAEI**
* Following a comprehensive capacity assessment exercise and a prioritization process, the MoFAEI developed and approved an Institutional Development Plan (IDP 2009 – 2011), which identified the priority needs for strengthening the Ministry’s policy planning, implementation and monitoring capacities;
* A training needs analysis was conducted and a concept for the introduction of a continuous training system was drafted in 2009. The system was based on practical, interactive, and action-based learning mechanisms, designed to ensure a sustainable, viable and long term solution for continuous training of diplomats;
* A methodology for preparing Annual Training Plans for planning and delivering in-service training to Ministry staff was elaborated and adopted;
* A Human Resource Management Strategy was elaborated which formed the basis for the further development of merit-based recruitment, and a performance appraisal system;
* A merit based recruitment system was established to start in 2010, and Job Descriptions were revised in the same year;
* The Civil Servants Performance Appraisal System was adapted to suit the evaluation of the performance of Diplomatic staff. It was applied from 2009 to Ministry staff, and in 2010 was extended to staff in the Missions;
* A Career Planning and Development system was elaborated and included a Rotation and Promotion policy to be implemented by 2013;
* Capacity support (provision of local expertise in human rights) was provided to the Multilateral Cooperation Department and International Law Department to strengthen its ability to deal with Moldova’s commitments under various international human rights conventions;
* The range of services offered by the Consular Affairs Department was enhanced through the establishment of the Call Centre;
* The Personnel, Legislation and Administrative Law Division benefitted from policy advice and technical assistance with regard to Human Resource Management;
* Technical assistance was provided to enhance the communications and information capacities of the Ministry;
* Extensive support (procurement of equipment, technical assistance) was provided to the development of the Integrated Informational System technical infrastructure, data and knowledge infrastructure, telecommunication and network services;

Although the Ministry had made substantial progress in reforming its institutional arrangements, it regarded these changes as part of a longer-term change management process, which would be reflected in the new Strategic Development Programme (SDP) for 2012-2014. In December 2011, according to the Programming Document, the MoFAEI requested that the project continue to focus considerable attention on institution-building in Phase III and assist it to implement the SDP.

1. **Support to regional cooperation**

During the period 2008-2010, assistance was provided through the project to support the Ministry’s and the country’s participation in regional cooperation structures (South-East Europe, Central European, Black Sea Economic Cooperation etc.). This support was particularly apposite, coming at a time when Moldova held the chair of several of these structures. This stream of support closed in 2010, and was positively evaluated. Although it had been anticipated that the project would offer support under Phase III to Moldova’s participation in the EU Strategy for the Black Sea and the EU Strategy for the Danube Region, designed to tackle regional environmental, energy, socio-economic development, education and security issues, this component was not included in the programme for Phase III.

1. **Support to the European Integration process**

This component was added to the project at the start of Phase II in 2010 and was a timely response to the need to focus assistance on the coordination of the AA/DCFTA negotiations, and to strengthen the capacities of the Moldovan institutions involved in the negotiations. In particular, support was given to the Ministry of Agriculture and Food Industry; Centre for Combating Economic Crimes and Corruption (now the National Anti-Corruption Centre); Centre for Legal Approximation; Ministry of Health; National Agency for Protection of Competition; Sanitary Veterinary Agency; National Bureau of Statistics. The assistance comprised policy advice on coordination matters and specific negotiation issues. In addition, public servants were trained in negotiating, legal transposition, sector-specific Directives and technical regulations. The project also supported the development of a Concept for a new Legal Approximation Mechanism, and the harmonisation of particular pieces of legislation.

Phases I & II were extremely well-received by all parties. Indeed, the project made substantial contributions to enhancing the institutional capacities of the MoFAEI, raising the profile of Moldova at regional level, and assisting the Government to open negotiations of the AA/DCFTA, coordinate the preparations and negotiations and address technical questions. All parties recognised that while the assistance had helped to establish an effective platform there was still work to be done. It was for this reason that towards the end of 2011, the MoFAEI requested a further continuation and a refocusing of the support, which had been provided under Phases I & II of the project. The stated goal was to extend and deepen the assistance, which had been received under the first two phases.

The wider objectives of this third phase as set out in the Programming Document were to support the Government to prepare, negotiate and implement the Association Agreement, including the DCFTA, and to implement the Visa Liberalisation process. The specific objectives were in effect threefold:

* to continue to support the MoFAEI in its role as coordinator of the AA/DCFTA negotiation process and the implementation of the Visa Liberalisation Agreement;
* to continue to assist the MoFAEI to strengthen its institutional capacities, notably with respect to the implementation of the Ministry’s Strategic Development Programme;
* to provide support to selected line Ministries and State Agencies to help them to negotiate the AA/DCFTA and to elaborate and implement the Association Agenda

The project was consequently organised into two Components[[4]](#footnote-4), each with a series of sub-actions designed to achieve the specific objectives and deliver the anticipated results identified in the Programming Document. The anticipated results were: strengthened capacities of the MoFAEI for the effective implementation of its external actions; consolidated capacity of the MoFAEI to guide and coordinate the AA/DCFTA negotiations and implementation; fortified institutional capacities of the MoFAEI; and enhanced capacities of line Ministries and State Agencies to negotiate and implement the AA/DCFTA[[5]](#footnote-5).

**Activities planned under Component 1:**

* Supporting the review of various foreign policy documents related to external actions
* Supporting the MoFAEI’s role in meeting Moldova’s International Human Rights Obligations, with particular emphasis upon the Universal Periodic Review
* Support to the Department of European Integration within the MoFAEI and other units involved in AA/DCFTA negotiations through facilitation of knowledge exchange, on-site coaching, assistance in the design and implementation of standard procedures and the organisation of inter-agency workshops
* Support to enhanced policy making and management capacity
* Roll-out of the new functionalities of the information system
* Support to the operations of the Call Centre within the Consular Affairs Department
* Further support to the implementation of the Ministry’s training programme, including the provision of a dedicated library. On-line and distance learning courses and internships
* Increased openness and transparency through improved public access to information

**Activities planned under Component 2:**

* Specific support, based on regular needs analyses, to be provided to the MoAFI, MoIA, MoEnv, MoF, MoH, MoLSPF, MoITC, MoCRD, and MoTRI
* Specific support to MoJ and CLA for legal approximation issues

The assistance has been both timely and relevant. The planned interventions accorded with the then National Development Programme, the Government Programme *European Integration: Freedom, Democracy, Welfare (2009-2013)*, and with the Government’s foreign policy objective of greater European Integration. The project also reflected the priorities set out in the Swedish Government’s Cooperation Strategy, the external assistance priorities of the Romanian, Austrian and Norwegian Governments, and the then United Nations Development Assistance Framework (now United Nations Partnership Framework – UNPAF). The assistance was clearly designed to complement on-going and planned initiatives in support of public administration reform and institutional capacity building of central governmental structures, and was foreseen as bridging support until the EU’s Comprehensive Institution Building Programme came on stream[[6]](#footnote-6).

The project continues to fit well with the priorities identified in the new *National Development Strategy*, *Moldova 2020*. Moreover, the assistance planned under Phase III has evolved in response to the changing environment: the greater emphasis upon Component 2, the support to the line Ministries and State Agencies during the preparations for, and negotiation of, the Association Agreement and the Deep and Comprehensive Free Trade Area, has proved particularly germane. Indeed, the project continues to fill an important gap. The EU’s Comprehensive Institution Building Programme is seriously delayed. The first project under the CIB Programme was only recently launched (May 2013) and it is unlikely that contracts will be signed before the end of November 2013. However, that project will support public administration reform and will be managed by the State Chancellery. It will not directly address issues linked to the implementation of the AA/DCFTA. A second project is in the pipeline, which will provide assistance to the implementation of the DCFTA, and is likely to be channelled through the Ministry of Economy and Trade. The Calls for Expression of Interest has recently been launched (June 2013). If the procedures go smoothly it is possible that this project will be contracted in December 2013. It is unlikely that concrete support to the MoET, MoAFI and other agencies involved in the implementation of the DCFTA, will be provided much before summer 2014, bearing in mind that there is likely to be a three months Inception Phase during which a Needs Assessment will take place.

The project has been designed bearing in mind two of the principles agreed at the Busan High Level Forum, notably flexibility / responsiveness and ownership by the beneficiary. These are principles with which the evaluators concur and the efforts being made by the UNDP to apply them in the project are to be applauded. However, for reasons set out below the evaluators consider that the application of these principles, without clearly delimiting their scope and meaning, has proved to be one of the major causes of the disagreements / confusions which have arisen during the course of project implementation.

The flexibility in the design of the project is both a strength and weakness. On the one hand it has allowed the UNDP, the MoFAEI and the other beneficiaries to respond expeditiously to requests for assistance. On the other hand, it has created some confusion. It is not clear whether this is indeed **a project or a facility**. A project defines specific interventions in support of the project objectives, while a facility is much more open-ended with a limited definition of the activities and greater emphasis upon the end goals. While the UNDP and the Development Partners clearly conceive this action as a project, the MoFAEI views it as a facility, ideally to be managed by itself.

While flexibility in project design and implementation is desirable, it should not be an end in itself. Moreover, however much the UNDP and the Development Partners might wish to exercise flexibility they are constrained by the regulations prescribed by their own Governments or in the case of UN organisations by the central authorities. It is important that beneficiaries understand that flexibility can only be exercised within clearly defined parameters. Those parameters were not clearly described in the Programming Document. It is claimed that they were explained through other channels, but if that was the case it is evident that they were not fully understood by the beneficiary.

Likewise the issue of “ownership”: in the post-Busan world, greater emphasis has been placed upon the concept of ownership by the beneficiary of the external assistance provided by Development Partners. This is again a positive step forward. However, it is important for the UNDP and the Development Partners to explain what is meant by ownership and to distinguish between ownership and control: ownership implies that the beneficiaries will be directly implicated in the design and delivery of the assistance: it does not automatically signal that the beneficiaries will control the assistance. Again it is important that the Development Partners advise the beneficiaries at the outset of the limits placed upon them by their own regulatory frameworks. This may have been done, but it is not evident in the documentation and certainly the minutes of the Project Board meetings illustrate that there were clearly different understandings and expectations on the part of the Development Partners and the MoFAEI.

In comparison with other line Ministries, which have received external assistance for over 20 years and have established an institutional memory and corporate understanding of the different delivery modalities employed by the Development Partners, the MoFAEI has been the beneficiary of little external assistance. To our knowledge, this remains the only substantive project for which the MoFAEI has been responsible. It was assumed that the MoFAEI had acquired sufficient experience during Phases I and II of the project. However, the rotation system within the Ministry meant that a large proportion of the counterparts of Phases I & II were no longer stationed in-country. The Head of the counterpart Directorate had changed, as had almost all of the staff in the Consular Department who had worked with the project during the first two Phases. In addition, the former UNDP Project Manager and the Project Assistant had left, a new and comparatively inexperienced Project Manager was appointed and the Project Assistant was not replaced. On both sides therefore corporate memory had been lost and the good working relationships which had previously been established required to be rebuilt from scratch.

