

# **Independent Evaluation of UNDP's Libya Electoral Assistance Project (LEAP), 2012-16**

## **Final Report**

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## Executive Summary

The evaluation of the project Libya Electoral Assistance Project (LEAP) was commissioned by the UNDP Libya country office in December 2016 to assess the extent to which the project over its lifetime (2012-16) had achieved its objectives and to make recommendations regarding possible UNDP support to future Libyan electoral events. The evaluation team, composed of Mr. Finn Reske-Nielsen, a former Assistant Secretary-General of the United Nations, and Mr. Steven Wagenseil, a retired US State Department Foreign Service Officer and Electoral Expert, conducted its work over a 30-day period between 12 December 2016 and 23 February 2017<sup>1</sup>. A representative of the donor community, Mr. Ahmed Shalghoum, a staff member of the Dutch Embassy, joined the evaluation team on 19 January 2017.

The evaluation team found that overall the project had achieved its main objective of supporting the relevant Libyan authorities to prepare for and conduct well-administered, transparent and credible elections that represent the will of the Libyan people and meet international best practices. In fact, it is doubtful whether the three electoral events conducted during the period 2012-14 could have been carried out in a credible manner without the strong UN support, provided in an integrated fashion by the United Nations Support Mission in Libya (UNSMIL) and UNDP through the United Nations Electoral Support Team (UNEST). As such the project has made a major contribution to the democratic transition of Libya after 42 years of dictatorship. As for the second part of the main objective “to legitimate winners, forestall post-election conflicts, and advance the commitment to democracy in Libya”, the events following the election of the House of Representative in 2014 would be an indication that there is still some way to go before this transformational goal can be achieved.

The evaluation team also concluded that several of the envisaged outputs, for a variety of reasons, could not be fully delivered. Important achievements were recorded in terms of building the HNEC capacity. However, HNEC is likely to continue to require outside support for future electoral events. Further efforts are also required in terms of voter and civic education and the promotion of the participation of vulnerable groups, including women, youth and ethnic minorities. Little progress was noted in the project's support to media monitoring and the strengthening of media capacity to report on elections. Finally, there was little progress in electoral dispute resolution and electoral security.

The evaluation team commends the integrated nature of UNSMIL and UNDP electoral support. It further commends the excellent progress made by HNEC in discharging its functions against a background of little or no electoral expertise and experience prior to 2012.

On the other hand, the team also points out that there has been a certain level of absence of national ownership of LEAP, caused by several factors, including, amongst others, the virtual lack of Libyan participation in the drafting of the project document and inconsistencies in the communication and consultation processes between HNEC and UNDP.

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<sup>1</sup> Later extended to 10 March 2017 to allow for completion of the consultation process.

Noting that UNSMIL is dependent upon UNDP to effectively deliver its electoral mandate and that there is a strong need to develop a new project of electoral support, the team makes a set of recommendations to the various stakeholders, as detailed in the last section of this report.

## Introduction

The United Nations Development Programme (UNDP) project, Libya Electoral Assistance Project (LEAP), was initiated in October 2011 to provide supplementary United Nations support to the envisaged electoral events in Libya in 2012-13. The project document was signed on 5 March 2012 between UNDP and the National High Electoral Commission (HNEC) of Libya for a period of two years. The project was revised in November 2015 and closed at the end of December 2016.

Under UNDP rules, an independent evaluation of the project needed to be undertaken. Accordingly, UNDP recruited two senior consultants, Mr. Finn Reske-Nielsen, a former Assistant Secretary-General of the United Nations, and Mr. Steven Wagenseil, a retired US State Department Foreign Service Officer and Electoral Expert, to conduct an independent evaluation over a 30-day period from 11 December 2016 to 23 February 2017<sup>2</sup>. A representative of the donor community, Mr. Ahmed Shalghoum, a staff member of the Dutch Embassy, joined the evaluation team on 19 January 2017. The terms of reference of the evaluation are attached as annex 1.

## Methodology of the Evaluation

The evaluation team conducted an extensive review of a broad range of documentation that had been made available by the UNDP Libya country office. This included the original project document (together with its November 2015 revision), work plans, progress reports, financial statements, audit reports, minutes of meetings of the project board as well as relevant project-related correspondence.

A total of five field missions were undertaken as follows: (1) Tunis, Tunisia (where the UNDP country office is currently located) from 11-17 December 2016; (2) Tunis from 19-21 January 2017; (3) Tripoli, Libya from 21-23 January; (4) Tunis from 24-27 January 2017; and (5) Tunis 6-8 February 2017 (Finn Reske-Nielsen and Ahmed Shalghoum only).

The team conducted extensive consultations with stakeholders in HNEC, the United Nations Support Mission in Libya (UNSMIL), the Electoral Assistance Division of the UN Department of Political Affairs (EAD/DPA), UNDP, the United Nations Office of Project Services (UNOPS), the International Organization for Migration (IOM), donors, and Libyan civil society. Most consultations took place in face-to-face meetings in Tunis and Tripoli but several were conducted in Skype sessions. The complete list of meetings/Skype sessions is attached as annex 2.

The preliminary draft report was forwarded to the UNDP country office on Friday 17 February. Following further informal consultations with the country office and other stakeholders, the evaluation report was completed on 8 March 2017. It was submitted to the country office by e-mail on the same day.

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<sup>2</sup> Later extended to 10 March 2017 to allow for completion of the consultation process.



## Background

The evaluation of any activity must, to be complete, take account of the environment in which that activity was conceived and carried out; this is all the more true for an activity which comprised both national and international participants in a dynamic post-conflict situation, where goals and timelines were subject to constant pressures and adjustments.

The circumstances surrounding the inception of LEAP comprise an essential background to understanding what the project was intended to accomplish, what the involved parties (both Libyan and international) contributed to its goals, and how it carried out its tasks.

Following the Libyan Revolution of 2011, the United Nations began to mobilize resources to assist the country's transition to a democracy from the authoritarian régime dominated by Col. Muammar Gadhafi for 42 years. Security Council Resolution 2009 of 16 September 2011, established a special political mission, UNSMIL, to support the Libyan authorities, *inter alia*, in laying the foundations for elections. In this regard, Security Council resolution 2040 of 12 March 2012, authorized UNSMIL to "manage the process of democratic transition, including through technical advice and assistance to the Libyan electoral process and the process of preparing and establishing a new Libyan constitution". To this end, UNSMIL includes an electoral support team charged with the responsibility of providing operational and technical support to key national interlocutors, particularly HNEC, and with consolidating HNEC's capacity and raising awareness on electoral matters, particularly on electoral systems, women's participation and voter registration systems. The resolution further decided that UNSMIL should "coordinate international assistance and build government capacity across all relevant sectors...", including electoral assistance.

UNSMIL turned to UNDP to help implement Libyan elections and other electoral processes. The LEAP project document was drafted in late 2011 by UNDP staff based on a needs assessment by EAD/DPA and in accordance with the UN Secretary-General's decision no. 2011/23 on UN support to elections. Inasmuch as Libya had not had any electoral processes for several decades and there were no national officials with the relevant knowledge and experience, the document was drafted largely without the direct involvement of Libyan officials.

The project was approved by the UN and discussed with potential donors in the international community before the Libyan authorities had even created the HNEC, which became the project's sole national partner. It makes provision for the direct implementation modality (DIM) format, i.e. direct implementation by the UNDP country office,

Elections to the General National Congress (GNC) took place in July 2012 under the auspices of HNEC and with UN support. Subsequently, in February 2014, elections were held for the Constitutional Development Assembly (CDA), charged with the responsibility of drafting the new Constitution of Libya, and parliamentary elections took place in June of that year, again with UN support, for the House of Representatives (HoR), envisaged to replace the GNC.

Soon after the HoR elections, fighting broke out in Tripoli and UNSMIL and the other members of the UN family, including UNDP, were evacuated to Tunis on a temporary basis. Since then, the political situation has continued to deteriorate. The GNC refused to recognize the HoR and effectively two legislative bodies and corresponding executives have been established, one in the East (HoR) and one in the West (GNC) of the country. On the security side, the situation has also continued to worsen with competing armed groups fighting each other.

With UN support, the Libyan Political Agreement (LPA) was signed in Skhirat, Morocco, on 17 December 2015 as the roadmap for promoting peace and stability in Libya. The Agreement, *inter alia*, establishes a Government of National Accord (GNA), which is answerable to the HoR. The LPA also provides for the HoR to agree on the Chairman and members of the HNEC.

The expectation was that a referendum would be held after agreement had been reached on the new draft constitution to be followed by presidential/parliamentary elections soon thereafter. To date no such electoral events have taken place. Few of the interlocutors with whom the evaluation team consulted expressed the view that these would take place in the immediate future.

Even though the international community has recognized the GNA, which has established itself in Tripoli, as the legitimate government of the country, the political situation continues to be unsettled. The government has still not asserted its authority internally and the provision of social and other services is limited. As of the time of writing, there was no State Budget in place and the security situation around the country had continued to deteriorate. At the same time, the President of HoR, by letter of 7 March 2017, has requested the Chairman of HNEC to make preparations for presidential and parliamentary elections before February 2018.

In the meantime and subject to an improvement in the security situation, plans have been developed by the United Nations for first UNSMIL and then the UN Agencies, Funds and Programmes to possibly return to Tripoli some time in 2017.

## **Objectives and Planned Outputs of LEAP**

As stated in the 2012 project document, “the overarching goal of the LEAP is to support relevant Libyan authorities...in a coordinated fashion to prepare for and conduct well-administered, transparent and credible elections that represent the will of the Libyan people and meet international best practices...(to) legitimate winners, forestall post-election conflicts, and advance the commitment to democracy in Libya.”

The document makes a distinction between “core activities”, which would directly support the HNEC and other authorities with an electoral role, and “complementary activities”, which primarily support other stakeholders. The five core activities, as defined in the original project document, are civic and voter education, support to electoral dispute resolution,



assistance with planning electoral security, support with out-of-country voting, and procurement. Complementary activities include strengthening of media, support to observer group liaison, and support to political party and candidate liaison, and of course LEAP also aimed to support the participation of women and other vulnerable groups in constitutional reform and elections. The Project was also tasked to ensure international support to the Libyan transition process was “delivered in a coordinated and coherent fashion....”

Specifically, the project document was intended to produce the following seven outputs:

- Output 1: Strengthened organizational, management and operational capacities of the HNEC to plan, conduct and manage elections;
- Output 2: Comprehensive civic and voter education conducted to ensure that voters are educated about broader principles of democracy and inclusive elections and informed about their rights to vote as well as where, when and how to vote;
- Output 3: (a) Enhanced access to and participation in process of vulnerable groups, including women, youth, minorities and other groups in rural and urban areas alike; (b) Enhanced access to and participation of Libyans displaced by conflict inside and outside of Libya; (c) Enhanced understanding of and access to the technical electoral processes of civil society groups and political parties including observer accreditation, candidate registration and gender and minority representation;
- Output 4: Strengthened capacities of the national media to report on electoral processes throughout Libya in a balanced and responsible manner, and promote issue-based reporting on political competition;
- Output 5: Strengthened capacities of HNEC (or media commission) to conduct media monitoring;
- Output 6: Strengthened capacities of relevant Libyan legal institutions or commissions to plan for, develop and deliver an effective electoral dispute resolution (EDR) mechanism and process electoral complaints in a timely and effective manner;
- Output 7: Strengthened capacities of HNEC to coordinate electoral security with stakeholders.

