

LEGAL ADVISOR (P4)

Location :	Tunis, Tunisia
Application Deadline :	
Type of Contract :	TA
Post Level :	
Languages Required :	French and/or Arabic, English
Starting Date :	
Expected Duration of Contract :	Five (5) months

Background

The current roadmap for the political transition in Tunisia includes elections for a constituent assembly on 24 July. The Assembly will have three roles:

- Prepare a new constitution, which among other things will determine if the strong Presidential system is maintained or moves are made towards a system with greater parliamentary authority;
- Act as an interim parliament; and
- Nominate an interim government, to be in place until elections are eventually held under the new constitution.

The UN has received a request from the interim government “whose principle mandate is the organization of transparent, free and democratic elections” to receive electoral support from the UN. The government has announced the creation of a new independent electoral management body (EMB). This EMB, or elections commission, as soon as created by law, will be the first priority as a recipient of UN electoral assistance. Among the many urgent tasks of this body will be developing a set of regulations & procedures to organize the conduct of the first election in the transition process (Constituent Assembly elections on 24th of July), according to a completely new legal framework under development. This legal framework is temporary and meant to help organize the Constituent Assembly only. Once elected, the Constituent Assembly will have to produce a permanent electoral code as well as establish the permanent status of the EMBs.

As part of its planned support to the future Tunisian electoral commission and electoral dispute resolution body, UNDP would like to provide these institutions with specialized expertise on electoral legislations & procedures, as well as electoral dispute resolution.

Duties and Responsibilities

Under the direct supervision of the Chief Technical Advisor, the Legal Advisor will contribute to UNDP’s electoral support in Tunisia, particular to achieve Outcome 1 of its electoral support project: “*Democratic electoral processes rooted in strong & professional electoral institutions*” and under it the following outputs:

- Output 1.1. “A permanent independent electoral commission is established & capacitated”
- Output 1.2. “Electoral disputes are handled fairly & independently by an adhoc institution”.

The bulk of his/her support will be towards the new Tunisian EMB but will s/he will also provide support to the new institution that will be created to deal with electoral complaints and disputes. The Legal Advisor will ensure the strategic direction of activities, coordinate the operational activities, contribute to reinforcing national capacity and monitor outputs in this area.

Specific duties include:

- Strengthen the legal and regulatory framework of the Tunisian EMBs;
- Review and advise the EMBs on the development of the permanent legal framework, to be discussed and adopted by the Constituent Assembly, including constitutional provisions regulating the electoral process, a permanent electoral code, and laws establishing permanent EMBs.
- Provide legal assistance as required during the upcoming electoral processes, in particular to highlight to the Board of Commissioners, the various legal implications of decisions taken in the course of the electoral process;
- Establish, based on needs assessment and requests, a calendar of briefings on legal matters to members of the elections commission.
- Advise the EMBs on potential inconsistencies / contradictions in the legal framework between the various legal texts organizing the electoral process
- Advise the EMBs on the development of regulations, procedures and mechanisms for elections and referenda. Advise the EMBs in the interpretation and implementation of the provisions of this regulatory framework, if appropriate.
- Contribute to the preparation of manual of procedures and related training materials to be used for the preparation of polling staff.
- In close collaboration with EMBs, act as a resource on comparative experiences and provide guidance on legal issues to members of the Political Reform Commission, the future Constituent Assembly, government officials, civil society members and other stakeholders.
- Advise the Elections Dispute Resolution body on planning, designing and implementing a complaints handling mechanism for all electoral events. This includes the regulatory framework, procedures, processes, action plans, information management and tracking mechanisms, investigation methodologies and training.
- Identify and develop appropriate capacity building activities, in conjunction with the other electoral assistance providers and the Capacity Development Advisor, to further develop the skills of EMB legal/complaints staff and other relevant staff as well as of other relevant electoral stakeholders (civil society, political parties, and government).
- Draft reports, notes, manuals, training materials, and forms as they relate to legal issues.
- Perform other duties as necessary, as assigned by the Chief Electoral Adviser or his/her designate.
- Perform other tasks and duties as requested by the supervisor.

Competencies

Corporate Competencies:

- Demonstrates integrity by modeling the UN's values and ethical standards;
- Promotes the vision, mission, and strategic goals of the project.
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- Treats all people fairly and without favoritism.

Functional Competencies:

- Knowledge and expertise in democratic governance, electoral assistance and democratization.
- The candidate should have significant experience in providing practical advice to policy makers; be able to work well with senior counterparts in government, electoral management bodies, civil society, political parties, and the donor community; and know how to contribute to building national capacity for development.
- Strong communication and interpersonal skills, ability to foster networks and partnerships, and good working knowledge of information and computer technology. While representing UNDP views, the candidate should also be able to provide coordination among the UN family of agencies.
- Demonstrates sound knowledge of UN rules, regulations, policies, procedures and best practices in the electoral assistance field.
- Excellent negotiation and representational skills, at senior level (with international organizations and/or diplomatic missions).
- Displays analytical judgment and demonstrated ability to handle confidential and politically sensitive issues in a responsible and mature manner.
- Demonstrates strong intellectual and operational capacity in providing and coordinating advisory services to stakeholders in electoral processes, specifically to EMBs and civil society organizations.
- Demonstrates openness to change and ability to manage complexities. Demonstrated ability to multitask under pressure and to meet strict deadlines often under hardship conditions.
- Excellent organizational skills and ability to work effectively in teams, delivering through and with others.
- Self-management, including conflict management/negotiating skills.

Required Skills and Experience

- Masters degree in Political Sciences, Law, International Relations or related field.
- Minimum 7 years specialized experience in international context, in legal affairs related to electoral / political processes, majority of which must be in electoral assistance and at least 4 of which involve advising high-level electoral officials.
- Strong technical knowledge & comparative experience of the field of electoral legislation and procedures, as well as a general knowledge of cross-cutting international standards in the election field.
- Strong networks within the regional (Arab world) and international electoral assistance community, and demonstrated leadership in the field of electoral assistance.
- Experience in working with transnational and emerging democracies and post-conflict environments an asset.
- Experience in supporting the management of electoral complaints would be an asset.
- Strong knowledge of political processes in the Arab world is highly desirable.
- Fluency in French and/or Arabic, as well as English.
- The post requires considerable cultural and political sensitivity and an ability to meet deadlines.