It is clear that many of the lessons learned from Phases I & II were only partially (and in several instances obliquely) incorporated into the project design. The review of Phases I & II set out on page 13 of the programming document highlighted the importance of continuous training, the implementation of the MoFAEI’s Strategic Development Programme (SDP), the provision of support to the Parliament and the State Chancellery as partners in the coordination processes, and further strengthening of the information activities. As we shall see in the following section, very little training has been provided; no support has been offered to assist in the implementation of the SDP; the State Chancellery has been included into the Project Board but nothing else; the Parliament remains wholly outside of the project; the previous support to communications and awareness raising of EU integration issues amongst the general public has been discontinued. “Information activities” are interpreted solely within the framework of the internal work of the MoFAEI: i.e. the Call Centre and the internal information flows. Moreover, the Programming Document specifically states that the project will actively involve all relevant stakeholders, including academia, non-governmental organisations etc. Indeed specific mention is made of involving the ProEuropa Centres. However, there is subsequently no evidence of this in the project design or implementation. The *Capacity Assessment* section of the Programming Document (pp29-30) highlighted the need to strengthen the financial management capacities of the Budget and Finance Directorate and yet again there is no mention of this issue area in the project design.

It is understood that the original budget request to the Swedish Government was for $3.5 million but this was declined, as that level of funding had never been available. The overall budget for the project was $2.004 million, of which $1.71 million was provided by Sweden, $93,332 by Norway, $59,071 by Austria, $141,240 by Romania and $270 by the Open Society Institute.

It was at this juncture that the focus of the project shifted and where the opinions of the evaluators diverge sharply from those of UNDP and the MoFAEI. The UNDP and the MoFAEI argued that the new circumstances necessitated a revision of the activities to reflect the budget available. The MoFAEI believed that it would be able to build further on the investments made in Phases I & II by using its own resources and indeed assured the donor/ Sweden that the Ministry´s capacities were already sufficient with regard to strategic planning, financial, management, HR, etc. The Ministry therefore requested the removal of almost all of the capacity building elements of the project, with the exception of the support to the Call Centre and to ICT. The Swedish Government therefore agreed to concentrate its support on two elements: *Support to the MoFAEI to coordinate the negotiation of the AA/DCFTA* and *Support to selected line Ministries and State Agencies negotiate the DCFTA*.

By deleting support to capacity building, the UNDP and the MoFAEI effectively changed the fundamental rationale for the project, which was, as expressed in the Programming Document, to build upon the capacity building support provided during Phases I & II. The original motivation for the project was to provide assistance to the Ministry to strengthen its institutional and human resource capacities, precisely because it had not benefitted from the World Bank Multi-Donor Trust Fund and later was not identified as a potential beneficiary of the CIB Programme. This restructuring of the project is not reflected in the Programming Document and the Project Results and Resources Framework. It was, however, set out in the Work Plan. This has led to a further difference of opinion between the evaluators and the UNDP. In the view of the evaluators, a Work Plan describes how the objectives and results set out in the Programming Document are to be achieved; it is not a tool for redefining the scope of the project. The evaluators have consequently judged the performance of the project against its original, stated objectives.

Moreover, as events have proved, there were (are) more than sufficient funds to implement those elements of the original project design which have subsequently been removed. This suggests that the original budget was not well conceived.

What is particularly lacking from the Programming Document is a clear definition of what is meant by institutional capacity-building. This can lead to charges of capacity substitution rather than capacity-building[[7]](#footnote-7). While under Phases I & II, there was an implicit notion of what capacity-building entailed (i.e. strengthening internal administrative processes, defining and applying new procedures for recruitment, career development etc.), this Phase appears to concentrate upon human resource substitution (employment of local experts not to provide advice, technical assistance and training but instead to perform routine tasks – Call Centre) and budget substitution (travel, works and supplies). The actions which one would normally associate with capacity building (implementing the Strategic Development Programme, strengthening the internal processes of the Ministry, supporting specific Departments to carry out their duties in a more efficient and effective manner, and strengthening human resource capacities through mentoring and training) have been largely absent from the activities financed under Phase III at the request of the MoFAEI. While there are circumstances where capacity substitution is inevitable, it does increase the probability that the results will not be sustained once the project closes.

One final point: There is little concrete detail regarding the planned content of the interventions. Of the 31 pages in the funding proposal, only 2 ½ pages are devoted to the objectives, results and planned activities of the project. The Project Results and Resources Framework offers slightly more detail but the proposed actions and their timings are not elaborated in the annual Work Plans. Furthermore there are clear inconsistencies between the three documents: the Programming Document, the Project Results and Resources Framework and the Work Plans.

* 1. **Efficiency**

*The criterion of efficiency is designed to determine whether or not the Project is delivering value for money. It measures the inputs [time, finance, human resources, and materials] against the outputs and results and the quality of those results. This Section of the Report therefore focuses upon the following types of questions: Are the available funds being absorbed efficiently? Were the inputs and outputs provided at the costs anticipated? Have the inputs produced the expected outputs? Are the outputs producing the expected results? If not, why not? Do remedial actions need to be taken in order to accelerate the implementation process? Are the project management and coordination arrangements working?*

**2.2.1 General observations**

**2.2.1.1 Project budget and absorption**

The absorption rate has been low. Of the $1,067,858 budgeted for 2012, only $752,719 was disbursed. The shortfall was largely due to the fact that the MoFAEI disbursed less than 50% of the funds available under Component 1. This rather undermines the UNDP’s and Ministry’s argument that there were insufficient funds in the budget to implement the full range of activities identified in the Programming Document.

The revised budget for 2013 is $675,153, some $150,000 less than originally foreseen. The disbursement rates for the current year suggest that even this reduced sum will not be committed and disbursed before the end of the financial year. Up to the end of May, approximately $100,000 had been committed and the balance remaining in the budget was $574,809. In the best case scenario there will be approximately $580,000 remaining to be disbursed in 2014, but the true figure is likely to be between $750,000 and $900,000 at the current rates of disbursement. The MoFAEI suggests that the low rate of disbursement in 2103 is largely a result of the resignation of the Project Manager. However, it should be noted that the Project Manager left after the start of the evaluation and that the low absorption rate was apparent before his departure. The evaluators consider that the low absorption is a consequence of too few activities being planned for 2013.

There are a number of reasons why it is unlikely that the remaining funds will be absorbed before the closure of the project unless there is (a) a substantial increase in the range of activities and (b) a revision of the approach, which has led to a reduction in the volume of funds allocated to Component 2. First, much of the expenditure under Component 1 has been linked to works, supplies, travel and general operational costs. The works and supplies elements will have been completed by the end of this financial year and it is clearly understood that no further expenditures of this nature will be sanctioned by Sweden; the negotiations are to all intents and purposes finalised and while there will still be discussions linked to the elaboration of the Association Agenda it is unlikely that the level of travel will be as intense; the support to operational costs should start to be phased out as part of a sustainability strategy. Moreover, given the MoFAEI’s apparent reluctance to commit substantial funds in support of training and institution building ($36,000 budgeted for 2013), it is difficult to see upon what the money will be spent unless there is a return to one of the original objectives of the project, namely to build institutional capacity.

The MoFAEI are confident that the funds will be absorbed by the end of the project, without recourse to a reinstatement of the institution building component. Logic suggests that the only way in which the budget will be fully absorbed is by increasing the volume of support to the institutions identified under Component 2. The volume of work done during 2012 is clear evidence of need, and in the absence of the CIB Programme, this project constitutes the only real opportunity for the line Ministries to access quickly and flexibly the support which they will need in order to prepare and implement the Association Agenda. The transfer from negotiation to implementation is a critical moment in the evolution of the European Integration process and the line Ministries will be seeking more rather than less assistance.

It is suggested by the MoFAEI that the reduction in support to Component 2 is temporary and that it will be reviewed once the Association Agenda has been negotiated. It is understood that the Association Agenda is not yet concluded but that should not be regarded as an obstacle: annexed to each Chapter of the AA/DCFTA is a list of obligations and the Directives, laws and regulations to be approximated. The line Ministries and State Agencies are well-aware of what they are required to do. Indeed, the European Commission is insistent that work towards EU integration continues irrespective of whether or not the agreements have been formally signed. It is now highly probable that the Agreements will not be signed in Vilnius in November 2013 and until they are signed there can be no formal agreement on an Association Agenda. Waiting to see what is included (which is known) and how it will be sequenced (which is not known) is not really an option for the project if the completion date remains the end of December 2014.

The evaluators believe that it would be wise to reconsider immediately the decision to allocate minimal funds to Component 2 under the 2013 Budget, to increase commitment under this budget line, and to re-examine the possibility of providing targeted institutional capacity building support. $750,000 translates into a very large number of short-term man days (approximately 1,250 international and 4,000 national). It would be very difficult for the target institutions to absorb that level of assistance in one year.

There is one additional issue: at present the MoFAEI is mandated to lead the negotiations. It is unlikely that the Ministry will be charged with responsibility for leading the implementation of the Association Agenda. This may call into question its right to determine the allocation of resources to the DCFTA institutions. It is perhaps also in the Ministry’s interests to ensure that the funds are targeted and committed in advance of the signature of the Association Agenda.

**2.2.1.2 Project Management**

The project is being implemented under the National Implementation Mechanism: the MoFAEI is responsible for decision-taking and the implementation of the project, while UNDP provides quality assurance, project inputs and support services. The reality is slightly different in that UNDP is engaged directly in project management through the Project Manager, its financial management of large parts of the budget and its role in the recruitment of experts. The Project Board, comprising the MoFAEI, the Development Partners, UNDP and project staff is likewise responsible for overall direction and management of the project. The use of UNDP has proved to be a cost-effective solution, when one considers the costs of alternative forms of project delivery.

The day-to-day management of project activities has in the main been good. The range of support provided during 2012 and the significant number of international and local experts who were recruited is testament to the efficiency of the project management. Some minor improvements could be made to the reporting: the structure of the Annual Report should be consistent with the Programming Document and the Project Results and Resources Framework and should be more results-oriented rather than activity-focused. The Annual Programme would also benefit from a more detailed explanation of the proposed activities. It would also aid project monitoring if the budget were presented more clearly against Components and Sub-components. At present the data is simply aggregated between the two Components and then disaggregated into generic areas: travel, training etc. This makes it difficult to determine at a glance how much has been spent in support of particular activities.

The introduction of HACT has proved problematic. The evaluators wholly endorse the desire of both UNDP and the MoFAEI to make more extensive use of a decentralised approach to project finance management. Such a goal is entirely in line with the principles set out in the Busan Declaration. However, there are concerns regarding the manner in which the process of introducing HACT was managed.