The evaluation team noted that the project document was somewhat ‘generic’ in its design as it had not benefitted from a thorough reality check on the ground before it was drafted. This was understandable given the need to put a support project in place as soon as possible.

The team also has taken note of the fact that several interlocutors, including HNEC, have pointed to the need for the original project document to be revised in order to better reflect

the realities on the ground as they have emerged since late 2011/early 2012. This, however, did not eventuate until November 2015 when a revised project document was signed by UNDP and HNEC.

The revised document, covering the period 1 January to 31 December 2016, has as its overarching goal “to support relevant Libyan authorities (government, electoral management body) and other electoral stakeholders in a coordinated fashion to prepare for and conduct successive well-administered, transparent and credible elections throughout the transition process that represent the will of the Libyan people and meet international good practices.” Against this background, the project identifies the following six distinct outputs: Output 1: HNEC is supported to administer elections that are credible and transparent; output 2: HNEC is supported in strengthening voter education and public outreach; output 3: HNEC’s organizational, management, and technical capacities to plan, prepare and manage successive credible and transparent elections are strengthened; output 4: HNEC’s capacity to develop and implement voter registration is enhanced; output 5: Awareness and knowledge of critical electoral issues are strengthened amongst identified stakeholders, including legislators, members of government, civil society, and media; output 6: Enhanced access to and participation in electoral process of vulnerable groups, including women, youth, minorities, and other groups.

The revised document has thus amended the outputs to more accurately reflect what LEAP has actually focused on over the years. In addition, it has added a new output, viz., support to voter registration. It largely maintains the original management structure but (somewhat curiously) eliminates HNEC as co-chair of the Project Board.

In conducting its work, the evaluation team has been guided mostly by the objectives and outputs of the original project document, which was in force for four out of the five years of the project lifetime<sup>3</sup>. Only a limited number of activities were, in fact, carried out during 2016.

## **Institutional and Management Arrangements**

In its resolution 2040 (2012), the Security Council stresses “that national ownership and national responsibility are key to establishing sustainable peace and that it is the primary responsibility of national authorities to identify their priorities and strategies for post-conflict peacebuilding.” Similarly, the LEAP project document states that “all electoral assistance will be guided by Libyan primacy and ownership”, which is in line with the standard UNDP concept that national ownership is paramount to ensuring the buy-in of national counterparts and the sustainability of technical assistance.

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<sup>3</sup> Even though the evaluation team acknowledges the fact that the outputs described in its terms of reference actually reflect those of the revised project document rather than those of the original project document, see Annex 1.

The Secretary-General's decision no. 2011/23 further endorses the leadership role of the UN Focal Point for elections, the Under-Secretary-General of DPA, on all UN electoral assistance matters and states that "all electoral assistance will be delivered in a fully integrated manner". Accordingly, the UN management structure of the project featured a UN Electoral Support Team (UNEST), which comprised all UN electoral staff, whether provided by UNSMIL, UNDP, UNOPS or any other UN agency<sup>4</sup>. UNEST operated under the overall guidance of the Special Representative of the Secretary-General (SRSG) of UNSMIL and the day-to-day leadership of the Chief Electoral Adviser (D1 staff member of UNSMIL), who had two deputies – one from the UNSMIL electoral team and one from UNDP (the Chief Technical Adviser (CTA) of LEAP). The UNDP CTA had a parallel reporting line to UNDP in as far as accountability for LEAP activities was concerned.

The evaluation team noted with satisfaction that the assistance had been provided in accordance with the provisions of the revised guidance note on UN electoral assistance signed between DPA and UNDP<sup>5</sup>. The guidance note provides for a Chief Electoral/Technical Adviser, who will usually report to the DSRSG/RC and who is responsible for electoral staff and activities carried out under the integrated mission and UNDP, ensuring a 'one UN' approach to electoral assistance.

All interlocutors expressed the view that it would have been impossible for UNSMIL to effectively carry out its electoral mandate without UNDP support. The team confirmed this notion, also pointing out that this will continue to be the case in the recommended new UNDP support project.

According to the 2012 project document, a Project Board was responsible for making all day-to-day management decisions for the project. The Board was required to conduct project reviews on a quarterly basis.

The project document also made provision for the establishment of a Project Advisory Committee (PAC) to ensure effective implementation and provide oversight and strategic guidance. The PAC was envisaged to comprise the HNEC Chairman, representatives of UNSMIL and UNDP, donor representatives, the Secretary of HNEC (to act as Secretary to the Committee) and others, as needed.

It appears that in reality the Board and the PAC were merged and referred to simply as 'the Project Board' under the co-chairmanship of the Chairman of the HNEC and the triple-hatted Deputy SRSG (DSRSG/Humanitarian Coordinator/Resident Coordinator), who is also the UNDP Resident Representative. The secretariat functions were performed by UNDP.

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<sup>4</sup> In this case also including IOM.

<sup>5</sup> Department of Political Affairs and UNDP revised guidance note on UN electoral assistance, New York 2010.

## Financing

The UNSMIL contributions were financed from the UNSMIL annual budget whereas funding for LEAP was provided by the Libyan Government (through HNEC), bilateral donor contributions and a UNDP multi-donor basket fund. During the period 2012-16, a total of US\$ 28,055,037.17 was received for the project, as follows (annex 3)<sup>6</sup>:

	US\$
GPECS <sup>7</sup> (Spain)	1,000,000.00
Libyan Government	11,482,966.00
LRTF <sup>8</sup> (UK, NET, AUS, Swiss)	6,480,566.00
Sweden	4,579,549.00
Japan	1,159,304.17
EU	1,375,516.00
UK (direct funding)	1,010,101.00
Netherlands	270,270.00
UK FCO	696,756.00
Total	<u>28,055,037.17</u>

<sup>6</sup> See also annex 4, which provides a more detailed breakdown of financial contributions by project output.

<sup>7</sup> Global Programme for Electoral Cycle Support.

<sup>8</sup> Libya Recovery Trust Fund. The contributors were as follows: Australia: US\$ 1,001,700 (2012); Denmark: US\$ 264,494 (2012); Netherlands: US\$ 500,000 (2012); Switzerland: US\$ 528,709 (2012); United Kingdom: US\$ 2,376,150 (2012 and US\$ 1,812,383 (2013),

## Evaluation of LEAP's Performance by Outcome and Outputs

A detailed monitoring and evaluation framework was developed for the project in March 2014. After consultation with the management of the UNDP country office, the evaluation team decided not to conduct a 'blow-by-blow' review of each activity listed under the seven envisaged outputs. Rather, the report provides an overall assessment of the success (or otherwise) under each of the main headings.

### Planned Outcome

The overall outcome of the project was to ensure that "active citizen participation facilitates the democratic transition of the nation". In this regard, the evaluation team found that the GNC elections reflected a high level of citizen participation and an equally high degree of enthusiasm for the electoral process. An NDI survey conducted after these elections showed that 84% of the respondents were of the opinion that they were conducted in a free and fair manner. Nevertheless, the subsequent two electoral events, CDA and HoR elections in February and June 2014 respectively, showed a somewhat lower voter registration and voter turnout as substantiated by the following data:

#### Election for GNC:

Registered	2,865,937	(About <b>44.7%</b> of the <u>estimated</u> population)
Voted	approx. 1,770,000	
Turnout	<b><u>61.75%</u></b>	

#### Election for CDA:

Registered	1,101,541	(only <b><u>38.4%</u></b> of those registered initially...)
Voted	497,663 (at first)	
	510,000 (later)	
Turnout	45.2 % initially	
	<b><u>46.3 %</u></b> all in all	

#### Election for HoR:

Registered	1,509,291 (about <b><u>52.7 %</u></b> of those registered in 2012)
Voted	numbers unclear – some areas did not vote at all
Turnout	Reportedly: <b>45%</b> or so of those registered

This combined with an increasingly volatile political and security situation would indicate that there is still a long way to go before a successful transition to democracy can be realized.

## **Planned Outputs**

### **Output 1: Strengthened organizational, management and operational capacities of the HNEC to plan, conduct and manage elections.**

There is no doubt that HNEC's capacity to plan, conduct and manage elections has increased significantly during the life of the project. The organization has moved from a situation of virtually nil electoral knowledge and experience to a much higher level of competency by the end of the project. This was, in part, due to the efforts of LEAP but several other players should also be commended for their inputs, notably UNSMIL and a number of international NGOs such as the National Democratic Institute (NDI) and the International Foundation for Electoral Systems (IFES). International observer groups, media and other sources have all commented positively on the ability of HNEC to carry out its functions, albeit with significant outside support for the time being.

Due to the high level of work pressure in the lead-up to, during and immediately after the three electoral events, little time was spent on formal and well-structured capacity development for HNEC and its staff even though some workshops and study tours were implemented during the course of 2012 and 2013. According to available progress reports, a total of 61 professional development events took place from 2012-15, benefitting 1,556 individuals, of whom 343 were women.

More formal capacity development support only became strongly evident after the evacuation of the UN from Tripoli to Tunis in July 2014 when HNEC and LEAP jointly decided to take advantage of the absence of electoral events to continue to upgrade the skills of HNEC staff. Again according to available progress reports, several workshops and other training events on software review, calculation of polling centre materials and BRIDGE training were conducted in the second half of 2014. From March to November 2015, eight similar workshops and other training events took place. At one point, HNEC and LEAP concluded that the pace of the training had been too high and it was decided to cut back.

Regrettably, it would appear that much as the various training events were highly relevant, they did not benefit from an agreed strategic plan to guide the various programmes.

### **Output 2: Comprehensive civic and voter education conducted to ensure that voters are educated about broader principles of democracy and inclusive elections and informed about their rights to vote as well as where, when and how to vote.**

This was a critical output to ensure not only that the voters knew when to vote, where to vote and how to vote (voter education) but also to instill some level of understanding of democratic values, norms and processes in a country (civic education) that had not experienced free elections for decades. This was an enormous challenge and major, sustained long-term results could hardly be expected over the lifetime of LEAP. The efforts were further inhibited by staffing challenges in the HNEC public awareness department,

particularly in 2013, and the lack of a strategic plan to guide the activities. In addition, the voting systems were very complex and changed over time, making it difficult to produce proper awareness-raising materials. As could be expected, many observer reports encouraged HNEC to focus more effectively on this area in the future. Similar sentiments were expressed by the representatives of civil society that the evaluation team met in Tripoli.

Nevertheless, several roundtable discussions were organized in 2012 and 2013, and 23 different awareness products were reportedly produced. A review of project expenditures by output revealed that only a very small percentage of available resources were spent on voter and civic education.

**Output 3: (a) Enhanced access to and participation in electoral processes of vulnerable groups, including women, youth, minorities and other groups in rural and urban areas alike; (b) Enhanced access to and participation of Libyans displaced by conflict inside and outside of Libya; (c) Enhanced understanding of and access to the technical electoral processes of civil society groups and political parties including observer accreditation, candidate registration and gender and minority representation.**

Encouraging the participation of women in elections is a critical element in the transition to democracy. The history and culture of Libya, however, is not favourable in this regard and concerted efforts will be required over a long period of time to improve significantly on this situation. The participation of women in the three electoral events in 2012 and 2014 both as candidates and as voters was much lower than that of men. In 2012, only 32 women were elected to the GNC (16.9%). In the CDA elections, six seats were reserved for women. No other female candidate was elected. The law governing the HoR elections reserved 32 seats for women.

Female voters showed a significantly lower voter registration than men and this percentage dropped from the GNC elections where it was 45% to 41% and 40% respectively in the CDA and HoR elections.

