

## OPEN CALL FOR APPLICATIONS

Call Title:	Legal Expert - Consultant
Duty Station:	Home-based with travel to beneficiary jurisdictions
Language:	English
Eligibility:	Individual consultant
Contract type:	Service agreement
Contract Maximum Value:	10.000 EUR
Application Deadline:	March 20 <sup>th</sup> 2023
Extended Application Deadline:	April 20 <sup>th</sup> 2023
Starting date:	May 20 <sup>th</sup> , 2023 or ASAP
Ending date:	September 1 <sup>st</sup> 2023

### 1. BACKGROUND

Regional Anti-corruption Initiative (RAI) is an intergovernmental regional organization comprised of nine member countries from South East Europe (SEE): Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro, North Macedonia, Romania and Serbia; and three observers: Poland, Georgia and Slovenia.

RAI's mission is to lead regional cooperation to support anticorruption efforts by providing a common platform for discussions through sharing knowledge and best practices. RAI acts as a regional hub through which governments of the region combine their efforts to curb corruption in the SEE.

RAI Secretariat is based in Sarajevo and it is the executive body of the Initiative. It facilitates regional cooperation and efforts in curbing corruption in SEE by building on existing actions, through better coordination of all efforts, and by relying on high-level political commitment.

RAI and the United Nations Office on Drugs and Crime (UNODC) are jointly implementing a 3-year regional Programme titled "Southeast Europe - Together Against Corruption" (hereinafter: SEE-TAC) funded by the Austrian Development Cooperation (ADC). The Programme implementation period is November 1, 2020- October 31, 2023. SEE TAC focuses on Albania, Bosnia and Herzegovina, Kosovo\*, Moldova, Montenegro, North Macedonia and Serbia as beneficiary jurisdictions.

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

The overall Programme goal is to contribute to strengthened resilience of the SEE societies to corruption, harmonized by strengthening the capacity of governments, civil society organizations (CSOs), the private sector (PS) and the media to prevent and fight corruption.

To achieve the Programme goal, the Programme is designed to deliver six results (outcomes). By the end of the Programme, it is expected that targeted jurisdictions will have strengthened their corruption risk assessment (1) and corruption proofing of legislation mechanisms (2); that the regional framework for cooperation on data exchange in asset disclosure will be fully operational (3); that the general public in the region is better informed about prevention of corruption and the work of relevant entities (4); that CSOs and other relevant stakeholders will have increased and furthered their capacities, knowledge and engagement on UNCAC implementation (5); and that CSOs, SMEs Chambers of Commerce have enhanced their knowledge and cooperation in the areas of collective action and compliance (6).

Direct beneficiaries of the Programme are the representatives of national ministries and anti-corruption agencies, civil society, the private sector and relevant partner umbrella organizations, such as the SELDI Network and the UNCAC Coalition.

This assignment is directly linked to the Outcome 3: Regional framework for cooperation on data exchange in asset disclosure is fully operational, with

Output 3.1: A regional mechanism on data exchange in asset disclosure is introduced into national practice;

Output 3.2: A regional network of perspective focal points for asset disclosure is established and maintained;

Output 3.3 Baseline capacities, inclusive of IT infrastructure, for regional exchange in the verification of asset declarations determined;

Output 3.4 International Treaty promoted at regional level.

During the Phase 1 of the Regional Programme (2015-2020)<sup>1</sup>, RAI developed the text and facilitated the process of technical and political negotiations of the International Treaty on Exchange of Data for the Verification of Asset Declarations (hereafter Treaty)<sup>2</sup>, as a legal instrument to enhance the cooperation among the integrity bodies in the civil and administrative exchange of data for verification of asset declarations in line with the UNCAC (Article 43). The Treaty signing ceremony by the initial three beneficiary jurisdictions: Montenegro, North Macedonia and Serbia with the Government of Serbia as a depositary, was held on March 19, 2021<sup>3</sup>.

Following the initial signature by the 3 countries, there is a need for operationalization and transposition of the Treaty into the domestic legal frameworks. The transposition of the Treaty into the legal frameworks will lead to the streamlining of the formal communication and simplify the present time-consuming processes in the verification of public officials' asset declarations through the exchange of data<sup>4</sup>.