UNDP states that it followed fully its internal regulations: a micro assessment was carried out; PEFA results were utilised as the basis for determining the preparedness of the beneficiary; two pilot operations had been conducted under Phase II, and an independent audit of disbursements under these operations was done.

No comprehensive assessment was carried out in December 2011 because at the time the Programming Document was agreed neither side were considering the possibility that the whole project would be managed through HACT. It was raised initially in a letter from the MoFAEI and reiterated in the Project Board meeting of April 2012. The UNDP indicated that it was willing to extend the use of HACT as far as possible. However, it is evident that there was a misunderstanding on the part of the Ministry as to the nature and substance of HACT: the MoFAEI’s request was not simply for an extension of the MoFAEI’s involvement in the financial management of the project but in effect for the direct transfer of the funds from the donor to the Ministry, and for the removal of UNDP’s role as intermediary. A clear explanation of why it was not possible to assign complete project control to the Ministry was provided to the MoFAEI by the Swedish Embassy.

For its part, the MoFAEI had not fully examined the legal / procurement constraints of assuming responsibility for financial management of the project, notably with respect to the recruitment of foreign expertise under Component 2, nor had it assessed the potential impact of dealing with project and financial management issues upon the day-to-day workload of its staff. Subsequently a more comprehensive analysis of the finance management capacities of the Ministry and the compatibility between UNDAP regulations and Moldovan legislation was undertaken in May 2012. The analysis proposed a staged transfer and identified what capacity-building measures should be installed (p5), on condition that support was also provided to strengthen finance management within the Ministry. The Board Meeting minutes show that the discussion has been closed following the Project Board of December 2012.

It is evident from the Minutes of the Project Board that the discussions of HACT became heated and yet none of the respondents was able to offer an explanation as to why this had been the case or why the issue has soured relationships to the degree that is has. However, it is clear that the discussions related to HACT have had a negative impact not only upon project implementation but have also undermined the project’s potential to deliver sustainable results by diverting attention away from other implementation-related questions. Moreover, the issues surrounding HACT have materially affected project management and staff morale. Although the Project Manager has left for a new post which more directly reflects his skills and interests, his departure is linked to the declining morale amongst project staff. Two of the Call Centre staff members have departed. They reported that low morale was one the causes of their departure. Experts recruited to the project expressed the view that they did not know whom to report to or who were the decision-makers for their particular component, and were angered that their salaries were a matter of common knowledge amongst Ministry staff. It is a point for future reference that it is not just UNDP and the project partner who need to understand the mechanisms of HACT, it also needs to be explained to persons employed within the project.

The disagreements with respect to the introduction of HACT highlight a more general issue: the role of the Project Board. It is not advisable to confuse programming and project management issues. While it is a project management tool, the question of whether and how far to introduce HACT was clearly strategic and one which concerned the Development Partners, the managing authority and the beneficiary. It would have been preferable to have discussed and resolved this matter more discretely and then to have transmitted instructions to the project manager and the direct counterparts within the Ministry. The Minutes of the Board Meeting illustrate that the discussions were dominated by this issue and as a result there was little analysis of what was being done, what was being delivered and the result and impact of the outputs.

**2.2.2 Support to Component 1**

It should be noted that there is a discrepancy between the structure of the Project Results and Resources Framework and the results and indicators contained therein, and the activities and indicators described in the Annual Report. The evaluators have therefore chosen to follow the original Programming Documentation. However, the evaluators have also taken cognisance of the claim that the programme was redesigned at the request of the beneficiary, since it was able to implement the capacity building elements described below through its own resources.

**2.2.2.1 Support to the drafting / revision of foreign policy documents**

The Project Results and Resources Framework indicates that during the lifetime of the project support will be provided to:

* the implementation of the Strategic Development Programme prepared by the MoFAEI
* the analysis of 25 foreign policy documents
* participation in at least 30 events
* an unspecified number of training/coaching events

The Annual Report 2012 (page 5) states that the MoFAEI believes that this objective has been fulfilled and that no further support is required. The evaluators can find little evidence to support this conclusion. While the Strategic Development Programme may have been elaborated and submitted to the State Chancellery for approval, the draft was rejected. There has therefore been no progress in implementing the SDP with or without project assistance. With the exception of the support (two national consultants and travel) provided to monitor Moldova’s compliance with Human Rights instruments, the project was not requested to support the analysis of 25 foreign policy documents. This is not to suggest that the MoFAEI has not been engaged in ensuring that existing agreements are compliant with, or are amended to reflect the provisions of the Association Agreement.

Similarly the evaluators can find no record of the MoFAEI’s participation in 30 events. It is evident that considerable funds have been disbursed through the travel budget and it may well be that the project is on course to fulfil this objective. However, this is an example of a weakness in the financial and technical reporting, since it is not possible to disaggregate the participation of MoFAEI staff in events and in coordination meetings.

The project supported 20 diplomats to improve their diplomatic English by organising a three day workshop in January 2012. There has been little other action under this Activity largely as a result of the fact that the MoFAEI has not requested support. This is perhaps explained by the fact that the MoFAEI has been the recipient of several bilateral offers of support. Sweden, Poland, Estonia, Austria, Czech Republic and Romania have variously provided Ministry staff with training on diplomatic protocols, scholarships, and stages, and also organised a study tour for members of the Ministry of Interior and the General Prosecutor’s Office in the context of Phase II of the VLAP. It may also be explained by what several respondents described as “training fatigue”. Given the size of the staff complement within the MoFAEI and their consequent heavy workload, it has often proved difficult in the past to organise training events. Ministry staff stated their preference for work placements in EU Foreign Ministries rather than workshops and seminars in Chisinau.

**2.2.2.2 Support to MoFAEI in supporting/guiding/and leading the coordination of the AA negotiations and implementation**

The Project Results and Resources Framework indicates that the role of the MoFAEI will be strengthened by:

* organising 15 coordination events
* study of best practises and the preparation of detailed procedures to regulate the process
* the preparation of a gap analysis on inter-institutional cooperation
* organisation of a workshop on inter-agency cooperation

Although it is not possible to determine how many events and how many persons were supported through this Activity, it is clear that the project has been instrumental in facilitating the participation of the MoFAEI and the negotiating teams in the negotiations. On the domestic front, the General Directorate for European Integration has organised regular coordination meetings related to the preparations for and negotiation of the AA, DCFTA and VLA. Several of the respondents interviewed highlighted the limited participation of Parliament in these coordination meetings, and also noted that the CLA does not play a significant role. In light of the volume of work that will be placed upon both the Parliament and CLA once the implementation process begins, it might have been prudent to engage these structures more directly in the coordination processes.

There is no evidence that the study on best practises, the gap analysis, or the workshop on inter-agency cooperation have been implemented.

Nevertheless, the assistance has clearly been of significant help, as evidenced by the substantial progress that has been achieved in the negotiation of the AA and the DCFTA, the approval by the Commission Services of Phase 1 of the VLA and the permission to proceed with the implementation of Phase 2, and the public comments of senior EU and EC officials.

Once again the Annual Report (p5) states that the MoFAEI considers that this Activity should be suspended throughout 2013 pending the conclusion of the Association Agenda. This indeed runs counter to what is happening: negotiations are on-going; travel to meetings around the Association Agenda is taking place and presumably is continuing to be funded through the project.

**2.2.2.3 Fortified institutional capacities**

The Project Results and Resources Framework identifies a number of actions:

* Support to strategic planning capacity through the training of senior and middle management
* Consolidating intranet capacities and information flows
* Continued support to the Call Centre
* Continued support to develop and introduce continuous training and development system
* Further support to increase openness and transparency to the public and the media

**2.2.2.3.1 Support to strategic planning capacity through the training of senior and middle management**

This training did not take place as it is one of the sub-components removed at the request of the MoFAEI. It is suggested that this was because of budget constraints. However, given that the original budget for 2013 was cut significantly, and given that to date only 14% of the 2013 budget has been disbursed, this does not seem plausible.

**2.2.2.3.2 Consolidating intranet capacities and information flows**

The Ministry received assistance in building and strengthening the IT systems, including the intranet, the IP telephony, the electronic circulation of documents, and the electronic calendar. Currently the working stations of the Ministry and of the Moldovan embassies are connected to the Ministry’s network. The capacities of the server have been enhanced and there is an on-line back-up system. Specialised network and encryption software has been purchased.

The link between the Ministry and the Embassies is ensured and allows for a more secured transfer of data. The network can support the exchange of data, although at present it is most widely used for the transfer of data linked to bio-passports. This infrastructure could be used to provide other services to Moldovan citizens via the embassies, including the e-services currently envisaged by the E-Governance Centre.

The IP telephony was implemented to encrypt and ease the communication between the Ministry employees. The expenses for phone communications have been decreased by approximately 75%. There is also a Skype type platform for secure communication among the Ministry’s employees. A separate billing and monitoring system of the IP telephony has not yet been introduced. This would ensure more transparency in the work of the Ministry’s employees.

The intranet offers access to contact details, recent news, separate intranet web-pages for each department and an electronic calendar which is fully synchronised with Outlook. At present the calendar is not used by all the employees of the Ministry. There are obvious advantages to a more widespread use of the electronic calendar: the software enables managers to generate automated reports at the end of reference periods; it would improve transparency in the work of the employees; and increase efficiency in work planning. The most active users of the calendar are the Protocol Department and the EU Integration Department.

This sub-component is proving highly successful and beneficial to the Ministry. That said there are a number of issues which remain to be addressed during the remainder of the project: further work is needed on the digital signature system and software; the back-up system would benefit from further strengthening (possibly linking it to cloud technologies); the ICT system is minimally protected against disruptions in energy supply since the UBS equipment is outdated. Moreover, the Ministry would be well-advised to prepare a Users’ Manual for the ICT systems and elaborate a Security Policy and Procedures.

The evaluators found no case for further major capital expenditures on equipment. The MoFAEI possesses 250 modern work stations, far in excess of the staff complement, largely as a result of financial support provided by this project but also by other donors. There may be some minor procurement needs in the future linked to the activities described above, but these are more likely to be software rather than hardware related. It is understood that the planned Register of Treaties has been removed from the project and that finance for this initiative will be provided by the Turkish Government.

There are concerns about the sustainability of this support. Excluding the national expert employed through the project, there is only one member of staff in the IT Unit. Given that during 2013-2014 the roll-out of the e-governance modules will commence, and given the ever more sophisticated nature of the Ministry’s ICT system, it is improbable that one person will be sufficient to maintain and update the existing system and cope with the transformation to the e-governance system and cloud technologies.