Both HNEC and UNEST displayed significant commitment to the participation of women as evidenced by a large number of workshop, conferences and forums conducted under the project. Emphasis was put on ensuring that women participated in the various capacity development activities undertaken for HNEC staff in 2014 and 2015.

Efforts were also made to promote the participation of ethnic minorities in the elections. Special arrangements were made for internally displaced persons and for Libyans living in exile. IOM was responsible for supporting the out-of-country voting.

After what appeared to be a slow start, HNEC and LEAP became more active in engaging civil society and several events took place in 2014 and 2015. HNEC expressed a particular interest in the role of CSOs in domestic electoral observation.

Nevertheless, a review of project expenditure by output revealed that only a very small percentage of available financial resources were expended under output 3.

**Output 4: Strengthened capacities of the national media to report on electoral processes throughout Libya in a balanced and responsible manner, and promote issue-based reporting on political competition.**

The LEAP activities in this area were extremely limited. Well below 1% of the project's financial resources were expended in this area.

**Output 5: Strengthened capacities of HNEC (or media commission) to conduct media monitoring.**

A limited number of training activities were conducted under this output in 2012. No activities were carried out in the subsequent years.

**Output 6: Strengthened capacities of relevant Libyan legal institutions or commissions to plan for, develop and deliver an effective electoral dispute resolution (EDR) mechanism and process electoral complaints in a timely and effective manner.**

LEAP's contribution in this area was limited to some short-term training of a number of judicial personnel. The bulk of the support work was undertaken by IFES, which in any case is the agreed 'lead' on EDR.

**Output 7: Strengthened capacities of HNEC to coordinate electoral security with stakeholders.**

Given the deteriorating security situation in the country, LEAP's contribution in this area was largely limited to the provision of the services of a security adviser in 2012 and parts of 2013.



## Validity of Project Design and Relevance

LEAP was based on dozens of similar projects carried out around the world by the UNDP, and it shares many elements from similar activities developed for countries as diverse as Timor-Leste, Pakistan, Côte d'Ivoire, or the Kyrgyz Republic. Under the leadership of the EAD/DPA, and based on years of experience, these election projects all include activities to build the capacity of the local Electoral Management Body (EMB), conduct civic and voter education activities, encourage participation of women and other marginal or vulnerable groups, ensure media coverage of the electoral process is accurate, prepare for the inevitable legal disputes which arise from elections, and ensure public safety during the election process.

All of these issues are important, to a greater or lesser extent, in post-conflict countries or countries in transition, and it makes sense to ensure they are covered in any such an election project. In particular, efforts to raise the knowledge and capacity of the local EMB are seen as one key way to reduce the need for a repeat of the project, when next the electoral cycle turns to elections, and to boost long-term national ownership of the country's elections, a key issue for the UN - and for the donors who have no desire to "throw good money after bad" by supporting repeated problematic elections. If the EMB has experience in and takes pride in holding good elections, it is better placed to resist local pressures for inadequate elections, and if the international community has had good experience with the local EMB, it will be more inclined to continue providing support. Nonetheless, there are limits as to whether a standard template can effectively be applied to such different country situations. In Libya's case, some elements of the standard list of activities simply did not meet the country's needs, while others could not be met in the early stages of the Libyan transition.

Inasmuch as there had not previously been any body charged with running elections, the level of electoral knowledge was virtually zero, so the need for capacity building at HNEC was extensive. Admittedly, some of the skills could be learned on the job, and the three electoral events (including two within months of each other) did provide opportunity for rapid acquisition of valuable experience. By the same token, however, there was a deeper need than usual for civic and voter education, to enable the electorate to understand why they were called upon to vote three times using different types of electoral systems in less than two years. This explains, in great measure, why enthusiasm and turnout dropped from their initial high levels, as later disenchantment with the results (and the winners) replaced earlier high expectations. As each election was for a different body, each required development of new civic and voter education materials and new skills might have to be relearned.

While in many ways Libya was relatively affluent and modern, as a result of its oil wealth, still the country was poorly developed and its society highly traditional, with a male-dominated, patriarchal structure. This meant that efforts to ensure gender-balanced elections, with adequate representation for and participation by women, needed to be extensive and incessant. Similar efforts were required for other vulnerable groups, especially youth and the ethnic minority communities, but neither the project nor other actors were positioned to provide such effort. Suspicion of majority motives by minority leaders also complicated

matters, as confusing voting procedures and apportionment of seats led to boycotts by some minority groups.

Likewise, developing a broad and effective domestic election observation program (a core activity of the project) requires a well-mobilized civil society sector, for they provide the bulk of the citizens who conduct such an observation. In Libya's case, the civil society sector was nascent at best, and required extra assistance to rise to the occasion. And while there were organizations blooming, they were at best poorly interlinked or networked, and not well-known outside their local territory. An NGO in Misratah could well be invisible to authorities in Tripoli, for example, no matter how motivated or well-trained their leaders and members.

The role of the media was also unlike that in other countries going through such a transition. Severe restrictions on freedom of speech and of the press had been in place under Col. Gadhafi - only after the revolution of 2011 were they relaxed, and it took time for the country's print and electronic media to grow in spread and penetration. Numerous newspapers sprang up, but most withered quickly. Many radio stations are on the air, but broadcast primarily to local audiences. Few radio or TV stations cover the entire country. In this environment, the project's ability to provide adequate professional training to cover the elections was inadequate, and the possibility of HNEC's being able effectively to monitor them was also virtually nil.

Libyan legal institutions were also hard pressed to provide adequate space for electoral dispute resolution. The electoral laws, regulations, and procedures were just being developed and frequently changed, and most jurists (both judges and lawyers) were ignorant of their import. Given the dynamic electoral scene, dispute resolution perforce proved somewhat haphazard.

Finally, the role of HNEC in developing electoral security was never well-defined, and as the security apparatus had no experience in the field, gaps were inevitable. UNSMIL did have a key role in the provision and maintenance of security across the country, but without any special focus on the electoral environment, and UNDP/LEAP was ill-positioned to participate.

All in all, the design was good in theory and the resources from generous donors could have been adequate, but in effect the electoral calendar - and the many other internal political and security factors pulling on the electoral processes - meant that the relevance of this standard template was somewhat out of synch with the country's realities. This was also due, perhaps unavoidably, to the urgency with which the international community sprang to help Libya after the revolution, with the UN family drafting and essentially completing the project document before there was even a counterpart organization in place to provide any national input. It was inevitable, in this situation, that there would be complaints from HNEC as to how the project was implemented, especially given Libyan lack of experience with UN and UNDP procedures, the UNDP concept and procedures of Direct Implementation, etc. The fact that HNEC was almost the only agency of government which functioned reliably also

meant that there were no other agencies with which it would coordinate, or to whom the UN could turn when there was the need for other partners at the table.

## **Management Arrangements**

On the UN side, the UNEST model performed well. All electoral staff worked effectively together regardless of which part of the UN family they originated from (UNSMIL, UNDP, UNOPS). The management model with the UNSMIL Chief Electoral Adviser as the Head of UNEST with two deputies (one from UNSMIL and one from UNDP) also worked well and ensured an effective and coordinated UN programme of electoral support.

As mentioned above, UNSMIL had a mandate to coordinate international assistance in a number of areas, including electoral support. UN support was well coordinated through the UNEST mechanism. However, after the departure of senior UNSMIL and UNDP electoral staff, there were weaknesses in ensuring proper coordination with some outside partners, including the International Foundation for Electoral Systems (IFES), particularly in the final year of project implementation.

According to the original project document, UNSMIL would focus on legal frameworks for elections, establishment of HNEC, operational concepts, timelines and budgets, establishment of the voter registry, out-of-country operations and electoral mechanisms sensitive to the needs of under-represented segments of Libya's population such as women and youth. On the other hand, UNDP's tasks included civic and voter education, strengthening media, electoral dispute resolution, development of a joint electoral security plan, support to out-of-country voting, domestic observation liaison, political entity and candidate liaison, procurement of electoral and other materials and support to HNEC's administrative structure and capacity. The distribution of tasks between UNSMIL and UNDP was thus fairly clear even though there were certain overlaps. These appear to have been ironed out smoothly during project implementation. Some interlocutors did mention, however, that there sometimes was a feeling that UNSMIL was more engaged on the substantive side of the work with UNDP performing a disproportionate number of more menial administrative tasks.

At the strategic level, UNSMIL - as per its mandate - was in the lead and appeared to have kept UNDP in the loop along the way. There was, however, no formal agreement between UNSMIL and UNDP as to how exactly the different tasks would be assigned. According to some interlocutors, there were also a few problems in terms of the common utilization of facilities provided by the respective partners.

The role of UNOPS was also spelled out in the project document and included support to logistics, IT, recruitment of personnel, including national, security and logistical staff, procurement of security and other equipment as well as support to the establishment of the physical infrastructure of HNEC. However, it would appear that UNOPS' inputs were less comprehensive than envisaged and it was decided to discontinue the cooperation with this agency in the middle of the project cycle. Some interlocutors maintained that there were some weaknesses in the UNDP country office at the time and that UNOPS was faster in its delivery. Others also felt that UNOPS was an unnecessary partner as UNDP was itself well

placed to deliver the required inputs. For reasons not entirely clear to the evaluation team, UNOPS continually functioned based on only short-term agreements with UNDP.

The relationship between the UN family and HNEC was initially excellent with effective collocation of UNEST and HNEC staff in the HNEC offices in Tripoli. This arrangement was clearly conducive to effective communication and collaboration between the two sides.

With the evacuation of UN staff from Tripoli to Tunis in July 2014, the cooperation increasingly began to face new challenges, partly due to the lack of day-to-day proximity of the two parties. After a series of successful capacity development activities in 2014-15, the relationship continued to deteriorate. For instance, a significant disagreement erupted over the travel arrangements for training events in Tunis and elsewhere - an issue to which a solution could not be found within UNDP's rules and regulations. Eventually, the cooperation ended in November 2016 and LEAP was subsequently closed on 31 December 2016, which was the anticipated end of the project..

Throughout the project implementation, there has continued to be an element of lack of ownership on the part of HNEC, in the first instance related to the fact that the project document was drafted almost entirely within the UN family due to the non-existence of an appropriate national counterpart. HNEC was only set up in February 2012 and the project document was signed on 5 March 2012. According to the current Acting Chairman of HNEC, there was already then some reluctance on the Libyan side to sign the document. However, in the end it had been decided to go along - not least given the fact that the first electoral event, for which HNEC greatly needed UNDP support, was due to take place in July 2012.

The decision to implement the project under the DIM system was entirely understandable as there was no national capacity to implement it credibly under the NEX modality. Institutionally, this meant that the UNDP country office became almost exclusively responsible for the delivery of the project. And this, in turn, may well have contributed to a sense of marginalization on the part of HNEC. Nevertheless, DIM remains the standard implementation modality in post-conflict situations. This should not change when a new electoral assistance project is formulated.

As described above, a Project Board was established more or less as per the signed project document. The first meeting of the Board took place on 16 June 2012, i.e., more than three months after the signature of the project document and shortly before the elections for the GNC. At this meeting the Acting Chairman of HNEC and co-chair of the board "expressed concern that the HNEC Board of Commissioners was not consistently informed about decisions taken between UNEST advisors and working-level HNEC counterparts." This concern was reiterated in a Board meeting on 16 June 2013.

In the second meeting of the Board held on 22 May 2013, the Deputy Chairman of HNEC and then ordinary member of the Board, suggested that meetings be held on a quarterly basis. From the records made available to the evaluation team, it would appear that a total of only

ten Board meetings were held during the period 2012-16<sup>9</sup>. While it is understandable that it may have been difficult to hold quarterly meetings in the lead-up to, during and immediately after electoral events due to an extraordinary workload during these periods, more frequent meetings might have resulted in a greater sense of ownership on the part of HNEC.