In order to identify the legal and technical possibilities, the existing gaps and the future challenges for effective implementation of the Treaty in the legislation and practice of the beneficiary jurisdictions, it is necessary to detect the current state of play both in terms of legal and technical capacities.

Namely, further exploration is needed in order to identify the existing gaps and obstacles in the legal competencies, particularly data protection and confidentiality, and the legal and technical interconnectivity among the integrity bodies and other holders of information.

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<sup>1</sup> [Final External Evaluation](#) of the Southeast Europe (SEE) Regional Programme on Strengthening the Capacity of Anti-corruption Authorities and Civil Society to Combat Corruption and Contribute to the United Nations Convention against Corruption (UNCAC) Review Process

<sup>2</sup> <https://rai-see.org/what-we-do/regional-data-exchange-on-asset-disclosure-and-conflict-of-interest/>

<sup>3</sup> <https://rai-see.org/the-regional-treaty-on-exchange-of-data-for-the-verification-of-asset-declarations-signed-today/>

<sup>4</sup> [https://rai-see.org/php\\_sets/uploads/2021/12/Integrating-the-Treaty-into-National-Laws.pdf](https://rai-see.org/php_sets/uploads/2021/12/Integrating-the-Treaty-into-National-Laws.pdf)

## 2. THE PURPOSE OF THE ASSIGNMENT

The purpose of the assignment is to provide comprehensive understanding of the jurisdictions' legal frameworks for asset declarations collection and verification systems with the view of strengthening exchange of data with other jurisdictions, as well as a blueprint for the implementation of the Treaty.

The Assessment with the Blueprint is primarily expected to contribute to the efforts on further improving the exchange of data between the signatories of the Treaty and other beneficiary jurisdictions.

## 3. OBJECTIVES OF THE ASSIGNMENT

The **first objective** of the assignment is production of the assessment on asset declaration collection, verification and exchange of data with other jurisdictions. The assessment includes following jurisdictions: Albania, Bosnia and Herzegovina, Kosovo\*, Moldova, Montenegro, North Macedonia and Serbia.

The **second objective** of the assignment is the development of the long term implementation plan – the Blueprint.

The Legal Expert would examine the legal framework to collect, verify and exchange data at a regional level. These outcomes of the assessment would form a base for development of a Blueprint. The Blueprint will serve as a guide for Treaty implementation.

The objectives of the assignment will be integrated and presented in **one document**. The document structure would be subject to methodology to be developed and proposed by the Legal Expert in cooperation with the Technical Expert.

The document needs to be aligned with the relevant international standards and the GRECO recommendations stemming from the Fourth Round and Fifth Round Evaluation in relation to the declaration of assets in the beneficiary states.

The Legal Expert will work closely with the Technical Expert and in coordination with the RAI Secretariat, in performing the activities and will jointly produce the Assessment with the Blueprint.

The Technical Expert will assess the existing technical capacities and the infrastructure for the asset disclosure and verification systems in place and their ability to interact with systems in other jurisdictions. The Technical Expert will develop conclusions and recommendations towards strengthening and aligning the existing capacities.

RAI Secretariat will publish a call for applications for a Technical Expert parallel to this Call.

Main beneficiaries of the Assessment with the Blueprint will be RAI Secretariat and Programme beneficiary jurisdictions.

## 4. METHODOLOGY

Following an initial consultation with RAI Secretariat, the Legal Expert would foremostly produce an inception report. The inception report will contain, proposed methodology, assessment outline, timeline of activities and a proposal of the Blueprint structure. Following approval of the inception report, the expert will conduct desk research, perform field missions to the beneficiaries' capitals, to collect necessary information.

The expert will produce an Assessment with Blueprint with the following sections: executive summary regional outlook, analysis per respective jurisdiction with conclusions and recommendations and a blueprint narrative and guide. The proposed structure of the document is tentative and is subject of approval.

Experts (Legal and Technical) will jointly present the conclusions and recommendations to the relevant public institutions in line with the approved Methodology.

The process as well as products deriving from this call must be gender mainstreamed.

**5. TASKS, OUTPUTS AND TIMEFRAME**

Outputs are presented in a tentative form and will be adjusted in coordination with RAI Secretariat and based on regional circumstances, beneficiary responsiveness, and methodologies applied.