**2.2.2.3.3 Continued support to the Call Centre**

The Call Centre was established under the 1st Phase of the project and it was agreed to continue to finance the operational costs of the Centre during the third phase. The 3 operators, who had been employed since the beginning of the project, remained in post until October 2012, when one of the operators left. The workload was distributed between the remaining two operators. On the 15th May 2013, a second operator left. The Call Centre remains with only one operator[[8]](#footnote-8).

The Call Centre has proved to be a highly successful activity and the decision to continue to provide support was entirely justified. To date, the Centre has developed a database with standard answers to questions as well as contact details and other useful information for beneficiaries. In addition to the phone calls, the operators answer queries via Skype and electronic messages. During 2012 and the period up to the end of May 2013, the Call Centre responded to 6617 calls, of which 858 were from abroad, and answered to 606 e-mails. The indicator of achievement is 15,000 calls in the three year period. Given that there is now only one operator in the Centre this target is unlikely to be achieved.

The visibility of the Ministry and its image has been significantly increased. In addition to providing services to Moldovan citizens in the country and abroad, calls from foreigners who wished to know various aspects of the Moldovan legislation have been registered. Information about how to start up a business in Moldova or how to obtain a residence permit has been provided by the Call Centre operators.

There are three issues which require attention:

* There is an urgent need to replace the two members of staff who have left;
* The sustainability of this initiative is in doubt. There is no hand-over strategy in place and as yet no work is being done on preparing such a strategy;
* Staff in the Consular Department (and to a lesser extent other Departments) are forwarding e-mail queries to the Call Centre rather than answering them themselves. While it would be excellent if the Call Centre were to grow into a full-scale Information Centre that is not its current mission statement.

**2.2.2.3.4 Continued support to develop and introduce continuous training and development system**

There have been no activities under this element. This is one of the sub-components removed at the request of the MoFAEI. In the opinion of the evaluators this is a critically important sub-component: a training and re-training platform is an essential part of a modern Ministry. Given that the Ministry’s staff are frequently rotating, and given the structures, processes, tools and techniques within the Moldovan Ministries are changing rapidly (a process which will increase sharply with the roll-out of the e-governance and e-procurement modules, and the implementation of the Public Administration Reform Strategy and the Civil Service Training Strategy), the MoFAEI would be well-advised to reconsider its decision to remove this sub-component.

**2.2.2.3.5 Further support to increase openness and transparency to the public and the media**

The communications component was intended to strengthen the capacities of the press office of the Ministry. For that purpose an expert was hired by the project in 2011. Although the objective was to train the press officer of the Ministry, there was no such officer in post throughout the entire duration of the expert’s mission. Instead, the expert unofficially overtook the functions of a press officer.

Training was however offered to the press officer’s assistant and activities were taken to improve the image of the Ministry via upgrades of the website of the Ministry and of the Moldovan Embassies, opening up of a Facebook account for the Ministry and for the Call Centre, and the placement of a news compartment in each Embassy website. The communications expert also managed the news compartment of the main Ministry website. The communications expert left in March 2012 and no further support has been provided. It was agreed that the MoFAEI would request support if it felt the need in the future. The news compartment has not been maintained or updated.

The Ministry hired a Press Officer in October 2012, but until recently she had no knowledge of the project or the support which it could offer. There is presently no assistance being provided through the project to this Activity, although the Press Officer indicated that support would be welcomed for the following:

* An updated communications strategy;
* Training for journalists on how to present the Vilnius Summit and related events;
* Basic training for ministry staff on communications (how to behave in front of a camera, how to present data to the public) ;
* Re-engineering of the website: the current website is not possible to amend, since only the web company has access to the root programme;
* Translation of the website into English

As far as can be discerned, there has been no support provided to the development of a documents library as was initially foreseen.

**2.2.2.3.6 Reconstruction of the Conference Facilities**

There is no reference in the Project Results and Resources Framework to this Activity and consequently no indicators of achievement. It is understood that this is because the allocation of funds to the reconstruction of the Conference Facilities was approved as an exceptional decision by the donor/Sweden. The Annual Reports from 2011 and 2012 provide limited information on the progress of this activity. However, the MoFAEI has provided Sweden and UNDP with separate, detailed reports on the results of the renovation of the Conference facility in December 2011 and in April 2012.

The project assisted in the planning and reconstruction of the Conference Hall of the Ministry. The activities started in 2010 and continued after the anticipated deadline end of 2011 until spring 2013. The Annual Report suggests that the delayed completion of the works was due to inclement weather. However, respondents report that the delays were largely administrative: the Ministry of Construction took almost 6 months to approve the technical documentation; there was also allegedly a lack of proactivity on the part of the responsible officers within the MoFAEI, which also caused delays as the contractor awaited instructions.

The project hired a technical expert to oversee the works and manage the drafting of the tender documentation. The initial plans were to refurbish the existing Conference Hall. After the contract for the reconstruction works was awarded, the wining company promised to include the construction of an additional basement in the existing contract without an increase in price. That promise was not endorsed through a formal amendment to the works contract. Subsequently it proved impossible for the works contract to fulfil his promise. An amendment to the works plan was made and the cost of the refurbishment more than doubled from 1,9 million lei to 4,2 million lei. The project has provided $300,000, $150,000 in Phase II and $150,000 in Phase III. Additional financing was obtained from the Turkish Government, who it is understood have financed the completion of the works and have agreed to procure the necessary conference equipment. The physical refurbishment of the Conference Hall has been completed and although some of the equipment is still to be installed, the Hall is already used by Ministry staff. This element of the project has therefore been successfully closed.

**Support to Component 2**

The support under this Component was originally targeted at the following institutions

* MoAFI, MoIA, MoEnv, MoF, MoH, MoLSPF, MoITC, MoCRD, and MoTRI
* Specific support to MoJ and CLA for legal approximation issues

and comprised the following planned activities:

* Preparation of regular gap analyses for needs identification;
* Support to the continuous improvement of the negotiation skills of the selected institutions through the provision of tailored training and organisation of Study Visits;
* Support to the implementation of the AA/DCFTA through the provision of policy support;
* Support the beneficiaries to participate in relevant events

The assistance under this component has been implemented efficiently and effectively and has been well-received by the beneficiaries. The evaluators have reviewed all of the outputs and consider them to be of a high quality and of immediate relevance, a view confirmed by the recipient institutions. As noted earlier, the only caveats are that not all the eligible institutions have received assistance, that no assistance has been targeted at the Parliament and that the share of the budget allocated to the Component has been cut significantly.

A Gap Analysis was prepared in early 2012, which identified the support to be provided to 6 institutions, the MoAFI, the Bureau for Migration and Asylum under the MoIA, the MoF, the MoTRI, the MoLSPF and the Centre for Legal Approximation (CLA). The Gap Analysis planned for 2013 was not carried out because the MoFAEI preferred to wait until the Association Agenda had been agreed.

At the general level, a range of workshops has been organised at which in excess of 300 public servants have been trained in legal approximation and negotiating skills. In addition, as part of the implementation of the visa liberalisation process, more than 60 civil servants from 10 Moldovan institutions have been trained in the EU’s legislative framework on data protection. A five day seminar was organised by the National Centre for Data Protection in November 2012.

**Ministry of Agriculture and Food Industry (MoAFI)**

During 2012 and 2013, the MoAFI benefited from substantial assistance (18+ experts) from the project, primarily directed at facilitating compliance with the requirements of the DCFTA negotiations notably in the areas of wine, food safety, and sanitary and phyto-sanitary safety and security. These are issues critical to the preparatory and implementation phases of the DCFTA and there is little doubt that the support provided has significantly contributed to the smooth progress of the negotiation of the trade related chapters of the Agreement.

***Support to the wine sub-sector***

The following support has been provided by the project:

* A National Office of Vine and Wine has been established and provided with a legal base, amendments to Law Nº 57 2006, adopted on the 16th November 2012;
* A national vine and wine registry has been elaborated and the supporting regulations have been adopted, harmonised with Council and Commission Regulations;
* 37 private sector operators and 23 Civil Servants have subsequently been trained on the implications of the conclusion of the DCFTA upon wine production and trade;

The assistance provided by the project to the wine sub-sector has stimulated additionality in the form of enhanced cooperation between the MoAFI and the Czech Development Agency in the area of wine products and wineries. A draft memorandum of cooperation is being currently considered for signature between the MoAFI and the Czech Development Agency which aims to further strengthen collaboration in this area.

***Support to food safety, and sanitary and phyto-sanitary safety and security***

The following support has been provided by the project:

* Support has been given to the start-up operations of the Food Safety Agency, including the elaboration of regulations;
* A Laboratories Strategy has been elaborated;
* National Residue Monitoring Plan has been adopted and approved by the Commission Services in November 2012;
* Amendments have been drafted to the Law Nº228 on plant protection and phyto-sanitary matters and were adopted by Parliament. The Law is now consistent with 3 EU Directives in the area;
* Training has been provided to staff members of the MoAFI and 15 inspectors in the registration procedures linked to plant health
* The State Veterinary Agency has received policy advice on the development of Border Inspection Posts, the elaboration of a Procedures Manual for the Border Inspection Posts, the drafting of a Concept Paper on the utilisation of by-products, the preparation of a National Plan for the Control of Animal Feed and a National Programme for the modernisation of the Agri-Business Sector

The assistance provided has been of immeasurable importance to the negotiations. Food Safety, Sanitary and Phyto-Sanitary issues are of strategic importance to Moldova’s capacity to implement and benefit from the DCFTA.

Without wishing to prejudge what requests the MoAFI might present, further assistance could already be offered to support the implementation of the wine and wineries registry and to improve the monitoring and control mechanisms in the wine sector, thereby ensuring the sustainability of the support provided to date. In addition, further support is needed to strengthen the legal and institutional framework in the areas of food safety, sanitary and phytosanitary standards, traceability of food products, as well as the development of the necessary testing infrastructure.

The activities have complemented the assistance offered by the High Level Policy Advisors from the EUHLPAM project.

**The Bureau for Migration and Asylum (BMA)**

The BMA received assistance in the form of one expert to redraft provisions in the law on the status of foreigners. The assistance was provided in the framework of the Visa Liberalisation process. There was a positive feedback from the beneficiary on the quality and timeliness of the services.

**The Ministry of Transport and Road Infrastructure**

The Ministry of Transport received assistance in the form of consultancy services from two international consultants. One expert focused upon harmonization of the Railway Transport regulations and training was provided to 25 Civil Servants and employees of the state railways in Regulatory Impact Analysis. The second expert supported the MoTRI to prepare amendments to the Law on Traffic Safety, elaborate an Action Plan for the adoption of a system of road safety auditing and provided practical training in road safety auditing to 20+ employees from public bodies involved in the management of road safety.

Generally, there has been positive cooperation between the Ministry and the project. However, the Ministry noted that following the project management changes in 2012, the relationship weakened. The Ministry would be interested in receiving assistance to implement digital topography for road transport and improve the naval transport regulations.