HNEC was established with UN assistance. The relevant legislation provided for a total of nine commissioners. At the present time, there are only four. The evaluation team was advised that the Commission has at its disposal a secretariat of close to 100 staff and maintains field offices in 17 locations with some 200 staff across the country.

Understandably, HNEC faced a number of challenges as the organization was being built from the ground up. It took quite some time to get the staff in place. Available information suggests that 2013 was a particularly difficult year in terms of HNEC staffing. Many staff members continue to be seconded from other parts of the Libyan State machinery and are required to return to their mother departments after some time. As the security and economic situation in Libya continued to deteriorate, in particular after mid-2014, HNEC also faced major challenges in terms of payment of staff salaries. This issue may have become even more serious in light of the recent request from HoR to HNEC to prepare for presidential and parliamentary elections before February 2018<sup>10</sup>

An important factor impacting negatively on the relationships was the lack of staff continuity at management level on the UN side. As per a decision of the Board, the position of LEAP CTA (along with one of the two UNEST deputies) was vacant from July 2014 until the arrival of the new CTA in July 2016. Similarly, the post of UNSMIL Chief Electoral Adviser (later renamed Principal Electoral Adviser) remained vacant from December 2015 to mid-January 2017. These gaps resulted in a serious lack of senior leadership capacity that may also have contributed to the deteriorating relationship between HNEC and UNDP. The importance of having all senior (UNSMIL and UNDP) on board cannot be overstated. This should also be borne in mind when implementing the proposed new UNDP electoral support project.

Furthermore, there have been some allegations that in a few cases the quality of short-term consultants was questionable. The Acting Chairman of HNEC also complained that the Commission had had only a limited say in the selection of the many – and very expensive – international project staff members over the years.

The evaluation team took note of several personality clashes that clearly also had a negative impact on the project at several points in time during its implementation.

During the period 2012-15, the project benefitted from the services of a Coordination and Reporting Officer, who was very effective in preparing the required project reports both for the Project Board and the donors. The quality of this reporting was very high.

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<sup>9</sup> 16 June 2012, 26 September 2012, 21 January 2013, 22 May 2013, 22 September 2013, 8 July 2014, 15 January 2015, 14 May 2015, and 15 November 2015. The final meeting was held in July 2016.

<sup>10</sup> See p. 7 above.



## Efficiency of Resource Use

As indicated above, a total of US\$ 28,055,037.17 was contributed to LEAP by HNEC and a total of eight different donors. As at 31 December 2016, US\$ 26,380,372 had been spent and US\$ 998,791 and US\$ 479,726 had been returned to HNEC and the United Kingdom.

Additionally, part of the Dutch contribution was withheld due to the closure of the project in 2016. According to the UNDP country office, the remaining balances, totaling US\$465,535, are in the process of being returned to the respective donors.

The breakdown of expenditure by year and by donor is attached as annex 4. It shows that approximately two-thirds of the expenditures were incurred from 2012-14 when large quantities of electoral materials and equipment needed to be procured for the three electoral events that took place during this period. Of the total Libyan Government contribution of US\$ 11,482,966, which had been earmarked for materials and equipment, 99.5% had been expended by the end of 2014.

Three project audits have been carried out covering the period 2012-14 and 2015. The evaluation team noted that they all expressed audit opinions without qualification. As such project expenditures and equipment have been appropriately certified.

In 2016 the country office was subject to a full UNDP management audit, which showed the performance of the office as 'partially satisfactory/some improvement needed'<sup>11</sup>, using amongst others LEAP as an example of this performance.

Over the period 2012-16, significant numbers of international and national project staff were recruited for different periods of time. The complete list of project personnel by year is attached as annex 5. Overall, the evaluation team found that the staffing component was appropriate for the tasks to be performed by LEAP. It was noted that following the evacuation to Tunis in July 2014, some project staff members were deployed elsewhere on detail in order to save project expenditures on salaries. As from 2015 there was a significant reduction of staff, reflecting the reduced workload.

The Acting Chairman of HNEC provided the evaluation team with the attached analysis of the resource utilization of LEAP (annex 6). It shows that not taking into account the HNEC contribution of US\$ 11,482,966, the distribution of project expenditures by output during the period 2012-14 was as follows:

Output #1: Strengthening HNEC capacities	24%
Output #2: Civic and voter education	6%
Output #3: Enhanced access and participation in electoral processes	5%

<sup>11</sup> According to the Audit Report, this implies that the assessed governance arrangements, risk management practices and controls were generally established and functioning but need some improvement. Issues identified by the audit do not significantly affect the achievement of the objectives of the audited entity/area.

Output #3: Strengthened capacities of national media	1%
Output #5: Strengthened capacity to conduct media monitoring	1%
Output #6: Strengthened capacity in electoral dispute resolution	1%
Output #7: Strengthened capacities to coordinate electoral security	2%
Output #8: Project management	61%
Total	100%

The evaluation team took note of the very high percentage of project funds that appeared to have gone to project management. On the other hand, it was not entirely clear from the presentation what exactly had been included in the category 'project management'. In this regard, the team also noted that the UNDP country office in a letter of 5 October 2016 to the Acting Chairman of HNEC had provided its response to the HNEC analysis, see annex 7.

The team further noted that had the calculations been carried out based on the total project expenditures, i.e. including the expenditures on procurement of electoral materials and equipment, the calculations would be significantly different, as also acknowledged by HNEC in table 1 of annex 6. An allegedly 'missing' financial report for 2015 had, in fact, been included as annex 1 of the 2015 progress report of the project. The report would appear not to have benefitted from a Board review and accordingly was not approved by the Board.

Whereas the evaluation team did not have access to the detailed records of UNDP procurement of electoral materials and equipment, many interlocutors commented that HNEC, as a newly established institution, would not have had the capacity to carry out these functions and that UNDP had handled the task in a cost-effective and timely manner. This claim seems to be substantiated by the minutes of various Board meetings, to which the evaluation team has had access.

## **Impact and Sustainability of the Project**

The evaluation team concluded that LEAP was very successful in supporting HNEC in conducting free and fair democratic elections in 2012 and 2014. In fact, it is probably correct to state that absent UNDP and UNSMIL support, it is unlikely that successful elections could have been conducted given the lack of electoral experience in Libya prior to 2012. The credibility of the three electoral events is evidenced by numerous sources, including a number of international observer reports and international media as well as interviews with a cross-section of interlocutors including donors, national NGOs and the national media.

Sustainability considerations were very much in evidence. However, often they were overtaken by the immediate necessity of the project applying its significant financial, human and institutional resources to ensure the success of a particular electoral event with only secondary focus on the building of national capacity. This was entirely understandable (and in fact justified) given the short timelines under which the project operated.



However, as described above, it is also clear that several project outputs were not - or could not - be delivered. This was particularly the case as regards outputs pertaining to the strengthening of national capacities of national media, media monitoring, electoral dispute resolution and electoral security. The reasons for this are detailed above.

As also mentioned above, the picture is mixed in terms of capacity development in HNEC. There is little doubt that a significant amount of on-the-job learning took place in connection with the three electoral events that LEAP supported. In the lead-up to, during and immediately after these events, the main focus of the project was on providing operational support to HNEC to help ensure credible elections. The evaluation team fully recognizes the importance of this achievement.

After the evacuation to Tunis, the Project Board agreed that the emphasis should now be on more formal capacity development and in this regard a significant number of training events were conducted to strengthen the capacities of HNEC staff to conduct elections in the future. This training has been described in greater detail above. Absent electoral events since June 2014, it is, however, impossible to judge accurately to what extent this capacity development has been successful in enhancing the electoral knowledge and competencies of HNEC staff.

As was the case in LEAP, HNEC has also suffered as a result of staff turn-over and indeed as the result of staff members leaving for one reason or another. This may prove to pose a challenge when HNEC will be required to conduct elections again sometime in the future.

A key output was voter and civic education and, as described above, significant amounts of materials has been produced by HNEC over the years with LEAP support. Whereas it may be fair to say that the voter education was successful in ensuring that voters knew how to vote, where to vote and when to vote, civic education invariably requires a longer-term sustained effort that should involve a range of actors, not just HNEC. The absence of electoral events during the dictatorship of Col. Gadhafi further emphasizes the importance of this area.

The evaluation team has taken note of the fact that several reports of international election observation groups have pointed to the need for additional focus on voter and civic education. This view was also reflected by the representatives of Libyan NGOs and media with whom the team met when visiting Tripoli. The challenge is further accentuated by the fact that the three electoral events held in 2012 and 2014 were very different in nature with two events being about parliamentary elections and the third about the election for a constitutional drafting assembly. This picture would be further complicated if/when a constitutional referendum is held in the future and/or future electoral events are not just for a new parliament but perhaps would also include presidential elections.

The impact of project activities to enhance access to and participation in the electoral processes is also mixed. As described above, a number of initiatives were taken by the project, particularly as regards the participation of women, but given the history and cultural values of Libya, it was probably less than realistic to think that significant progress could be made by the project over its lifetime. Also taking into account the vastness of the Libyan territory and the steadily deteriorating security situation, it is understandable that further

progress could not be achieved. Nevertheless, it was encouraging that many interlocutors, including senior HNEC officials, displayed keen interest in continuing to focus on this critical matter.

## **Conclusions and Lessons Learned**

The overall conclusion on the UNDP's election assistance project is that it was generally successful, in that it assisted the HNEC and other Libyan stakeholders in organizing three well-regarded elections in a fairly short time, in a country which did not at all have a history of electoral democracy. A closer look, however, reveals that there were numerous smaller issues which were not adequately handled. While these issues do not call into question the overall value of the Project, they do point to important areas where further electoral assistance could be better designed and better delivered in the future.

It might be a cliché to repeat the calls for national ownership of electoral assistance projects, but the experience of LEAP demonstrates that the thought is well-founded in reality.

Although years of electoral experience in countries around the world guided the UN's experts in development of the project, and there is agreement that the core concerns covered in the project document must be addressed in any country's successful election cycle, still nothing can compare with ensuring that national counterparts and experts participate as equals in the discussions and early drafts that lead to such a key document in a country's transition to democracy. Even if the national partners have had no problem with the document as drafted, and in the end they agree to sign it, it becomes more unlikely, more difficult for them to challenge it if they were offered the chance to provide input before pen was ever set to paper and throughout its development process.

The key donors should also be involved in consultations about the scope and thrust of the project, for it is, after all, their money that is being spent. As plans for the project take shape, key outside stakeholders should also be consulted, including major CSOs, key media actors, women's group leaders, etc., to ensure their needs in the electoral context are not overlooked. The resulting project document will then reflect the views of stakeholders from all sides, and better reflect the needs of the society which it is meant to benefit.

Likewise, for smooth decision-making throughout the life of a project it is essential that all partners and stakeholders commit seriously to clearly-defined management procedures, with a well-defined schedule of meetings of the project management body, firmly established procedures for preparing the agenda, keeping minutes of discussions and decisions, and for distribution of responses and feedback, to ensure that all know what has been done between the meetings. This transparency among the partners builds trust and facilitates smooth resolution of the inevitable problems.

Continuity in project leadership is also a major contributor to success, but circumstances led to lengthy gaps in both the positions of Chief Electoral Officer (for UNSMIL) and Chief Technical Adviser (for UNDP/LEAP). Coupled with the necessity for UN personnel to evacuate in July 2014 from Tripoli to Tunis, the flow of personal contacts and informal communications was interrupted, and the project implementation suffered.

