



FONDUL PROVOCĂRILE
MILENIULUI MOLDOVA

JOB DESCRIPTION

LEGAL ADVISOR

Public Institution “Millennium Challenge Account Moldova” intends to recruit a Legal Advisor for its Management unit to assist the implementation of the Compact Program financed through the Millennium Challenge Corporation (MCC), a United States Government institution. In this way, experienced candidates are sought for the position of Legal Advisor, a full-time position that reports directly to the MCA-Moldova Executive Director.

The incumbent shall provide legal assistance to MCA-Moldova towards effective implementation of the donors projects and, first of all, of the Compact Program comprising the (a) Road Rehabilitation Project and (b) Transition to High Value Agriculture Project.

Background of the Projects

(a) The Road Rehabilitation Project will improve part of the M2 and R9 roads, which form an arterial highway from the Moldovan capital, Chisinau, through the city of Soroca, to the Ukrainian border and beyond to Kyiv, the Ukrainian capital. The Road Rehabilitation Project consists of the following:

(i) *M2 Road Activity*. Activities will be undertaken to rehabilitate and upgrade a 93 km portion of the M2 and R9, beginning near Sarateni at the southern end and ending at the junction with the R7 road west to Drochia (the “Drochia junction”) at the northern end. There will be also efforts spent to replace or upgrade associated structures within this segment of the M2 and R9, such as bridges, drainage systems and culverts, to improve road maintenance and safety. The improvement is expected to reduce vehicle operating costs, reduce travel time, change maintenance costs, cause an increase in the value of goods moved and cause an increase in frequent travel.

(ii) *Supplemental Feasibility Study/ESIA and Design*. This activity includes the development of a feasibility study/environmental and social impact assessment for the road segment from Arionesti to the border crossing in Otaci, detailed design work, development of a resettlement action plan and an updated environmental and social impact assessment for the entire road section from the Drochia junction to the border crossing in Otaci.

(b) Transition to High Value Agriculture Project consists of the following:

(i) Rehabilitation of up to 11 irrigation systems covering a command area of up to approximately 15,500 hectares (Centralized Irrigation System Rehabilitation Activity);

(ii) Technical assistance and capacity building to support legal transfer of management and operations of MCC-rehabilitated systems from the Government to Water User Associations, improvement of water resource management, including establishment of a modern water rights system, and ensure the legal and institutional framework needed for private and/or donor investment in the irrigation sector (the Irrigation Sector Reform Activity);

- (iii) Technical assistance and term financing to support high value agriculture-related investments by farmers and rural entrepreneurs (Access to Agricultural Finance Activity); and
- (iv) Provide market development support and technical assistance and training to help producers and agribusinesses better access high value agriculture markets and support the shift to high value agriculture at the production and post-harvest level, and promote sustainable agricultural practices (Growing High Value Agriculture Sales Activity), the latter to be undertaken jointly with, and administered by, the United States Agency for International Development (USAID).

Position Duties

Reporting to the MCA-Moldova Executive Director, Legal Advisor will provide legal assistance to MCA-Moldova on all legal issues related to the Compact Program including the Road Rehabilitation and Transition to High Value Agriculture Projects. The Legal Advisor is responsible for providing advice to the MCA-Moldova Management Unit and the MCA-Moldova Steering Committee on all legal issues affecting MCA-Moldova and its operations. He/she will be responsible for identifying and addressing legal issues associated with the MCA-Moldova Program. The Legal Advisor liaises with the State Minister, the MCC Legal Counsel, and any outside counsel hired to assist MCA-Moldova. The Legal Advisor serves as the Secretary to the MCA-Moldova Steering Committee.

Responsibilities of the Legal Advisor include, but are not limited to the following:

- Responsible for identifying and analysing legal issues, negotiating and drafting key documents (including all powers of attorney and delegations of authority), presenting clear recommendations to the MCA-Moldova Executive Director and the Steering Committee on legal matters and ensuring legal compliance by MCA-Moldova with:
 - (i) the obligations of MCA-Moldova and Government contained in the Compact, Program Implementation Agreement, Grant 609(g) or otherwise delegated to MCA-Moldova by the Government,
 - (ii) all supplemental agreements entered into under or in furtherance of the Compact (Supplemental Agreements);
 - (iii) MCA-Moldova bylaws and Moldovan laws and regulations, and
 - (iv) any other applicable laws, regulations and agreements;
- Provides or coordinates the provision of legal advice on all issues affecting the operations of MCA-Moldova, including, but not limited to, government contracts, third party commercial contracts, fiscal law and corporate records management. In particular he/she advises the Steering Committee, the Executive Director and the staff of MCA-Moldova on legal issues and addresses legal issues as they arise; this may include preparing and submitting reports on a periodic basis to the Executive Director that identify any problems encountered with MCA-Moldova compliance and recommend solutions;
- Serves as the Secretary of the Steering Committee to maintain corporate records, including notices, agendas and minutes of meetings. In particular, he/she assists with the review, development and implementation of procedures for Steering Committee meetings and other committee actions that comply with the requirements of the Compact, the Program Implementation Agreement, the 609(g) Grant and Implementation Agreement, the relevant Supplemental Agreements and the relevant governing documents of MCA-Moldova (including the bylaws);