**Centre for Legal Approximation**

During 2012 the CLA received assistance from 2 international and 2 local experts. One of the international experts worked on preparing the National Legal Approximation Plan for 2013, the development of new approach to strategic planning, monitoring and reporting, and the establishment of a new database. The assistance was extremely well received. The NLAP has been approved by Government. The second expert concentrated upon harmonisation of the public procurement legislation. The need for this assistance came as a consequence of inconsistencies in the law on public procurement with the relevant EU Directives. Although the by-laws adopted by the Public Procurement Agency have a higher degree of compatibility with EU legislation, the central law required redrafting.

The two national consultants were hired for a period of one year to assist the CLA in coping with the workload. Although the CLA has a legal complement of 21 staff, only 10 are in post. While the evaluators are not generally supportive of capacity substitution, in this instance it appeared justifiable, since the CLA had launched advertisements to recruit additional staff but was unable to identify suitably qualified and experienced candidates. The cooperation with one of the local experts was difficult, which led to the early termination of the contract. The second national consultant delivered assistance for almost one year and was positively evaluated by the CLA.

A placement in the Romania legal approximation centre was organized for 4 CLA employees between September and November 2012 (two rounds of three weeks for 2 employees) and has enhanced the harmonisation capacities of the CLA personnel. Additionally the ten members of staff of the CLA were provided with advanced training in legal approximation, EU standards and Directives (October-December 2012) and the participation of the Director of the CLA in a seminar in Brussels was financed.

However, despite a significant increase in the CLA’s workload and an anticipated further increase in the workload once the AA/DCFTA is initialled and the Association Agenda is agreed, no assistance has been offered to the CLA since November 2012 and apparently the CLA was not aware that further assistance might be available. The CLA confirmed their need for assistance in drafting the NLAP for 2014, showed interest in support to update and improve the legal approximation database and in the preparation of compatibility statements for complex legislation due for drafting this year.

It is understood that only $7,500 of the funds provided by the Romanian Government remain undisbursed. However, it would be advisable to seek approval for using Swedish Funds to provide further support to the CLA should it be requested.

**Ministry of Finance**

One expert was recruited to assist the Ministry of Finance to improve its public debt management system.

**Ministry of Labour, Social Policy and Family**

One expert was recruited to assist the MoLSPF to develop the national regulatory framework in compliance with EU Directives on Health and Safety at Work.

* 1. **Effectiveness**

*The criterion of effectiveness is a measure of how far the project is meeting its specific objectives. The results produced during the implementation process are supposed to contribute to the achievement of the specific objectives. Is this the case? If not, why are the objectives not being fulfilled? Are there problems in the environment [legal, institutional, financial, political blockages]? What remedial action might be necessary to ensure that the objectives are achieved?*

The three objectives set out in the Programming Document are:

* **To continue to support the MoFAEI in its role as coordinator of the AA/DCFTA negotiation process and the implementation of the Visa Liberalisation and Readmission Agreement**;

Part of this objective is very close to being achieved. There has been substantial progress in the negotiation of the Association Agreement to which the project can be judged to have made a measurable contribution. The negotiations are effectively completed. All of the technical Chapters are now closed and while there may still be nuances in the Recitals and Preamble to discuss these are unlikely to take up much more time. Shortly work will commence on the elaboration of the Association Agenda, the framework for the implementation of the Agreement. There is some uncertainty surrounding the date upon which the Agreement will be signed. The Commission Services had initially indicated that the Agreement would be signed during the Vilnius Council Meeting in November 2013. This no longer appears to be the case. In a recent interview, EU Ambassador Schuebel offered a more vague formulation, expressing the hope that the Agreement would be signed before the next general election which is provisionally scheduled for the end of 2014 / beginning of 2015. Nevertheless, the MoFAEI has successfully navigated the negotiation of the agreement phase.

The project still has a substantive contribution to make: Phase 2 of the implementation of the Visa Liberalisation Action Plan is on-going and the MoFAEI has a strategic role to play in this process. The negotiation of the Association Agenda will commence shortly and the Ministry will be actively engaged in the coordination of the preparation of the Agenda.

* **To continue to assist the MoFAEI to strengthen its institutional capacities, notably with respect to the implementation of the Ministry’s Strategic Development Programme**;

There is mixed progress towards the achievement of this objective, largely because a number of the planned initiatives were removed at the request of the MoFAEI. There are some highlights: the modernisation of the Ministry’s ICT systems is being successfully accomplished and is already beginning to deliver returns in the form of reduced costs and greater efficiencies; the work on refurbishing the Conference Centre is completed; the Call Centre has helped raise the Ministry’s profile, improve the quality and efficiency of service delivery and increase the operational efficiency of the Ministry’s Consular Services. However, the Strategic Development Programme has not been approved; there has been no further support provided to the reform of the internal management systems and processes; the planned training/retraining platform has not been established; extremely limited support has been given to the communications functions of the Ministry; and there has been no support given to strengthen financial planning capacities. The current structure of the Work Plan does not inspire confidence that this objective will be achieved, since there are few activities, except those targeted at the ICT and Call Centre, which could be genuinely described as “institution building”.

* **To provide support to selected line Ministries and State Agencies to help them to negotiate the AA/DCFTA and to elaborate and implement the Association Agenda**

The project has made a substantial contribution to the achievement of this objective by providing support in highly sensitive areas of the DCFTA (food, animal and plant safety) and in areas related to other non-trade related Chapters of the Association Agreement. Support has been provided during the 7 rounds of negotiations on the DCFTA part of the Association Agreement. The negotiations which commenced in February 2012 were technically completed on the 12th June 2013. All parties have agreed that the project’s support has been instrumental in the successful completion of the DCFTA negotiations.

* 1. **Impact**

*Impact is a measure of how far the Project is contributing to the achievement of the wider objective. It is unlikely that a Project will have impact by itself. Projects are constituent parts of larger interventions: several Projects may fit together to achieve the wider objective. When evaluating the potential impact of a Project several factors should be borne in mind: Is there* ***clear causal link*** *between the project and the achievement of the wider objective (the need to consider counterfactuals – i.e. what would have happened without the assistance); the wider objective may be achieved in spite of the project; the project may have had impact but was* ***undermined*** *by other factors; projects can make* ***positive*** *and* ***negative*** *and* ***direct*** *or* ***indirect*** *contributions to impact*

The wider objective of this third phase was to support the Government to prepare for, negotiate and implement the Association Agreement, including the DCFTA, and to implement the Visa Liberalisation and Readmission process. It is clear that in this regard the project has made and continues to have a substantial impact. The assistance to coordination the funds provided in support of travel to the negotiations, associated working parties, conferences and workshops and the technical assistance offered to line Ministries during the preparations for the negotiations have clearly been instrumental in what is rightly regarded as a smooth and successful negotiation process.

The project may also be deemed to have had positive, but unforeseen, impact in one other important way. It has acted as a catalyst, adding value by attracting additional funds from the Development Partners, and stimulating the financing of follow-on or parallel initiatives. The planned Czech support to the wine sector, the Turkish support to the equipping of the Conference Facilities and to the development of the Treaties database, provides a clear example of the project’s catalytic effect. In the absence of the support promised through the Comprehensive Institution Building, such assistance is invaluable.

With the exception of the targeted support to Moldova’s compliance with international Human Rights Conventions, the project has had no impact upon the cross cutting issues of gender and human rights.

* 1. **Sustainability**

*Sustainability is a test of how far the results achieved by the project can be maintained after the closure of the project. Sustainability can be examined in six ways: Policy, Environmental, Legal, Institutional, Technical, and Financial*

The policy environment is clearly defined. The goal of European Integration is enshrined in all national and sector planning documents and has been re-stated by the newly appointed Prime Minister and the new coalition government. While it is not possible to speculate what would be the foreign policy intentions of any new Government installed in 2015, the European Union stated publicly during the recent crisis that it was prepared to work with whatever Government was elected in order to further the objective of European Integration. In this sense it is highly probable that the achievements of the project will be sustained.

With the exception of the reconstruction works, for which planning permission consistent with EU and Moldovan environmental standards was obtained, the project has no direct environmental impact. The question of sustainability does not therefore arise.

The legal environment is more difficult to assess: it may affect the sustainability of the project in two distinct ways. First, although the negotiations have effectively closed the Agreement is not yet initialled or signed. It will then in all probability require ratification by Member States. In the current economic climate it would be presumptuous to assume that all Member States will be supportive of increasing single market access for five more countries. Second, the signature of the Agreement is likely to coincide with elections in Moldova. While the Communist Party has declared that is in favour of closer European Integration, there can be no guarantee that it would necessarily pursue integration through a binding treaty were it to win the General Election. The probability that the process will be sustained is high, but it is by no means guaranteed.

Where project outputs required adoption by Parliament or Government Decision, this has been forthcoming. This particularly applies to the work done under Component 2 linked to food, plant and animal safety, to health and safety at work issues and to road safety auditing.

There are questions concerning the potential institutional sustainability of the assistance provided under Component 1, notably with respect to the Call Centre and the ICT. No take-over strategy has been elaborated for the Call Centre. Although the MoFAEI states that it will assume responsibility for the Call Centre, there is a risk that the potential gains from this initiative will be lost, possibly even before the end of the project unless staffing and morale issues are addressed. There is only one ICT specialist employed by the MoFAEI and in the evaluators’ opinion this level of staffing will be insufficient to maintain, service and upgrade the systems, support the introduction of the e-governance modules and provide in-house training and coaching to staff.

There are no such concerns regarding the outputs under Component 2. The revised legal and regulatory framework has been incorporated into the day-to-day operations of the Food Safety Agency, the State Veterinary Agency and the MoTRI. The strategic plans prepared for the FSA and SVA are being used to guide action planning for 2013 and 2014.

Technical sustainability refers to whether or not the staff has acquired sufficient skills. To date a substantial number of employees in MoFAEI and other line Ministries and State Agencies have been trained in European Integration issues generally and elements of the *acquis* relevant to their particular work. It is evident that the staff in the MoFAEI, the line Ministries and State Agencies is now fully familiar with the EU integration process. It is not possible to determine whether this is as a result of the training provided under Phases I & II (limited training has been provided under Phase III), the bilateral support provided by EU Member States or a consequence of their day-to-day involvement in integration-related issues. The only threat to sustainability is posed by the rotation system within the MoFAEI, which frequently means that staff, well-trained in EU Integration issues, rotate out of the Ministry and others with less experience and knowledge take their place. Since rotation is inevitable within the MoFAEI, the only way in which the impact of the rotation system can be minimised is by having an in-house training and re-training capacity. This is one of the interventions that was originally planned for the project, but which has thus far not been implemented.