On the other hand, it is apparent that the Libyan stakeholders, and especially the HNEC Commissioners and staff, did not fully understand the operational realities of UNDP and the larger UN Mission, despite repeated efforts to clarify the situation. While it was helpful that most UNDP and UNSMIL's electoral officials were collocated with HNEC, there was also occasional confusion over which person had which responsibilities. The inclusion of UNOPS as, in effect, a sub-contractor for UNDP was also the source of confusion in HNEC, especially when the issue of double-charged GMS fees arose. Also in this context, it appears that, despite repeated explanations, the UNDP procedures for Direct Implementation (DIM) were not adequately understood by key HNEC officials.

At the same time, some aspects of LEAP's integration into UNEST were not fully visible, bringing occasional lack of clarity over which element of the UN family would have responsibility for one or another electoral task. As often occurs, there was also mistrust or resentment on the part of national partners that expensive international experts were brought in to conduct trainings or develop election materiel. This led to accusations of waste or mismanagement of resources in the Basket Fund. There is also the question of HNEC participation in the recruitment of international experts, who should at the very least always have been discussed with the national partner before being brought on board.

In the context of future elections, it is obviously critical that HNEC have the necessary financial, human and other resources at its disposal. The assumption is that such resources will be provided through the Libyan State Budget. However, if for some reason this is not the case, alternative ways of ensuring the financial viability of the institution would need to be considered.

## **Recommendations for Future UN Support to Elections in Libya**

All our interlocutors agreed that there will need to be a successor project after LEAP, to pick up the threads of electoral assistance. UNSMIL of course retains its mandate to support electoral processes, but it is expected to rely on UNDP for delivery of key elements of that support. We therefore strongly recommend that work begin quickly on preparation of a new project. The preliminary work on this project should be prepared in a collaborative manner, with experts from EAD, UNDP, UNSMIL, HNEC, the donors, and key actors from the other stakeholders all participating in a well-structured but not overly formal process to assess the needs, assign them priorities, and devise measure to be taken to address them. In addition, a Needs Assessment Mission or desk review by EAD should be carried out.

Whereas it is still unclear when presidential and parliamentary elections may be held, the evaluation team has taken note of the request from the President of HoR to HNEC to prepare for such elections before February 2018. The team assumes that there may well also be a requirement for a constitutional referendum. UNDP's next Election Assistance Project for Libya should focus at first more on elements in the inter-election periods of the electoral cycle. Once the initial flurry of electoral activity has subsided, the relatively peaceful period after elections must be used to help better prepare everybody for the next stages in the election cycle. This includes capacity-building for the HNEC Commissioners and senior staff; review and possible revision of electoral boundaries and constituencies; training in dispute resolution; broad civic education activities with engaged civil society organizations; development of an updated, accurate voter registry; and elaboration of a code of conduct for candidates and parties.

By using the post-election and pre-election periods for training to strengthen the HNEC; polishing regulations and procedures to eliminate disputes and confusion; working with candidates and parties to position themselves for their next contests; and helping develop the media and civil society to observe and report on the next elections in a more organized, professional manner, the level of professionalism is raised across the board. The UNEST model should be retained.

It is much easier to develop and update the national voter registry (with special consideration being given to, amongst others, IDP populations) and constituency boundary delimitation when there is no election looming on the immediate horizon, and no candidates or party agents feel obliged to harass the registry canvassers. By the same token, arrangements for recruitment of staff and procurement of materials, as well as for nationwide security on Election Day, are best developed and carried out without the time pressures or political excitement of impending voting. And with a new Election Assistance Project already in place, UNDP will be positioned to ramp up quickly, if necessary, to support HNEC as it conducts a Referendum or Election.

When a country is involved in such a high-profile transition from a well-known dictator to a nascent democracy, there is always great interest on the part of would-be outside donors. Governments are usually willing, even eager, to make their contributions via a basket fund

and to give the lead to the political mission and UNDP, leaving the hard part of actual implementation to the expertise of the UN family. Non-governmental organizations, however, are less inclined to follow in the UN's wake, instead developing or exploiting their own network of contacts. It then becomes all the more valuable to develop and maintain a matrix that takes into account which donor or organization is active in which aspect of electoral preparations, with which local counterpart, in which part of the country. This matrix, which should be developed by UNSMIL as per its coordination mandate, should be accessible to all. It will help demonstrate to the national partners that every effort is being made to respond to their needs. Should there be gaps, it can be used to coordinate recruitment of necessary resources or expertise.

Against this background, the evaluation team makes the following specific recommendations:

**To UNSMIL and EAD:**

- Since 2013, no Needs Assessment has been undertaken by EAD. After three elections, the parameters of electoral technical assistance have changed, as has the political and electoral environment. Based on the EAD/UNDP revised guidance note on the provision of UN electoral assistance, we recommend that a needs assessment mission or desk review be performed to take account of these changes, including how they may impact on the work of HNEC and the continuing financing of its operations.
- Also in accordance with the revised guidance note, UNSMIL should clarify what is expected as regards UN electoral assistance:
  - UNSMIL should begin consideration of what roles it expects to play, and clarify what it expects from UNDP and others (UNOPS, IOM, INGOs) in providing integrated UN electoral assistance.
  - Conditions on the ground permitting and based on the UNEST concept, UNSMIL should conduct activities in Tripoli and other location(s) as agreed among the partners.
  - Similarly, UNDP should endeavor to carry out its training activities in Tripoli and other location(s) as agreed among the partners, and discontinue holding workshops in Tunis.
- UNSMIL should establish an early and frequent dialogue with HNEC and other Libyan authorities on what will need to be done.
- UNSMIL should ensure that appropriate, experienced mission staff is available for UNEST well before any eventual elections.
- UNEST should, to the extent possible, be collocated with HNEC, to ensure the greatest possible transparency and reinforce national ownership of the electoral process.
- There should be a clear understanding on division of responsibilities within UNEST, among UNSMIL, UNDP, IOM, and eventually UNOPS or other organizations.

- UNSMIL should make sure that UNDP is informed of developments on the political side, especially those which might have an impact, positive or negative, on the eventual electoral events.
- As part of its political negotiations, UNSMIL should help its Libyan interlocutors develop an understanding of key elements of civic education which are necessary to motivate and inform their voters, and should incorporate those elements into UNEST activities.
- UNSMIL should encourage Libyan authorities to develop and implement a modern, effective (but inexpensive) national voter registration system, linked if possible with national ID cards or similar technologies. The voter registry should be a permanent and constantly updated document, to preclude the need for re-registration before each election.
- UNSMIL should consider supporting HNEC in the development of a code of conduct for political organizations, candidates, media outlets (including social media, if possible), and civil society.
  - Alternatively, several codes could be considered, for each sector.
  - This code should cover the pre-election period, the campaigns, electoral dispute resolution, and the post-election phase.
  - Participants should all be encouraged to sign this Code in public, to increase peer pressure for compliance.
- UNSMIL should develop an early dialogue with Libyan actors in the security sector - in the Capital and in other power centers if necessary, and if possible throughout the territory - to increase their knowledge of electoral security issues, encourage their collaboration with HNEC, and help build their capacities in this field.
- As per its mandate, UNSMIL should take on all coordination efforts as regards electoral assistance and as part of this role should convene meetings of all relevant stakeholders to begin the process of developing the next UNDP electoral assistance project.
- The coordination efforts should include the maintenance of a matrix of donor contributions, identifying which elements of the project and ancillary activities are being covered by UNDP, UNOPS, IOM, UNSMIL, NGOs such as IFES, International observer organizations, CSOs, women's groups, youth, media, etc.

**To UNDP and the Libya Country Office:**

- Based on the recommendations and findings of the NAM or desk review, we recommend that UNDP, together with UNSMIL, take steps to formulate a successor project, replacing LEAP with a project aimed more at the entire electoral cycle concept. This should include many of the cycle's post- and pre-election activities, such as

- The legal framework, including procedures and regulations for voting as well as provisions for possible establishment of political parties,
  - Discussion of electoral systems and constituency boundaries,
  - Planning for recruitment and logistics as well as electoral security,
  - Civic education programmes (especially concerning an eventual constitution) to raise public awareness and motivate increased voter turnout,
  - Development of an updated, nimble voter registration process, giving special consideration to, amongst others, the IDP populations,
  - Provision of advisory support and technical assistance to the HNEC in its relationship with domestic observation organizations, and
  - Continuing capacity building and regional networking for HNEC.
- Under the guidance of HNEC,
  - Reach out to Libyan civil society organizations to identify which are willing and capable, to participate in a domestic election observation consortium. Provision of appropriate training well in advance of the elections themselves.
  - Identify key figures among Libyan women (candidates and party leaders, doctors/nurses, activists) willing and able to take leadership positions in eventual gender mainstreaming activities.
  - Similar outreach to minority community leaders, youth, and local religious figures and to key players in the Libyan broadcast, print, and social media, to pre-identify likely partners for collaboration before and during any electoral events.
- UNSMIL/UNDP should include in the drafting process for the new project
  - HNEC,
  - Other Libyan electoral stakeholders, as appropriate
  - representatives from potential donors,
  - UNSMIL,
  - And, at a later stage, relevant partners from international NGOs (NDI, IRI, IFES, International IDEA, etc.) and possible CSO partners.
- This successor project should have a short-term component (perhaps one or two years) and a longer, five-year component, to address differing phases of the eventual election process in the overall election cycle.
  - Provision should be expressly included for revision of this project no later than after two or three years, to reflect changed circumstances without requiring negotiation of a completely new project.
  - As much as possible, project activities should take place in Tripoli.
  - Donors should be encouraged to make contributions to either or both of these components, through a unified basket fund solely for the project. Donor earmarks for specific activities or procurement should ideally be kept to a minimum.

- Subject to a broader political analysis, donors and UNDP should consider provisions for interim budgetary support to HNEC, if needed, for payment of local salaries of key staff for a limited period, to ensure adequate personnel are on board should a short-notice election be called.
- Project Management should include
  - a Project Advisory Board, meeting at senior level perhaps once every quarter to determine activities, policy and procedures as required,
  - As well as a less formal, lower-level Technical Committee which would be empowered to meet once a month, or on an *ad hoc* basis as required, to take technical decisions on ongoing issues and activities.
  - Both these bodies should be supported by HNEC and/or UNDP, with accurate records before and after their meetings.

**To HNEC (and other Libyan authorities):**

- HNEC should participate actively, from their inception, in the drafting discussions for the new project, making sure that HNEC concerns, requirements and desires are well understood throughout the process. To this end, HNEC should identify specific persons at both senior level (Commissioners) and working level (HNEC staff) empowered to participate in the drafting and to accept suggestions, *ad ref* to HNEC leadership for final approval.
- Likewise, HNEC should identify specific persons to participate in the eventual Project Advisory Board and the Technical Committee, and empower them to speak on behalf of HNEC and to take decisions on matters at their level of authority.
- Specific requirements, especially those with financial implications, should be identified in early discussions and must be agreed among the parties preparing the project prior to its being finalized, based on UNDP rules and regulations.
- All Libyan authorities should reiterate their support for the independence and autonomy of the HNEC. Nonetheless, adequate provision must be made in the Libyan national budget process, on an ongoing basis, for HNEC's requirements in terms of personnel, infrastructure, and materiel. HNEC is welcome to pool some or all of these resources with that of international donors in the Project Basket Fund, as it sees fit.
- Libyan authorities should identify any other agency or Ministry at national and/or local level with which UNSMIL and UNDP should consult or coordinate regarding the electoral cycle, explaining how it relates to the role played by HNEC.