- Advises on employment matters, including drafting and negotiating employment agreements;
- Participates in negotiations, prepares and advises on all types of contracts to be executed by MCA-Moldova for the implementation of the Compact;
- Cooperates with and advises representatives of Government bodies, including the ministries and other public agencies, regarding the Government's responsibilities under the Compact, the Program Implementation Agreement, the 609(g) Grant Agreement and Supplemental Agreements;
- Provides required inputs/support to enhance the design and workings of the Management Information System of MCA-Moldova;
- Represents MCA-Moldova before courts and in arbitral proceedings, where appropriate, and coordinates with outside counsel otherwise;
- Acts as the main liaison between MCA-Moldova and MCC legal counsel on legal matters relating to implementation of the Compact, the Program Implementation Agreement, the 609(g) Grant Agreement, the Supplemental Agreements and the Compact Program;
- Performs such other duties and exercise such other powers as are commonly incidental to the office of legal counsel, as well as such other duties and powers that shall be assigned from time to time by the MCA-Moldova Executive Director.

Qualifications and Experience

- University degree in Law (Master's degree or equivalent will be an asset).
- At least seven (7) years of relevant practice experience in law working at a law firm or as legal in-house counsel in Moldova, preferably with some experience as counsel in a commercial entity or counsel in a not-for-profit organization;
- Experience with a diverse range of legal issues, with an emphasis on transactional practice, such as international commercial transactions, project finance, bank finance, construction and general corporate law. Knowledge and experience with employment and civil legislation, in the Moldovan context, is an added advantage and so is work experience in public administration or international development;
- Broad understanding of Moldovan legislation of relevance to the MCA-Moldova Program implementation, for example, the Labour Code, Civil Code, Fiscal Code, environmental legislation, and legislation dealing with land use;
- Proven ability to work in a national as well as international context;
- Demonstrated oral and written communications skills in order to interface with a variety of stakeholders;
- Demonstrated professionalism, good judgment and flexibility to work as necessary outside normal work hours to meet the deadlines and needs of the position;
- Ability to work with multidisciplinary teams and institutions;
- Responsible and flexible attitude and capacity to manage a variety of tasks with minimal supervision;
- Fluent in written and oral communication in Romanian and English; good proficiency of Russian;

- Strong computer skills with functional working knowledge of Microsoft Office applications (Word, Excel, Power Point), Outlook Express, Explorer, Jurist and Moldlex.
- Knowledge and experience with employment and civil legislation, in the Moldovan context, is an added advantage, as well as the work experience in public administration or international development.
- Experience in working with international financial institutions and other donor organizations will be an advantage.

The candidate also must:

- Be a citizen of the Republic of Moldova, or a resident of the Republic of Moldova holding an appropriate work permit.
- Be of outstanding character and integrity.
- Be free of all conflicts of interest and committed to protecting the integrity of the Program.

Instructions for Submission of Applications

To be considered, candidates must submit the following information:

- 1) Cover letter (maximum three pages) addressing candidate's ability to perform duties and responsibilities as stated in the position description above.
- 2) Curriculum Vitae (not to exceed three pages excluding publications, if applicable) stating the applicant's educational background including degree(s) obtained, professional experience in reverse chronological order, language proficiency, and any other relevant professional information.
- 3) Names and contact information (telephone number(s) and email address) of three professional references. Please clearly state the relationship of the professional reference to the candidate (e.g., supervisor, former colleague, other).
- 4) Deadline for receipt of the aforementioned information is **May 20th, 2012 at 17:00 in Chisinau, Moldova**. Complete application packages must be expedited to the following email: office@mca.gov.md

Your email should specify the position name for which you are applying in the subject line of the email message. You should also submit the application materials in PDF format.

- 5) If the applications are sent by mail, the application package must be sent in an A4 envelope that is marked with a reference. This reference can include the name of the candidate or any other single reference chosen by the candidate. Applications submitted by fax will not be accepted.
- 6) The cover letter and curriculum vitae must be submitted in English.
- 7) Short-listed candidates will be contacted for interviews. Questions and/or phone inquiries from applicants prior to formation of the short-list will not be accepted.