At present there is no evidence that the results achieved are financially sustainable. There are two areas where support would be required from the Ministry’s budget: maintenance of the Call Centre and the ICT networks. This is not simply a matter of salary costs. It will also be a question of whether there is sufficient space within the Ministry’s official staff complement to recruit a minimum of 4 additional staff.

The evaluators were requested to comment on the sustainability of the results from Phases I & II of the project. The Programming Document suggested that there had been substantive achievements. There is little evidence that the achievements in the area of institutional capacity building have been maintained except in the areas of the Call Centre and ICT, and then largely as a result of the fact that additional resources have been allocated to them. The work done on developing training plans and the development of a comprehensive performance appraisal system is reportedly not used, although the merit-based recruitment system continues to function. As noted previously the Ministry’s Strategic Development Programme was not approved. The proposals for improving the legal approximation process have not been implemented.

# conclusions and recommendations

**3.1 Conclusions**

There is much to applaud with regard to this project. It arrived at a timely moment and has helped to fill a critical gap in the support being provided by the Development Partners to the European Integration process. Without the assistance of the project, there can be little doubt that the negotiations would have not progressed so smoothly.

The EU and Moldova are close to initialling the Association Agreement/DCFTA, although it would now appear that signature of the documents will be delayed until 2014. There has been appreciable progress made by the Government in meeting the requirements of Phase 1 and implementing Phase 2 of the Visa Liberalisation and Readmission Agreements.

At the practical level, the project has contributed substantially to upgrading the Ministry’s ICT capacities, establishing an internal and external (technical) communications network; the support to the Call Centre has helped to increase the operational efficiency of the Ministry’s consular services, and has widened the range of services the Ministry is able to offer Moldovan citizens abroad and potential foreign investors. The financial assistance provided has certainly facilitated Moldova’s participation in the AA/DCFTA negotiations and helped Moldovan officials to play a full and constructive role in international forums. The work done under Component 2 has proved to be extremely valuable and effective.

**The real concern is how to define a range of mutually acceptable activities that will maximise the project’s impact, enhance the probability of sustainability and ensure the efficient and effective absorption of the remaining funds.** **This will involve establishing a more equitable balance between the funds and activities allocated to Components 1 & 2 and a return to the original objectives of the project.**

While the MoFAEI has clearly benefitted from the assistance, there is much that was originally planned under Component 1 that remains to be done. The evaluators would strongly advise all parties to return to the *status quo ante* and start again to define a series of interventions that would lead to strengthened institutional capacity within the Ministry. In particular the project should support the MoFAEI to elaborate and implement a Strategic Development Programme. This activity is becoming ever more topical as the Government moves to elaborate and implement a wider Public Administration Reform strategy, including comprehensive reform of the Civil Service. There is further work to be done to develop standard internal operating procedures and more particularly to codify these into Procedures Manuals. Given the particular nature of the MoFAEI, notably the fact that staff is regularly rotating between internal and external postings, codified procedures are an important tool in re-inducting Ministry staff efficiently upon their return to Moldova. In this context, it would be prudent to move ahead with the proposed development of an in-house training and re-training platform. However, there is perhaps less valued added in organising in-country training courses and more to be gained from establishing a fund to finance placements of MoFAEI staff with sister Ministries within EU Member or Candidate States.

The support to strengthen the communications/public relations capacities of the Ministry remains highly relevant. It would be sensible to re-start this initiative in light of the fact that the MoFAEI has now appointed an official to take charge of these issues. There is still a substantial amount of work to be done to finalise the design and operationalisation of the ICT system, which does not involve the procurement of more equipment, notably the elaboration and implementation of security protocols, stimulating greater usage of the current ICT systems amongst Ministry and Consular staff through training and the preparation of Users’ Manuals, and supporting the roll-out of e-governance modules to the Ministry’s and Consulates’ management systems;

There will be a need for continued support to travel and a budget should be defined to support the MoFAEI and line Ministry staff to participate not only in the negotiation of the Association Agenda but to play a constructive role in the Committee meetings to which they will be invited in the future. There will also be a need to re-define a budget to support participation in human rights linked meetings.

The case for increasing the level of support to Component 2 to that envisaged at the start of the project is clear. As the EU Integration process moves into the next phase, the negotiation and implementation of the Association Agenda, there will be an even more urgent need to offer technical assistance to the line Ministries. Indeed, such will be the volume of work that there is little doubt that the line Ministries would comfortably be able to absorb all of the remaining funds. There will also be a need to engage Parliament more directly in the coordination of the legal approximation process and to involve the EU Integration parliamentary sub-committee in project activities. Moreover, the Centre for Legal Approximation would also benefit from continued support. The evaluators see little point in delaying the planning of support under this Component until after the Association Agenda has been concluded.

If this project is to proceed to a satisfactory conclusion, the three principal parties to the project urgently need to consider their approach and options:

* The UNDP should be more insistent on pursuing what was originally set out in the Programming Document;
* The MoFAEI should consider requesting the reinstatement of the institution-building components and should agree to greater financial resources being allocated to Component 2 as soon as possible;
* Sweden needs to take a decision as to whether or not it is prepared to allow funds to be diverted back to support institution-building

**3.2 Recommendations**

In light of the preceding analysis, and cognisant of the need to ensure that the available funds are fully absorbed by the end of the project (on the assumption that they are being used to achieve tangible goals), the evaluators recommend the following:

3.2.1 If the project is to continue and produce sustainable results, which the evaluators believe to be in everyone’s interests, the Development Partners, UNDP and the MoFAEI should use the July 2013 Steering Committee to refocus the project and agree a detailed Work Programme, including an operating budget, for the remaining period of the project along the lines suggested in 3.2.4;

3.2.2 A meeting should be called as soon as possible with all structures identified as beneficiaries under Component II in the programming document, including the Parliament and the Centre for Legal Approximation, in order to identify short and medium-term needs, to agree their inputs to the Work Programme and to nominate counterparts to the project steering committee. Given the fluidity in the Association Agenda process, the Development Partners, UNDP and the MoFAEI would be well-advised to establish a mechanism for regular consultation with the beneficiaries in order that the project might respond efficiently and effectively to their needs. It would be sensible to meet every three months, rather than annually.

3.2.3 The budget should be divided according to the following ratio: 40% of the funds to the Component I, 60% of the funds to Component II, assuming that the MoFAEI agrees to reinstate the capacity-building components. If not, the ratio should be 25%:75%. In this way the probability that all of the funds will be absorbed will be maximised;

3.2.4 The Work Plan for Component II should be elaborated following the meeting identified under recommendation 3.2.2. The evaluators recommend that the Work Plan for Component I include the following as a minimum:

* Continued financial support to travel and general logistical support to coordination meetings to finalise AA/DCFTA;
* Support to the establishment and operations of coordination of the implementation of the Association Agenda;
* Support to Moldova’s participation in events/meetings related to the implementation of Human Rights conventions/commitments;
* Continued financial support to permit MoFAEI staff to participate in placements/internships and attend human resource development events;
* Technical assistance to support to the revision and implementation of the Strategic Development Programme and the codification of internal procedures;
* Technical Assistance to the Budget and Finance Department, notably to improve annual and medium-term budgeting and policy modelling;
* Continued technical assistance to the Call Centre – in this context, the UNDP should recruit as soon as possible replacements for the two staff members who have left and support the preparation of a Procedures Manual;
* Continued technical assistance to ICT in order to (a) prepare a Users’ Manual; (b) provide additional training to MoFAEI staff and in particular those returning from Consulates in the optimum use of the ICT systems; (c) support the implementation of the e-governance systems; (d) design and implement improved back-up systems and enhanced security protocols
* Technical assistance and training to the Communications Division within the MoFAEI and support to the preparation and implementation of a communications strategy on EU Integration and Visa Liberalisation issues;
* Technical assistance and training to support the Human Resources Division within the MoFAEI to establish and operationalize an in-house training and re-training platform

3.2.5 Once the Work Plan has been agreed the UNDP is advised to redraft the Project Resources and Results Framework to reflect the agreed Work Plan.

3.2.6 The UNDP is strongly advised that prior to the start-up of future projects in which it is intended to make extensive use of HACT:

1. A feasibility / capacity study along the line of that prepared by Ms.Tyrrko is undertaken
2. That a formal agreement is concluded with the beneficiary regarding which elements of the project are to be implemented through HACT, and detailing the division of labour between the UNDP and the beneficiary on the management of the HACT processes;
3. That technical assistance be provided to the beneficiary for a period of six months to assist in the definition of appropriate financial management procedures, assess compatibility between UNDP and the beneficiary’s financial management systems and make appropriate adjustments, and support the day-to-day management of the financial operations and reporting procedures;
4. That a HACT Procedures Manual is elaborated and translated

3.2.7 The Project Board should be divided:

1. The Project Board should continue but with a revised mandate. It should comprise the Development Partners, the MoFAEI and the State Chancellery, and should address all programming issues, approve the Work Plan, receive and approve the Annual Report and oversee the work of the Project Steering Committee. In short, it would be wise for senior officials to distance themselves from the day-to-day operations of the project;
2. A Project Steering Committee should be established comprising all beneficiaries under Components I & II and representatives of civil society. Ideally, the PSC should be co-chaired by the European Integration Department of the MoFAEI and the responsible officer within the UNDP on a rotating basis. The PSC should focus exclusively on matters pertaining to project implementation and day-to-day project management issues. Any issues of principle should be referred to the Project Board. The Project Manager should continue to perform the Secretariat functions for the PSC.

3.2.8 The UNDP should recruit as soon as possible two replacements for the Call Centre;

3.2.9 The MoFAEI should be requested to prepare a take-over plan (actions, timing, and budget) for the Call Centre. The take-over should take place at least three months prior to the closure of the project;

3.2.10 The MoFAEI should be requested to prepare a take-over plan (actions, increased staffing, timing, and budget) for the ITC systems. Again the take-over should occur at least three months prior to the closure of the project;

(It is understood that neither the UNDP nor the MoFAEI agrees with recommendations 3.2.9 and 3.2.10, arguing that such actions are premature. The evaluators disagree. It is good practise to define an exit strategy where the creation of new structures / functions, which involve substantial budgetary commitments, is concerned prior to project start-up. It is certainly not good practise to leave it until the final moment, particularly as the costs should be included in the Annual Budget and the MTBF. Moreover, the exit strategy may imply an increase in staffing levels and/or a redeployment of the existing staff complement. These are matters which cannot be resolved quickly. Elements of the strategy may need to be negotiated with the Ministry of Finance.)

3.2.11 In light of the Government’s Decision to appoint a State Secretary to each of the line Ministries who would be responsible for the management of institutional change, the MoFAEI is advised that it would be important to involve this person in the management of this project as it could prove to be a useful tool for him/her;

3.2.12 Greater efforts should be made to increase the visibility of the project. This could be incorporated into the communication strategy proposed under recommendation 3.2.4.