**To Libyan Civil Society:**

- All engaged citizens are called to participate actively, according to their respective roles, in the country's electoral processes. Civil Society organizations in particular have a major role to play in developing and implementing procedures to increase



public awareness of the constitutional and political issues being decided, to observe the elections, and to promote gender equality and youth and minority community participation.

- Likewise, civil society is encouraged to step forward with requests or recommendations for activities which help boost the effectiveness of the election project, raise voter participation, and increase public confidence in the outcome.

**To International NGOs:**

- There are well-defined areas in which international non-governmental organizations can be active in support of a country's transition to democracy, and all interested organizations are encouraged to return to Libya (once the security situation permits) and participate in the country's democratic development.
- All such activities related to elections should be conducted in coordination with HNEC and UNSMIL, and UNDP should be informed of their nature and scope.

## ANNEXES

**Annex 1:** LEAP Evaluation Terms of Reference

**Annex 2:** List of Meetings/Interviews (Finn Reske-Nielsen and/or Steven Wagenseil, joined by Ahmed Shalghoum on 19 January 2017)

**Annex 3:** Donor Funding Status 2012-16: See separate PDF file attached.

**Annex 4:** LEAP Expenditure by Output 2012-16: See separate Excel file attached

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**Annex 7:** Letter of 5 October 2016 from UNDP country director to the Acting Chairman of HNEC

## **Annex 1: LEAP Evaluation Terms of Reference**

**Project:** Libya Election Assistance Project (LEAP)  
**Title:** Evaluation Experts (01 National and 01 International)  
**Location:** Home based and Tunis  
**Objective:** To evaluate the impacts of LEAP project during the period 2012-2016

### **1. Overview:**

#### **Project Background:**

UNDP's Libya Electoral Assistance Project (UNDP LEAP) constitutes an integral part of UN electoral assistance to Libya during its transition to democracy. UN assistance is led by the UN Support Mission in Libya (UNSMIL) under the authority of the Special Representative of the Secretary General (SRSG) to Libya. Assistance provided by UNDP LEAP seeks to enable HNEC and relevant Libyan authorities in a coordinated fashion to prepare for and conduct successive well-administered, transparent and credible elections. As part of the integrated UN efforts, UNDP LEAP assists Libyan authorities to administer elections that are credible and transparent, and to strengthen organizational, management, and operational capacities to plan, prepare and manage successive elections through the remainder of Libya's transition. UNDP LEAP further seeks to promote awareness of critical electoral issues amongst stakeholders including legislators, members of government, civil society, and media. Assistance is carried out with a strong emphasis on enhanced participation of component groups in all aspects of electoral institutions and process, particularly women. Assistance is delivered in close coordination with national and international partners.

#### **Project Interventions:**

##### **Output 1: HNEC is supported to administer elections that are credible and transparent**

UNDP LEAP operating within the framework of the UN Electoral Support Team supports the national electoral management body to conduct credible elections and referenda associated with the political transition in a manner that conforms to Libya's international commitments on elections, democracy, human rights and gender equality. To this end, UNDP LEAP will provide both operational and technical assistance to HNEC in the administration of elections.

In terms of operational support, significant progress was achieved between 2012 and 2014 in building capacities within the country's national electoral management body, HNEC, to manage electoral processes. Nonetheless, the proficiency of the organization remains limited particularly in aspects of electoral processes that require highly specialized resources not widely available in Libya. Evidence indicates that UN electoral assistance providers can assist in both sourcing and/or managing goods and services in these critical areas.

UNDP LEAP will support the implementation of the ongoing processes while emphasizing long-term strategic solutions that will contribute to building of sustainable processes and institutional capacity. To achieve this, special attention will be paid to the areas where weaknesses were assessed during previous elections.

##### **Output 2: HNEC is supported in strengthening voter education and public outreach**

An important responsibility for an electoral management body is to provide the necessary information to the electorate that ensures a general understanding of the electoral process and the right to vote. Public outreach including voter education that is implemented on a continuous basis throughout the

electoral cycle is the most effective means to increase public awareness about the work and mandate of the HNEC, to disseminate information to the public about how elections are conducted and to educate voters about systemic, legal, and procedural changes in the electoral process, and to promote voter participation of women, youth, physically challenged and other marginalized groups.

**Output 3: HNEC's organizational, management, and technical capacities to plan, prepare and manage successive credible and transparent elections are strengthened**

The periods between electoral events afford electoral management bodies opportunities to reflect on previous processes, conduct lessons learned, engage in policy development and develop staff and structures to strengthen future processes. The importance of maintaining support during periods between electoral events has been repeatedly demonstrated in transitional countries and it is crucial that attention to reinforcing electoral capacities is maintained during non-operational periods.

UNDP LEAP will assist the HNEC to consolidate and extend their capacity to plan, prepare for and conduct credible elections. To this end, UNDP LEAP will work with HNEC in conducting strategic planning, establishing a strategic institutional structure and building its strategic capacity, including its administrative staff and processes. Efforts will focus on developing staff and structures that are consistent with principles of electoral administration (e.g. professionalism, impartiality, transparency and sustainability, etc.) and that incorporate provisions to ensure inclusivity in electoral administration, particularly as relates to gender. Given the political and security context in Libya, the inputs and actions for this output will remain flexible to allow UNDP LEAP to adapt to the realities at the point of implementation. However, this could include assessments of the structure and functioning of HNEC, delivery of specialist development activities on technical topics, or conduct generalist workshops.

Special attention will be paid to the long-term strategic goals that will guarantee building of the institution, with the intent of ensuring HNEC is able to respond to challenges of the future elections.

**Output 4: HNEC's capacity to develop and implement voter registration is enhanced**

The development of an inclusive and sustainable voter register is important and enables the holding of professional, credible and transparent elections. While UNDP LEAP is not leading assistance on voter registration, the project would support the UNSMIL voter registration activities support HNEC in its review and development of an inclusive and sustainable voter register.

**Output 5: Awareness and knowledge of critical electoral issues are strengthened amongst identified stakeholders, including legislators, members of government, civil society, and media**

A focus of UNDP LEAP's work is cultivating awareness and knowledge of electoral issues amongst decision-makers and opinion-formers from outside the electoral management body. UNDP LEAP will therefore provide opportunities for these actors to discuss electoral issues. The overall objective of the output is to strengthen electoral institutions and practices by generating awareness of good practices in electoral affairs and Libya's obligations in the field of elections. Areas of emphasis could include electoral systems, electoral administration, boundary delimitation, out-of-country-voting, electoral dispute resolution, voter registration, technology in elections, civic and voter education, creation of databases, etc.

**Output 6: Enhanced access to and participation in electoral process of specific groups, including women, youth, minorities, and other groups.**

HNEC has recognized the importance of prioritizing gender equality and overall inclusion in order to facilitate equal opportunities for Libyans of all social backgrounds as voters, candidates, and electoral administrators. Through this output, UNDP LEAP will support HNEC in developing policies and strategies that promote and encourage women, youth, and other marginalized groups' participation in

electoral processes. UNDP's LEAP project is to support HNEC's efforts to reach women, youth and other marginalized groups.

Work under this output will also seek to increase understanding of other electoral stakeholders, including civil society, media and legislators regarding issues affecting women's participation in electoral processes. The long-term intent of such work is to reduce barriers to women's successful participation and increase visibility of women in elections.

## **2. Project Management and Coordination:**

The project is being implemented according to UNDP's [Direct Implementation](#) (DIM) modality, whereby UNDP takes the role of Implementing Partner. In this case, UNDP has the technical and administrative capacity to assume the responsibility for mobilizing and applying effectively the required inputs in order to reach the expected outputs (including through the contracting of responsible third parties). UNDP assumes overall management responsibility and accountability for project implementation. Accordingly, UNDP LEAP follows all policies and procedures established for UNDP operations, applies UNDP financial rules and regulations to all financial transactions, and is subject to UNDP's internal control framework.

In pursuing the outputs listed in the previous sections, the context presents several limitations and challenges that are factored into the operating principles underlying the project.

**Integration:** Decision No. 2010/23 of the Secretary General notes that "All electoral assistance...will be delivered in a fully integrated manner." Accordingly, UNDP LEAP forms an integral pillar of the integrated UN Electoral Support Team, led by UNSMIL under the authority of the SRSG. The UNDP LEAP Chief Technical Advisor/Project Manager has dual reporting lines to the head of the integrated team and the head of UNDP in accordance with UN-wide policies on both integration and UNDP policies on project implementation. This integrated modality enables the UN Electoral Support Team to flexibly leverage the strengths and expertise of the UN system in support of Libya's electoral sector, providing excellent value to partners. The composition and responsibilities of the integrated team can be adjusted according to factors such as the resources and mandates of UNDP and UNSMIL, staffing levels of both organizations, operational capabilities, access and security.

## **3. Objectives of the Evaluation:**

The objective of the evaluation is to draw lessons from the support of the LEAP project to HNEC. The UNDP and its Donors and Development Partners have identified a critical need to assess the impact of the LEAP Project; and produce recommendations for further electoral assistance in Libya. The evaluation is expected to improve the effectiveness of potential subsequent electoral assistance programs supported by UNDP and its donor partners in strengthening electoral systems and process in Libya. The evaluation is further expected to draw lessons learned from recent electoral processes and management in Libya. This feedback will be fundamental in providing guidance towards organising future elections in a more effective, efficient and sustainable manner.

During the past four years, with a total income of approximately \$29,000,000 USD UNDP, Donors and Development Partners would specifically like to assess challenges faced and attempts made to solve them; what value the project has added to electoral processes conducted in Libya since 2012, capacity improvements in national institutions as a result of the project and the relevance of the strategy used in the delivery.

### **3.1. Specific Objectives:**

Specifically, the evaluation aims to accomplish the following:

- a) Review the performance of the Project in achieving the outputs as per the Project Document and their contributions to outcome level goals;
- b) Identify factors, which facilitated or hindered the achievement of the results, both in terms of the external environment and those related to internal factors, including HNEC and UNDP. Document and record the lessons learned at various implementation stages. This should include but not be limited to assessing the strengths and weaknesses in different stages of the project, design, management, coordination, human resource, and financial resources;
- c) Assess the appropriateness of the Project strategy including the Project institutional/management arrangements and the basket fund modality to reach the intended outputs and outcomes;
- d) Establish the extent to which the approach and implementation of the Project contributes to sustainable electoral management;
- e) Define the extent to which the Project addressed cross cutting issues including gender, human rights and conflict prevention and management;
- f) Make clear and focused recommendations for enhancing the effectiveness, efficiency, impact and sustainability of any future electoral assistance programme;
- g) Identify and assess the project's response mechanisms and adaptability to unforeseen external and internal factors.