The Legal Expert will be expected to complete the below tasks in line with the tentative timeframe in coordination with Technical Expert. Each output will be approved by the Secretariat subsequently enabling the Expert to move to the next phase:

<b>Tasks</b>	<b>Tentative outputs</b>	<b>Timeframe</b>	<b>Estimated no. consultancy days</b>
Inception phase: Conducting preliminary interviews with RAI team Developing the Inception report with Methodology Presenting the Inception report and outline of the Document	Inception Report including Outline of Assessment and Blueprint, and timeline of activities Presentation	1 month	5 days
Interim phase: Conducting on-site and online interviews, meetings, etc. Developing a draft Assessment with Blueprint	Field mission reports Draft Assessment with Blueprint	1 month	10 days
Final phase: Finalizing and presenting the Assessment with Blueprint together with Technical Expert	Final Assessment with Blueprint Presentation Consultancy report	1 month	10 days

**6. SUPERVISION, REPORTING AND QUALITY CONTROL**

The Legal Expert will operate under the overall supervision of the Senior Anti-Corruption Advisor and in direct cooperation with the Programme Officer. The Legal Expert is also expected to closely coordinate with Chief Finance and Operations Officer and Chief Programme and Communications Officer in order to ensure compliance with RAI and Donor rules and regulations.

All outputs should be approved by the Senior Anti-corruption Advisor. The outputs should be written in English, in a concise and user-friendly language. Outputs developed in the course of the assignment will be gender mainstreamed.

The Legal Expert should ensure internal quality control during the implementation of the assignment. The quality control should ensure that the outputs comply with the above requirements and meet adequate quality standards before sending them to the RAI Secretariat. Quality control should ensure

consistency and coherence. It should also ensure that the findings reported are duly substantiated and that solutions are supported by relevant judgment criteria.

## **7. LOCATION AND PERIOD OF ASSIGNMENT**

The Legal Expert will be home-based and travel for purposes of conducting field missions in the respective jurisdictions. It is expected that the selected Legal Expert is engaged as soon as possible, not later than April 20<sup>th</sup>. The Services Agreement shall be signed for the period until October 31<sup>st</sup>, 2023 although the assignment is expected to be completed by August 1<sup>st</sup> 2023.

## **8. BUDGET AND OTHER ARRANGEMENTS**

The maximum value of the Services Agreement is EUR 10,000.00, encompassing a maximum of 25 consultancy days. The gross daily rate offered is EUR 400.00.

In addition to the above amount, the RAI Secretariat shall organize and provide the following:

- Organize and cover for travel expenses related to the implementation of the above-listed activities;
- Organize and cover for full-board accommodation related to the implementation of above-listed activities;
- Organize and cover for, or reimburse for expenses related to local transportation when on official missions related to implementation of above listed activities;
- Exceptionally, provide written translation and interpretation support.

## **9. RAI SECRETARIAT SUPPORT**

RAI Secretariat shall provide necessary support to the selected Applicant in order to successfully execute the assignment during the duration of the contract. These shall include:

- Access to Programme-related documents necessary for execution of the assignment;
- Access and contacts in institutions that are relevant for the assignment;
- Advice on gender mainstreaming;
- Any other inputs deemed necessary by RAI Secretariat for successful completion of the assignment;
- Close cooperation with the Technical Expert and other team members in the organization.

## **10. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

Education:

University degree in law is required (alternatively Bachelor's degree in public administration or a similar field supported by relevant experience in corruption risk assessment may be accepted). An advanced university degree (Master's or Ph.D.) is an advantage.

Experience and skills:

- At least 5 years of professional experience in the development and implementation of international standards in the area of asset disclosure;
- Demonstrated experience in working with different stakeholders in the SEE region: government institutions, public officials, international organizations;
- Demonstrated analytical skills for producing clearly formulated and well-argued assessments reports or similar documents;
- Expert-level experience working with international organizations or bodies with anticorruption competencies;
- Knowledge of data protection standards;
- Fluency in English is required. Knowledge of other language(s) of the region will be considered an advantage;
- Familiarity with the political, social, economic and security landscape in the SEE.

Values:

- Demonstrates integrity, fairness and high ethical standards;
- Demonstrates professional competency and is conscientious and efficient in meeting; commitments, observing deadlines and achieving results;
- Displays sensitivity and adaptability to culture, gender, nationality, race, religion and age.