**Annex no. 1**





**TERMS OF REFERENCE**

**International Consultant for the mid-term evaluation of the Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration Project**

**Job title:**  International Consultant

Duty station: Chisinau, Moldova

Reference to the project: Building Institutional Capacity of the Ministry of Foreign

Affairs and European Integration

Contract type: Individual Contract (IC)

Expected workload: 25 working days

Starting date: March, 2013

1. **BACKGROUND:**

The Government of Moldova, through its 2010 – 2014 Programme, regards European integration as a fundamental priority of its domestic and foreign policy. The responsible implementation of commitments, deriving from the European course, is perceived as the most efficient way to achieve political, economic and social modernization, and thus, European integration provides a strong context for reforms in a number of areas.

The Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration Project was initiated in 2008[[9]](#footnote-9) to respond to the needs of the Government and the MFAEI in implementing institutional reforms but also to assist in the process of regional cooperation and European integration. The intervention logic was based on the Central Public Administration Reform strategy, the 2008-2011 National Development Strategy and the development assistance frameworks of the project main donors.

The objective was to strengthen the institutional capacity of the Ministry of Foreign Affairs and European Integration so that it can exercise its functions in a more efficient manner, operate transparently and fulfil its European Integration commitments. In 2010 the project was expanded in order to provide an enhanced assistance to the Moldovan institutions involved in negotiating the Association Agreement between the European Union and the Republic of Moldova.

The current phase of the project, planned for 2012-2014, has continued with the overall objective of strengthening the institutional capacity of the MFAEI. Inter alia, it aims to contribute to the development of the capacities of the MFAEI and the Negotiation Team (comprising of representatives from different Moldovan public institutions) for European Integration, with immediate focus on negotiating the new legal framework of Moldova’s relationship with the European Union – the Association Agreement, and, implicitly, its implementation.

1. SCOPE OF WORK AND EXPECTED OUTPUTS

The expected output for the international consultant’s assignment is to evaluate the results of the Project from the beginning of its implementation in 2008, until December 31st 2012, identify and critically analyse the relevance of the project activities as well as the effectiveness of the implementation modalities. The evaluation will examine whether the activities, outputs and objectives lined out in the project document have been achieved and make recommendations on the way forward in the remaining implementation period until the end of 2014.

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

* Conduct a comprehensive desk review of the Project documentation in the period 2008-2012;
* Carry out interviews with relevant Stakeholders;
* Identify the planned, principle approaches and strategies that were employed in the Project to meet the objectives of building the MFAEI and other institutions’ capacity and map out the indicators used for monitoring/ evaluating the implementation and performance of the Project;
* Assess the design, implementation and results of the Project and specifically examine the relevance, efficiency, effectiveness, impact and sustainability of the Project;
* Evaluate the degree to which the Project has been successful so far, including the extent to which the targeted beneficiaries have benefited from the support;
* The analysis should differentiate between short and long term effects, with special reference to the MFAEI institutional capacity development and the European integration process. If results other than the planned ones have been reached, whether they are positive and or negative, these should also be described and analysed;
* Assess whether the Project implementation support and financing arrangements of UNDP were the most cost-effective to achieve the desired outputs and outcomes; and assess how the Project’s management arrangements have been implemented;
* Identify and analyse the challenges and constraints which confronted the Project during its implementation and draw lessons learnt;
* Assess the impact or prospects of the Project, enhancing the consideration of cross cutting issues such as gender and human rights;
* Draft a set of concrete recommendations based on evaluation findings and identified opportunities for intervention, including recommendations on the relevant changes to the Results and Resources Framework and the Risk Log;
* Prepare and present a comprehensive evaluation report.

The Evaluation of the Building Institutional Capacity of the MFAEI Project will be conducted by two consultants, one international consultant and one local consultant, working together as a team. The international consultant is expected to provide leadership in the execution of this assignment, according to the abovementioned responsibilities.

**Mission Schedule:**

Deliverables, activities, and milestones follow this tentative schedule:

1. **DELIVERABLES AND TENTATIVE TIMEFRAME**

|  |  |  |
| --- | --- | --- |
| **Nr.** | **Deliverables** | **Tentative timeframe/deadline** |
|  | **A detailed Work Plan** developed, discussed and submitted for approval | 20 March, 2013 |
|  | **1st Mission to Chisinau**  | 25 March – 5 April, 2013 |
|  | **A first draft Evaluation Report** prepared and submitted for comments to UNDP and the Beneficiary | By 19 April, 2013 |
|  | **2nd Mission to Chisinau**  | 24-26 April, 2013 |
| **3.** | **A round table discussion** on the draft Evaluation organized  | By 26 April, 2013 |
| **4.** | **Final draft of the evaluation report,** based on comments and suggestions received, submitted for approval | By 29 April, 2013 |

All the deliverables have to be coordinated and agreed by the UNDP Portfolio Manager.

The timeframe for the work of the International Consultant is tentatively planned through March – April 2013. The Consultancy should involve about 25 calendar days of work, including two visits to Moldova; the first one will count for 12 days and the second one for 3 days in-country. The remaining number of days is home-based.

**Management Arrangements:** The international consultant will work under the guidance of UNDP’s counterpart at the Ministry of Foreign Affairs and European Integration and in close cooperation with the UNDP Portfolio Manager for Governance, Justice and Human Rights – for substantive aspects of the assignment, and under the direct supervision of the Project Manager – for administrative and financial aspects. The national consultant will work in team with the international consultant and report to the MFAEI appointed representative and the Project Manager. The Project Manager will make all relevant project documentation in electronic format available to both the international and the national consultant, upon their selection and prior to the submission of the Detailed Work Plan.

**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), which includes proposed consultancy fee, travel costs, visa costs (if required), Daily Subsistence Allowance at UNDP rate for Chisinau (for accommodation, meals and local transport / communication). In general, UNDP shall not accept travel costs exceeding those of an economy class ticket.

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

1. **QUALIFICATIONS AND SKILLS REQUIRED:**

Minimum Qualifications:

* University / Master degree in Law, Public Administration or related field;
* At least 7 years of relevant professional experience in evaluation of development assistance projects;

Experience:

* Experience of advisory work on institutional development in transitional or emerging democracies, including Central and Eastern Europe or CIS countries is a strong advantage;
* Proven technical experience in processes related to foreign policy-making, including experience in the field of European integration;
* Experience in working with government institutions, international organizations (successful experience in working with UN agencies is an asset);

Abilities:

* Strong analytical and drafting skills, ability to organize and meet expected results, adapt to different environments (cultural, economic, political and social);
* 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. Knowledge of Romanian will be an asset; Russian will be an advantage.

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 he/she is the most suitable for the work; the consultant’s understanding of the TOR and the objectives of the assignment, the methodology for carrying out the activities and obtaining the expected outputs, possible problems and how to overcome them.
2. Financial proposal;
3. Personal CV including past experience in similar projects and at least 3 references.





**TERMS OF REFERENCE**

**National Consultant for the mid-term evaluation of the Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration Project**

**Job title:**  National Consultant

Duty station: Chisinau, Moldova

Reference to the project: Building Institutional Capacity of the Ministry of Foreign

Affairs and European Integration

Contract type: Individual Contract (IC)

Expected workload: 25 working days

Starting date: March, 2013

1. **BACKGROUND:**

The Government of Moldova, through its 2010 – 2014 Programme, regards European integration as a fundamental priority of its domestic and foreign policy. The responsible implementation of commitments, deriving from the European course, is perceived as the most efficient way to achieve political, economic and social modernization, and thus, European integration provides a strong context for reforms in a number of areas.

The Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration Project was initiated in 2008[[10]](#footnote-10) to respond to the needs of the Government and the MFAEI in implementing institutional reforms but also to assist in the process of regional cooperation and European integration. The intervention logic was based on the Central Public Administration Reform strategy, the 2008-2011 National Development Strategy and the development assistance frameworks of the project main donors.

The objective was to strengthen the institutional capacity of the Ministry of Foreign Affairs and European Integration so that it can exercise its functions in a more efficient manner, operate transparently and fulfil its European Integration commitments. In 2010 the project was expanded in order to provide an enhanced assistance to the Moldovan institutions involved in negotiating the Association Agreement between the European Union and the Republic of Moldova.

The current phase of the project, planned for 2012-2014, has continued with the overall objective of strengthening the institutional capacity of the MFAEI. Inter alia, it aims to contribute to the development of the capacities of the MFAEI and the Negotiation Team (comprising of representatives from different Moldovan public institutions) for European Integration, with immediate focus on negotiating the new legal framework of Moldova’s relationship with the European Union – the Association Agreement, and, implicitly, its implementation.

1. SCOPE OF WORK AND EXPECTED OUTPUTS

The expected output for the National Consultant’s assignment is to offer needed support in the work of an international consultant contracted to evaluate the results of the Project from the beginning of its implementation in 2008, until December 31st 2012, help identify and critically analyse the relevance of the project activities as well as the effectiveness of the implementation modalities. The evaluation will examine whether the activities, outputs and objectives lined out in the project document have been achieved and make recommendations on the way forward in the remaining implementation period until the end of 2014.

The Evaluation of the Building Institutional Capacity of the MFAEI Project will be conducted by two consultants, one international consultant and one National Consultant, working together as a team. The National Consultant is expected to work under the leadership of the International Consultant in the execution of this assignment, having the following responsibilities:

* Support the International Consultant in conducting a comprehensive desk review of the Project documentation in the period of 2008-2012;
* Organize interviews and meetings with relevant stakeholders and provide logistical support during the International Consultant’s mission to Moldova;
* Provide all necessary assistance to the International Consultant in carrying out the Project evaluation and in drafting the final report and recommendations, including, but not limited to, by providing an analysis of the political, social and economic context and the related EU Integration process issues.

**Mission Schedule:**

Deliverables, activities, and milestones follow this tentative schedule:

1. **DELIVERABLES AND TENTATIVE TIMEFRAME**

|  |  |  |
| --- | --- | --- |
| **Nr.** | **Deliverables** | **Tentative timeframe/deadline** |
|  | **A detailed Work Plan** developed, discussed and submitted for approval | 20 March, 2013 |
|  | **1st Mission of the International Consultant to Chisinau** organized and provided logistical and analytic support | 25 March – 15 April, 2013 |
|  | **A set of inputs to the first draft Evaluation Report** prepared and submittedas requested by International Consultant and UNDP/Beneficiary | By 17 April, 2013 |
|  | **2nd Mission of the International Consultant to Chisinau** organized and provided logistical and analytic support | 24-26 April, 2013 |
| **3.** | **A round table discussion** on the draft Evaluation organized  | By 26 April, 2013 |
| **4.** | **A set of inputs to the Final draft of the Evaluation Report,** prepared and submitted, based on comments and suggestions received and further requests from International Consultant and UNDP/Beneficiary | By 28 April, 2013 |
| **5.**  | **A final report on the results of the consultancy mission** prepared and submitted for approval | By 29 April, 2013 |

All the deliverables have to be coordinated and agreed by the UNDP Portfolio Manager and presented to UNDP in English (hard copy and electronically).