### 3.2 Scope of assessment:

In assessing the Project, the evaluation will take into consideration:

**The validity of the Design and Relevance:** the extent to which the Project activities matched the priorities and policies of the target group, recipient and donor. The key questions will include:

- Did the Project respond to the real needs of the beneficiaries? Were the planned project objectives and intended results (i.e. outputs and outcomes) relevant and realistic to the situation and needs on the ground? Were the problems and needs adequately analysed?
- How well did the Project design take into account local efforts and make use of existing capacity to address issues? Did the Project's original design fill an existing gap that other ongoing interventions were not addressing?
- Were the objectives of the Project clear, realistic and likely to be achieved within the established time schedule and with the allocated resources (including human resources)?
- Was the Project design logical and coherent in terms of the roles, capacities and commitment of stakeholders to realistically achieve the planned outcomes?
- How appropriate and useful were the indicators described in the Project document for monitoring and measuring results? Were the means of verifying the indicators appropriate?
- To what extent were external factors and assumptions identified at the time of design?
- Was the Project designed in a flexible way to respond to changes / needs that could occur during the implementation? Was the Project able to respond to changes in the political, security and general operating environment?
- Was the level of stakeholder commitment sufficient to foster constituents' involvement in promoting conflict sensitive, gender balanced and human rights based approaches?
- Was the strategy for sustainability of impact defined clearly at the design stage of the Project? If so, what was the methodology / approach taken appropriate to the context?
- Recommend specific objectives that should be addressed in future if the project was continued regarding Achievements and Implementation and Development Effectiveness: the extent to which the Project activities have attained its objectives.
- What were the development results (i.e. against planned outputs and outcomes) of interventions, taking into account the institutional development of the local and relevant national partners?

- Which aspects of the Project had the greatest achievements? What were the supporting factors? What are the main lessons learned from the partnership strategies and what are the possibilities of replication and scaling-up? How can the Project build or expand on achievements?
- In which areas does the Project have the least achievements? What have been the constraining factors and why? How can they be overcome?
- To what extent have interventions addressed gender and Human Rights issues?
- How effective was the collaboration between the participating organizations and what has been the added value of this collaboration?
- How have stakeholders been involved in Project implementation? How effective has the Project been in establishing ownership especially with reference to the three components of the Project.

**Effectiveness of management arrangements and efficiency of resource use:** Efficiency will measure the Project outputs -- qualitative and quantitative -- in relation to the inputs. Key questions will include:

- Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve the relevant outputs and outcomes? Have resources been used efficiently?
- Were Project funds and activities delivered in a timely manner?
- Were management capacities adequate?
- Assess the criteria and governance aspects related to the selection of beneficiaries and partners' institutions, including NGOs.
- Did the Project receive adequate political, technical and administrative support from its local and national partners?
- How has the role of UNDP added value to the project? If found relevant, how and in what areas should it be improved?
- Has relevant gender expertise and Human rights approaches programming been sought? Have available gender mainstreaming tools been adapted and utilized? Have any Human Right's programming initiation or toolkit been introduced to local planners?
- How effectively did the Project management monitor Project performance and results?
- What has been the quality of documentation and dissemination of knowledge within the Project?

### **3.3 Impact and Sustainability of the Project:**

In assessing the impact and sustainability of the Project, the evaluation will look at the positive and negative changes produced by the Project's development interventions, directly or indirectly, intended or unintended. This will involve the main impacts and effects resulting from the Project's activities on the local social, economic, environmental and other development indicators. The focus will be on both intended and unintended results and will also include the positive and negative impact of external factors, such as changes in terms of economic, political and financial conditions.

On sustainability, the Project will measure whether the benefits of the Project's activities will likely continue after donor funding has been withdrawn. Some of the key questions will include:

- To what extent did the Project make a significant contribution to the stabilization of Libya and democracy and durable development of electoral institutions?
- How effectively has the Project built necessary long-lasting capacity of electoral bodies at national and local levels to plan, initiate, implement and monitor within the context of a country in transition and evolving socio-economic environment and fluid political contexts?
- Are these institutions more enabled to function independently because of capacity building of UNDP or not?
- To what extent were sustainability considerations taken into account in the execution and conduct of the Project's activities? Was there an exit strategy and, if so, what steps have been taken to ensure sustainability and to what extent the exit strategy was successfully implemented and why?

- Are the Project results, achievements and benefits likely to be durable? Are these anchored in national institutions and can the partners maintain them financially at the end of the Project?
- Can the Project approach and results be replicated and scaled up by national partners?  
Assess sustainability of the Project outcome and its long term impact, and how sustainability can be strengthened.

#### **4. Methodology of the Assignment:**

Based on UNDP guidelines for evaluations, and in consultation with UNDP Libya CO, the evaluation will be inclusive and participatory, involving all principal stakeholders into the analysis. The evaluation will consider the social, political, security and economic context which affects the overall performance of the outcome achievements. During the evaluation, the consultant is expected to apply the following approaches for data collection and analysis.

- Desk review of relevant documents including progress reports and any records of the various opinion surveys conducted during the life of the Project;
- Key informative interviews with HNEC and other key electoral bodies and UNDP Senior Management and Project Staff, and relevant UNSMIL and UNEAD personnel ;
- Briefing and debriefing sessions with donors including UNDP and UNSMIL.

#### **5. Expected Deliverables:**

The consultant is expected to deliver the following outputs:

- Submit Inception report on proposed evaluation methodology, work plan and proposed structure of the report.
- Based on agreed work plan timeline, the consultant is expected draft evaluation report
- Final report, including a 2-3-page executive summary, and with evidence based conclusions on each of the evaluation objectives, as outlined above and lessons learned and key recommendations which may inform any future electoral support programmes in Libya.
- The consultant shall present the findings of draft report of the evaluation in a debriefing meeting to UNDP and its donors and project board members.
- The consultant shall finalize the final report after incorporating the comments/input of the debriefing meeting.

#### **6. Implementation Arrangements and Reporting Relationships:**

- UNDP will share with the consultant key Project materials before the start of the field work. The consultant will review the documents prior to the commencement of the field work. If required, UNDP LEAP project will brief the consultant, prior to signing the contract, on the objectives, purpose and output of the evaluation.
- UNDP may organize an oral briefing by the consultant on the proposed work plan and evaluation methodology will be done and approved prior to the commencement of the evaluation process. UNDP will provide guidance in identifying, contacting and arranging for discussions and meetings with stakeholders.
- The consultant will report to the project board comprising of donors, UNDP and HNEC.

#### **7. Skills and Experience of the Consultant:**

One international consultant (Team leader):

- Advanced university degree in political science, international development and or related field
- At least 10 years of work experience in electoral technical assistance and management
- Previous experience as a team leader in conducting electoral assistance evaluations
- Fluency in English



- Knowledge of Arabic desired
- Strong communication and interpersonal skills
- Excellent writing skills and proven ability to produce quality and analytical reports within the shortest period of time
- Immediate availability for the indicated period

**Specifically, the team leader will perform the following tasks:**

- Lead and manage the review
- Design the detailed scope and methodology (including the methods of data collection and analysis) for the report;
- Decide the division of labour within the team
- Conduct an analysis of the outcome, outputs and partnership strategy (as per the scope of the review described above) for the report;
- Contribute to and ensure overall quality of the outputs and final report.
- Take over responsibility for the quality and timely submission of the review reports to UNDP/Project board

**National consultant:**

- Advanced university degree in political science, international development or related field
- At least seven years work experience in the areas related to electoral reform and or good governance in Libya
- Sound knowledge and understanding of politics and the specifics and developments in electoral reforms in Libya
- Previous experience working on democracy related programs
- Fluency in English and strong ability to write in English.

**The consultant will perform the following tasks:**

- Review documents
- Provide contextual knowledge and analysis of Libya's electoral reforms and good governance
- Participate in the design of the review methodology
- Data collection
- Assessment of indicators' baselines
- Actively participate in conducting the analysis of the outcomes, outputs and targets (as per the scope of the evaluation described above), as agreed with the team leader
- Draft related parts of the review report; and
- Assist the team leader in finalising the report through incorporating suggestions received on the draft and in relation to the assigned sections.

**Timeframe: 30 working days (Start date 1<sup>st</sup> December 2016)**

The detailed schedule of the evaluation and length of the assignment will be discussed with the Consultant prior to the assignment. The estimated duration of the Consultants' assignment is up to 35 working days. Desk review and inception (07 days); Field Work (4 weeks)-Preliminary Report (2 week); Validation of Preliminary Report and Feedback from key stakeholders (1 week); Final Report (1 week).

## **Annex 2: List of Meetings/Interviews (Finn Reske-Nielsen and/or Steven Wagenseil, joined by Ahmed Shalghoum on 19 January 2017)**

### **Sunday 11 December:**

Arrival in Tunis

### **Monday 12 December:**

- 09:00      Introductory meeting with Ms. Noura Hamladji, UNDP Country Director for Libya, July 2015 - present, and Mr. Rudi Elbling, CTA, LEAP, July 2016 - present
- 14:00      Meeting with Mr. Rudi Elbling, Ms. Shuhub Najeeb, LEAP Electoral Training Specialist, and Osama Mansour, LEAP Finance Associate

### **Tuesday 13 December**

- 10:00      Meeting with Mr. Annan Sorri, UNEST Electoral Adviser, Mr. Hafiz Khier, UNEST Electoral Adviser, and Mr. Mohammed Reda Aldeen, UNEST Electoral Adviser
- 12:00      Skype session with Mr. Luis Martinez-Betanzos, LEAP CTA 2012-13
- 14:15      Meeting with Mr. Ajay Patel, Special Assistant to SRSG, UNSMIL
- 16:00      Meeting with Mr. Muin Shreim, Director of Political Affairs, UNSMIL

### **Wednesday 14 December**

- 10:00      Telephone conversation with Mr. Aleksandar Mihajlov, former LEAP Operations Manager, May 2013 – July 2016
- 11:00      Telephone conversation with Mr. Panto Letic, former Chief Electoral Adviser, UNSMIL (dates?)
- 13:00      Working lunch with Ms. Noura Hamladji
- 16:00      Skype session with Ms. Kate Sullivan, former LEAP CTA 2013-14
- 17:00      Skype session with Ms. Melissa Rudderham, former LEAP Reporting/Coordination Specialist 2012-November 2015

**Thursday 15 December**

- 11:00 Piergiorgio Graziotti, Programme Manager, EU Delegation for Libya
- 16:00 Mr. Zoran Trajkovski and Mr. Mark Devereux, Electoral Assistance Division (EAD), Department of Political Affairs (DPA), UN Headquarters in New York
- 17:00 Telephone conversation with Mr. Nori Al-Abar, former Chairman, NHEC (2012-13)

**Friday 16 December**

- 10:00 Meeting with Mr. Gary Juste, USAID for Libya, September 2014 – present
- 11:00 Meeting with Mr. Niklas Kabel Pedersen, Deputy Director, IFES
- 13:00 Meeting with Mr. Nicholas Jaques, Political Officer, British Embassy
- 17:00 Meeting with Ms. Noura Hamladji for preliminary debriefing

**Saturday 17 December**

- 10:20 Departure from Tunis

**Tuesday 20 December**

- 11:30 EST Skype session with Mr. Craig Jenness, Director, EAD/DPA

**Thursday 22 December**

- 09:30 EST Skype session with Ms. Linda Albairmani, UNOPS Translator in UNEST

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**Monday 9 January**

- 13:30 Skype conversation with Carlos Valenzuela, Chief Electoral Officer, October 2011- June 2014, UNSMIL (CET) (FRN)

**Tuesday 10 January**

- Morning Dominic Grant, former project Manager, UNOPS (LEAP) (EST) (SW)

**Thursday 19 January**

- 12:00 Meeting with Rudi Elbling
- 14:00 Meeting with Monique Corzelius, Deputy Head of Mission, Embassy of the Netherlands (Tunis Office) and Mr. Ahmed Shalghoum, Embassy of the Netherlands (Tunis Office)

15:00 Meeting with Mr. Ahmed Shalghoum

16:00 Administrative and other arrangements for visit to Tripoli

**Friday 20 January**

9:00 Collected visas at Libyan Embassy in Tunis

11:00 Meeting with Mr. Daniel Stroux, Chief Electoral Officer, UNSMIL, and Mr. Bujar Islami, Electoral Officer, UNEST