Competencies:

- Ability to develop and maintain partnerships, internally and outside the organization;
- Be able to act proactively and to respond positively, creatively, and constructively to changing situations and new demands;
- Have strong organizational skills, and be capable of initiative and innovation;
- Work well independently and in teams to achieve collective goals through active participation;
- Ability to integrate gender mainstreaming and human rights policies.

## **11. APPLICATION REQUIREMENTS**

Eligibility: Individual consultant

Interested applicants must submit the following documents/information in English to demonstrate their qualifications:

- Cover Letter
- Curriculum Vitae (CV)
- Samples of relevant previous work, and a list of completed assignments of similar nature (sent via link WeTransfer, Google Drive, Dropbox, etc)
- Technical Proposal stipulating outline methodology, and a tentative implementation plan with timeframe (max 3 pages)
- Information on availability/commencement date
- Signed Declaration of Honor (Annex 1 of this Open Call).

## **12. EVALUATION OF APPLICATIONS**

RAI conducts a fair and transparent selection process. Applications will be evaluated using a cumulative analysis method taking into consideration the combination of the applicant's qualifications and experience, technical proposal, as well as the performance at the interview. The contract will be offered to the individual whose application has been evaluated and determined as: responsive/compliant/acceptable, and has received the highest score during the evaluation based on the criteria defined below.

3 candidates with highest number of points in the technical evaluation will be invited for an interview.

Evaluation criteria:

Technical evaluation (documents-based) – 60%:

- Education – qualifying criteria (no points to be allocated);
- At least 5 years of professional experience in the development and implementation of international standards in the area of anti-corruption (no points to be allocated)
- Technical Proposal – 20%
- Demonstrated experience in the development of studies, research papers, comprehensive analysis and reports or similar documents; - 20%
- Proven record of expertise in the area of similar nature to the assignment – 10%;
- Demonstrated experience in working with different stakeholders in the SEE region: government institutions, public officials, international organizations - 10%

Interview – 40%.

### **13. ADDITIONAL INFORMATION**

Potential applicants may send in questions. Questions shall be sent in English no later than five (5) days before the submission deadline to [vacancy@rai-see.org](mailto:vacancy@rai-see.org). Answers will be provided no later than three (3) days before the deadline for submission. All questions received and related answers will be published on the RAI website in order to give a fair, transparent and equal treatment to all applicants. Information on senders will not be disclosed.

### **14. HOW TO APPLY**

Applications with supporting documents shall be sent by midnight of March 20<sup>th</sup> 2023 (23:59 CET) by email to RAI Secretariat ([vacancy@rai-see.org](mailto:vacancy@rai-see.org)).

Call title needs to be indicated in the email subject line.

Late and incomplete applications will not be taken into consideration. Only the applicants who are shortlisted for an interview will be notified.

RAI is committed to achieving workforce diversity in terms of gender, nationality and culture. Qualified women, individuals from minority groups and persons with disabilities are equally encouraged to apply.

All applications will be treated with the strictest confidence.

ANNEX 1

**Declaration on Honour/Certification**

Hereby, I, the undersigned, certify that

- all information contained in this application is correct to the best of my knowledge and that I am aware of the content of the annexes to the application;
- I am not under formal investigation, nor had I been sanctioned by any national authority for engaging or having engaged in proscribed practices, including but not limited to: corruption, fraud, coercion, collusion, obstruction, or any other unethical practice;
- I read the RAI Code of Conduct<sup>5</sup> and will abide by it during the implementation of the Service Agreement;
- understand that if I provide incorrect information or withhold relevant information, I am likely to be suspended from the tender procedure;
- understand and accept to sign the Service Agreement with RAI Secretariat and accept the responsibility for its implementation.

By signing this declaration on honour, I accept all the conditions set out in the call under which I apply.

Done at:

[CITY]

Date:

Name and position:

Signature:

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<sup>5</sup> As prescribed in RAI Office Policies Manual [https://rai-see.org/php\\_sets/uploads/2021/09/1-Office\\_Policies\\_Manual-Adopted-Clean-Version-FINAL\\_2021.pdf](https://rai-see.org/php_sets/uploads/2021/09/1-Office_Policies_Manual-Adopted-Clean-Version-FINAL_2021.pdf)