The timeframe for the work of the National Consultant is tentatively planned through March – April 2013. The Consultancy should involve about 25 calendar days of work, including two visits of the International Consultant to Moldova.

**Management Arrangements:** The National Consultant will work under the guidance of UNDP’s counterpart at the Ministry of Foreign Affairs and European Integration and in close cooperation with the UNDP Portfolio Manager for Governance, Justice and Human Rights – for substantive aspects of the assignment, and under the direct supervision of the Project Manager – for administrative and financial aspects. The National Consultant will work in team with the International Consultant and report to the MFAEI appointed representative and the Project Manager. The Project Manager will make all relevant project documentation in electronic format available to both the International and the National Consultant, upon their selection and prior to the submission of the Detailed Work Plan.

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

1. **QUALIFICATIONS AND SKILLS REQUIRED:**

Minimum Qualifications:

* University / Master degree in Law, Public Administration or related field;
* At least 3 years of relevant professional experience in evaluation of development assistance projects, public administration or EU integration-related fields;

Experience:

* Proven technical experience in processes related to foreign policy-making, including experience in the field of European integration;
* Experience in working with government institutions, international organizations (successful experience in working with UN agencies is an asset);

Abilities:

* Good knowledge of the current status of Moldova-EU relations and the Moldovan Government’s EU integration agenda, and familiarity with Moldovan public institutions and Civil Society Organizations dealing with foreign policy and EU integration;
* Strong analytical and drafting skills, ability to organize and meet expected results, adapt to different environments (cultural, economic, political and social);
* 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; Russian will be an advantage.

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 he/she is the most suitable for the work; the consultant’s understanding of the TOR and the objectives of the assignment, possible problems and how to overcome them.
2. Financial proposal;
3. Personal CV including past experience in similar projects and at least 3 references.

**Annex no. 2**

**List of interviews**

* 1. Victor Dragutan, UNDP MFAEI Project Manager, 14 May 2013
	2. Dr. Gerhard Schaumberger, Head of Office, Austrian Embassy Technical Cooperation Office, 20 May 2013
	3. Artur Raducanu, Second Secretary, Political Section, Romanian Embassy, 20 May 2013
	4. Ingrid Tersman, Ambassador; Ros-Mari Balow, Development Cooperation Counsellor; Nina Orlova, Senior Programme Officer, Swedish Embassy, 21 May 2013
	5. Nicola Harrington-Buhay, UNDP Resident Representative; Narine Sahakyan, UNDP Deputy Resident Representative; Alla Skvortova, UNDP Assistant Resident Representative/ Governance, Justice and Human Rights, 23 May 2013
	6. Daniela Cujba, Chief of European Integration Department, 24 May 2013
	7. Waldemar Sochaczewski, EU High Level Policy Advisor to the Ministry of Agriculture and Food Industry, 27 May 2013
	8. Isabelle Mihoubi-Astor, EU High Level Policy Advisor to the Bureau of Migration and Asylum, 27 May 2013
	9. Grigore Porcescu, Deputy Director, National Food Safety Agency, 29 May 2013
	10. Alexandru Pelivan, UNDP MFAEI Project Manager 2008-May 2012, 30 May 2013
	11. Cristina Colun, Adviser, Wine Production Division, Ministry of Agriculture and Food Industry, 30 May 2013
	12. Viorica Didilica, Call Centre operator, UNDP MFAEI Project, 3 June 2013
	13. Iurie Mardari, IT expert, UNDP MFAEI Project, 3 June 2013
	14. Grigore Vascan, Reconstruction technical expert, UNDP MFAEI Project, 3 June 2013
	15. Diana Bordea, Call Centre Coordinator, UNDP MFAEI Project, 3 June 2013
	16. Oxana Iutes, Communications Expert 2011-March 2012, UNDP MFAEI Project, 4 June 2013
	17. Marcelina Moraru, Director of International Relations and European Integration Department, Ministry of Transport, 6 June 2013
	18. Lucretia Ciurea, Chief of the External Coordination Section, State Chancellery, 8 June 2013 (phone)
	19. Daniel Musteata, Deputy Chief of the Harmonisation Division, Centre for Legal Approximation, 11 June 2013
	20. Ana Taban, Press Officer, Ministry of Foreign Affairs and European Integration, 13 June 2013
	21. Nicola Harrington-Buhay, UNDP Resident Representative; Narine Sahakyan, UNDP Deputy Resident Representative, 14 June 2013
	22. Ana-Maria Balan, Commercial, Cultural and Press Officer, Desk Officer for the Republic of Moldova, Norwegian Embassy, 17 June 2013 (phone, e-mail)

**Annex no. 3**

**List of consulted documents:**

* 1. Project Proposal “Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration”, February 2012
	2. Project Proposal Call Centre extension, 2011
	3. Project Results and Resources Framework 2012-2014
	4. Annual progress report for 2012
	5. Project Steering Committee Meetings minutes from 14.04.2012, 20.07.2012, 25.10.2012, 21.12.2012, 22.03.2013
	6. Assessment of the Implementation of Harmonised Cash Transfer Modality (HACT) within the Ministry Of Foreign Affairs and European Integration- implemented Project “Building Institutional Capacity of the MFAEI”, May 2012, Minna Tyrkko
	7. Project Budget Balance, year 2012
	8. Assessment of Conformity of the draft Standard “The Production, Checking, Certification and Commercialization of Fruit Plantation and Multiplication Material”’, by Agnes Bernhard
	9. Assessment of Conformity of the draft REGULATION on classification, labelling and packaging of substances and mixtures, by Agnes Bernhard
	10. Explanatory note to the use of the list on the status of the implementation of the Acquis Communautaire, by Agnes Bernhard
	11. Final Report on the Public Procurement Legislation, by Raluca Martian
	12. Final Report on Phytosanitary and food safety controls at Border Inspections Points, by Iveta Sice-Trede
	13. Final Report on Veterinary and Food Controls at Border Inspection Points, by Eduards Bakasejevs
	14. Report on the current legislation, function and administrative capacity of the services involved in veterinary import/export control of live animals or animal origin products in the Republic of Moldova, by Dr. Alexandru Briciu
	15. Evaluation of the costs necessary for the restructuring of Moldovan establishments from fish, fishery products and honey sector, by Dr. Dana Tanase
	16. Final report on internal procedures of the Food Safety Agency, by Camelia Savu
	17. Final report on restructuring of Moldovan slaughterhouses, by Lucian Boncea
	18. Evaluation of the costs necessary for the restructuring of the Moldovan meat products establishments, by Dr. Constantin Savu
	19. Report on the evaluation of costs necessary for the restructuring of the Moldovan milk establishments, by Dr. Gabriel Ecobici
	20. Report on the current status and the possibilities to reorganise the system of laboratory analysis and expertise on safety of non-animal origin products in Moldova, by Ion Nisipasu
	21. Final Report on the safety of non-animal products and plants, by Monica Porca
	22. Final Report on the evaluation of the costs necessary for the restructuring of Moldovan production units in chicken eggs and poultry meat sector, by Georgeta Briciu
	23. Report on the organisation of the national veterinary medicine system, by Dr. Ion Nisipasu
	24. Final Report on support to the conceptualization and technical specification of a register of vine and wine, by Ing. Tomas Richter
	25. Final Report on the drafting the wine and vine register regulation, by Dr. Jaroslav Stana
	26. Final Report on the integration of foreigners, by Juris Gromovs
	27. Final Report on the implementation of the EU legislation on Public Debt Management, by Philippe Mauran
	28. Compliance Table of the Government Decision on the equipment and protective systems intended for use in potentially explosive atmospheres with the Directive 94/9/EC of the European Parliament and the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres, by Tudor Dascal
	29. Final Report of the harmonisation of the Railway Acquis Communautaire, by Agnes Bernhard
	30. Final Report on the introduction of the road safety audit, by Iustina Diaconu
1. The Terms of Reference of the Evaluation are presented as **Annex 1** to this Report. [↑](#footnote-ref-1)
2. It is understood that this is an element in the Consultants’ Terms of Reference. However, the Consultants cannot *a priori* redraft the Project Resources and Results Framework since it should be consistent with whatever is decided by the Development Partners, the UNDP and the MoFAEI. [↑](#footnote-ref-2)
3. Assessment of the implementation of Harmonised Cash Transfer Modality (HACT) within the Ministry of Foreign Affairs and European Integration – implemented project “Building Institutional Capacity of the MoFAEI, Minna Tyrrko, May 2012. [↑](#footnote-ref-3)
4. There were in reality 3 Components in the original Programming Document: Support to MoFAEI in AA/DCFTA negotiations; Support to Capacity Building of the MoFAEI; and support to other institutions involved in the DCFTA negotiations. [↑](#footnote-ref-4)
5. The exact wording of the **key results** as set out in the Programming Document is:

i) *Strengthened capacities of the MFAEI for the effective implementation of its external actions*

*ii) Consolidated capacity of the MFAEI in supporting, guiding, and leading the coordination of other relevant Moldovan institutions in the AA negotiation and implementation*

*iii) Fortified institutional capacities of the MFAEI*

*iv) Enhanced capacities of the Moldovan authorities for the negotiation and implementation of the AA with EU with a view of achieving a signed and progressively implemented AA* [↑](#footnote-ref-5)
6. The Comprehensive Institution Building (CIB) Programme was established in 2010, as a ring-fenced programme financed through the ENPI multi-annual, national envelope for Moldova. The Commission Services allocated €41.16 million in support of the CIB Programme as part of the National Indicative Programme 2011-2013, tentatively split €8 million, €17 million and €16.16 million for the three programming years. The goal of the CIB Programme is to ensure effective institution-building of a limited number of core institutions that are central to the preparation, negotiation, implementation and monitoring of the future Association Agreement / DCFTA. The Programme is to be beneficiary-led and agreement-driven. It should be programmed around comprehensive institutional reform plans prepared and owned by the beneficiary government. Ideally the CIB Programme should act as a centripetal force, attracting additionality in the form of other donors’ support (funding and technical expertise), and establishing a foundation upon which other EU instruments might build. [↑](#footnote-ref-6)
7. The issue of capacity substitution relates to Component 1. There was no intention in Component 2 to build capacity; rather the goal was to provide urgently needed technical assistance. [↑](#footnote-ref-7)
8. It is reported that a second operator has been appointed and that the MoFAEI believes this to be sufficient. [↑](#footnote-ref-8)
9. See <http://www.undp.md/projects/MFAEI.shtml> for the original project document [↑](#footnote-ref-9)
10. See <http://www.undp.md/projects/MFAEI.shtml> for the original project document [↑](#footnote-ref-10)