14:00 Discussions with Rudi Elbling

16:00 Administrative arrangements for visit to Tripoli

**Saturday 21 January**

10:45 Departure for Tripoli

**Sunday 22 January**

9:00 - 16:00 Meetings with NGOs/CSOs and ex-employees of HNEC:

Mr. Sufian Khalfalla, ASAS Media and Democracy Support Organization

Mr. Assad Ounalla, Independent journalist

Mr. Khattab Khaled Khattab, Kofra Youth Forum

Mr. Qedry El-Gerwi, NDI

Ms. Entisar Ben-Ashur, Erada Organization

Ms. Rabaa Mansour Daman, Libya Women's Forum

Mr. Riyadh Burshan, former Head of Training Dept., HNEC

Mr. Taha Al-Msallati, former staff member, Training Dept., HNEC

Mr. Emad aladeen Shanab, Dialogue and Debate Club (DDC) , based in Mishratah

**Monday 24 January**

16:30 Return to Tunis

**Tuesday 24 January**

09:00 Meeting with Ms. Noura Hamladji and Mr. Rudi Elbling

15:30 Meeting with Ms. Maria Ribeiro, DSRSG/RC

17:00 Skype session with Mr. Eric Overvest, former UNDP Country Director for Libya

**Wednesday 15 January**

12:00 Skype session with Mr. Jeffrey Labovitz, former IOM staff, Libya

13:00 Mr. Noori Al-Abbar, former chairman, HNEC

15:00 Meeting with Daniel Stroux, Chief Electoral Officer, UNSMIL

17:00 Discussion with Rudi Elbling

**Thursday 26 January**

09:30 Skype session with Mr. Jeffrey Labovitz, IOM

10:00 Attended UNDP meeting with donors. Present were:

Mr. Rudi Elbling

Mr. Daniel Stroux

Ms. Asma Siyala, Programme and Finance Officer, British Embassy

Mr. Ahmed Shalghoum, Dutch Embassy

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**Monday 6 February**

Travel Tunis (Finn Reske-Nielsen)

**Tuesday 7 February**

10:00 Meeting with Messrs. Rudi Elbling and Osama Mansour

13:00 Working lunch with Mr. Luis Martines-Betanzos, first CTA of LEAP

16:00 Meeting with Dr. Emad A. Assayh, Acting Chairman, HNEC

20:00 Meeting with Mr. Daniel Stroux, Principal Electoral Officer, UNSMIL

**Wednesday 8 February**

08:30 Meeting with Mr. Rudi Elbling

09:00 Donor meeting. Present were:

Ms. Monique Corzelius, Deputy Head of Mission, Embassy of the Netherlands

Mr. Ahmad Shalghoum, Embassy of the Netherlands

Mr. Nicholas Jaques, Political Officer, British Embassy

Ms. Asma Siyala, Programme and Finance Officer, British Embassy

Mr. Piergiorgio Graziotti, Programme Manager, EU Delegation for Libya

Mr. Rudi Elbling, UNDP

13:00 Departure from Tunis

## Annex 7: Letter of 5 October 2016 from UNDP country director to the Acting Chairman of HNEC

Dr. Emad Al Sayeh  
Chairman, High National Elections Commission

[add date]

Dear Chairman Al Sayeh,

I would like to acknowledge your letter dated 15 September 2015, which contains an overview of funds utilized by output by the Libya Electoral Assistance Project's (LEAP) over the last three years. Once again I am grateful that you regularly reflect upon the assistance to the electoral sector that is provided through the project. Your feedback is valuable to us, as it informs UNDP's assistance to HNEC and other actors critical to the conduct of credible and transparent elections in Libya.

UNDP is committed to transparency and accountability in all aspects of its programming, in accordance with its policies and procedures. UNDP Libya makes every effort to ensure that all partners, both national and international, are regularly consulted in the development of work plans and budgets implemented by UNDP LEAP, and that funds utilized are in line with plans approved by the UNDP LEAP Project Board. We also seek to ensure that partners are regularly informed of results. While I am pleased that you were able to use information provided to present your views of UNDP LEAP's funds utilized by output between 2012 and 2014, I wish to raise some concerns regarding the methodology used to conduct the analysis you conveyed.

The analysis relies on an examination of the proportions of funds utilized by output. Conclusions are drawn about the strengths and weaknesses of UNDP LEAP's programmes based on these proportions alone. It concludes that proportionally lower rates of funds utilized in certain areas must be a consequence of weak assistance, inattention or lack of vision on the part of UNDP LEAP. While UNDP is always open to constructive suggestions on how to improve its programming, we believe that this analysis neglects to account for factors such as the changes in the electoral landscape since 2012 and the resultant work plans agreed. Changes to the electoral landscape include the fluid electoral calendar, uncertainty over HNEC's mandate through much of 2013, a deteriorating security environment, and the need to achieve complementarity with other assistance providers in a resource-poor environment. These changes affected where UNDP LEAP's limited resources were concentrated. They form part of the reason why a substantive revision of the UNDP LEAP's Project Document is considered necessary, as it would remove those activities that are not expected to be conducted and introduce a streamlined structure that focuses on promoting a democratic environment.

At this juncture it is worth recalling that work plans reflecting evolving priorities were extensively consulted prior to implementation. As UNDP LEAP's principal partner and a member of the Project Board, HNEC participated actively in defining the priorities reflected in work plans between 2012 and 2015 and approving those plans for execution.

UNDP believes that a more sound approach to assessing UNDP LEAP's performance would be to evaluate progress towards targets contained in agreed work plans and budgets, as these plans were designed based on the evolving conditions in Libya and implemented according to strict procedures. UNDP regularly provides such analysis at each meeting of the Project Board, and as part of its annual reporting between 2012 and 2014. During this time, independent audits of UNDP LEAP returned unqualified audit opinions.

We agree that the outputs listed in the current UNDP LEAP Project Document can give the wrong impression to external stakeholders, and can result in the assumptions and conclusions contained in the analysis. The continued presence of these outputs in work plans and reports implies that UNDP LEAP is actively pursuing programming in these areas. In fact, the evolution in priorities mentioned above means that activity in some areas has been very low over the past three years. UNDP LEAP is open to revisiting areas of priority as the electoral situation in Libya evolves, however based on experience to date it seems clear that the original Project Document, drafted in 2012, no longer reflects the priorities and constraints present in Libya's electoral sector at the end of 2015. For this reason, UNDP is seeking a substantive revision of the UNDP LEAP Project Document. As stated in my letter of 6 August 2015, we welcome your constructive engagement on the draft of this document.

I would like to bring your attention to several specific points in the analysis that should be considered when discussing it with the UNDP LEAP Project Board:

1. It is important to consider UNDP LEAP's assistance in the context of its role within the integrated UN Electoral Support Team. Within this team, UNDP LEAP has a more significant role in areas classified under Output 8 (including procurement support, administrative support to capacity-building activities, financial support, transparency and accountability to partners, and coordination), while UNSMIL provides the majority of advisors in those areas listed in Outputs 1 to 7. The analysis provided by HNEC does not account for the in-kind resources - i.e. advisors - dedicated by UNSMIL. If these resources were monetarily quantified, the proportion of funds utilized in Outputs 1-7 relative to Output 8 would change dramatically, negating the assertion that a relatively low proportion of spending is commensurate with weak assistance, inattention or lack of vision.
2. I would suggest that limited funds utilized in some areas were a result of conscious policy or management decisions rather than weak assistance, inattention or lack of vision as the analysis suggests. For instance, assistance to civic and voter education was available from UNDP, UNSMIL and several other assistance providers between 2012 and 2014, however factors outside of assistance providers' control impeded progress: a lack of long-term strategy, high turnover in the responsible department, an unclear electoral timeline and overly-centralized decision-making. To address some of these challenges, UNDP LEAP advocated strongly over the past year for the involvement of HNEC senior management in a strategic planning exercise addressing awareness issues. Finally, support to areas such as electoral security and electoral dispute resolution were led by other actors with the integrated UN Electoral Support Team assisting as necessary. UNDP LEAP does not direct or engage these actors but shares information to ensure non-duplication.
3. The removal from the analysis of procurement costs associated with electoral materials is misleading, as it implies that costs under other outputs, and particularly Output 8, are unrelated to procurement of electoral materials. While it is true that payments to third parties for materials is placed in Output 1, the true costs of procurement include a significant proportion of funds utilized from Outputs 2 and 8, as well as in-kind contributions from UNSMIL. Procurement of electoral materials encompasses tasks such as designing ballots and forms; defining quantities of materials; defining materials specifications; liaising with UNDP's Procurement Support Office; coordinating transportation of materials; monitoring printing of ballots; verifying arrival of materials; liaising with national authorities on customs and taxes; liaising with HNEC to ensure correct handover; and liaising with HNEC on transport of materials to warehouses. As you can imagine, significant staff and administrative resources, mostly classified under Output 8 ("project management"), were required to successfully procure electoral materials between 2012 and 2014. These utilized funds can be grouped into one output in the substantive revision of the UNDP LEAP Project Document.



4. Several calculations appear intended to inflate the proportion of funds utilized that can be attributed to project management. For instance, the removal of procurement from Output 1 and the inclusion of General Management Services costs (4 to 7%) in Output 8. Further, an amount equivalent to General Management Services for electoral procurement was incorrectly deleted from Output 1 but maintained in Output 8. This had the effect of reducing the funds dedicated to capacity-building of HNEC while simultaneously increasing the proportion of funds classified under project management. Based on these inflated figures, the analysis concludes that LEAP is inefficient, citing high proportion of management costs and low results. First, I should point out that funds classified under project management (such as costs associated with procurement of electoral materials, described above, as well as staff costs associated with administrative support to capacity-development activities), are approved by the Project Board and are essential to the success of activities conducted under outputs 1 to 7. They are further essential to achieving the levels of accountability and transparency expected by HNEC and other contributing partners. Second, I wish to emphasize again the importance of assessing progress against targets stated in work plans rather than drawing conclusions based on proportions of funds utilized without considering the nature of expenditure or priorities agreed.
5. On the topic of project management costs, I wish to echo my predecessor in his letter of 13 April 2015, in which he recalls that UNDP LEAP made all reasonable efforts to ensure that funds utilized are aligned with work plans and that funds are utilized in an accountable fashion that achieves best value for money. As detailed in the letter, since the temporary evacuation of the UN from Libya in July 2014, UNDP LEAP has taken several measures that reduced its costs significantly.

Despite the concerns listed above, please be assured that UNDP, as the party responsible for implementing agreed activities, wishes to ensure that the views of all members of the Board are heard. The meeting tentatively scheduled for 7 October 2015 was postponed, however we look forward to your feedback on a new date as soon as possible. At this point, UNDP will ensure that HNEC has the opportunity to present its views on the funds utilized. We sincerely hope that yourself, as the principal liaison for UNDP since 2012, will be present for the meeting at which this important issue will be discussed.

In closing, I wish to emphasize that UNDP Libya and HNEC share similar goals, namely to facilitate the democratic transition of the nation during this fraught period in Libya's history. We strongly believe that this goal stands a greater chance of success if UNDP LEAP and HNEC work together closely and constructively. UNDP through LEAP has consistently sought to engage with HNEC on issues of mutual concern to ensure this partnership remains strong.

I look forward to our upcoming skype conversation and to meeting in person soon. In the meantime, please accept assurances of our highest consideration.

Sincerely,

Ms. Noura Hamladji  
Country Director  
United Nations Development Programme, Libya