

**Terms of Reference**

**Mid Term Evaluation of Accelerating the Ratification and**

**Domestication of African Union Treaties Project**

1. **Background and Context**

The joint AU-UNDP project, ‘Accelerating the Ratification and Domestication of African Union Treaties’, is a 3-year multi-country and regional initiative. This project is anchored in UNDP’s Regional Programme for Africa. The project contributes to the Regional Programme Outcome 1: African Union and RECs deliver on their mandate, especially cross-cutting issues related to resilience-building. Total project resource required is USD15 million. Meanwhile only USD8.5 million has been secured comprising of USD7m from SIDA and USD1.5 rom UNDP. There is a funding gap of USD6.5m to be sourced. At the regional level, the project team consists of a project manager, a programme analyst, a Governance and Peacebuilding Specialist and an administrative assistant. At the country level, each country has a project officer who is the project focal point on the ground. Implementation of the project started in 2018 with an inception workshop with critical stakeholders drawn from the 6 countries, regional institutions including the AUC (Office of the Legal Counsel, Department of Political Affairs, Department of Information and Communication, African Union Advisory Board on Corruption and Regional Economic Communities – Economic Community of West African States (ECOWAS), Southern African Development Community (SADC) and the East African Community (EAC).

The project is designed to address the challenges and bottlenecks associated with ratification and domestication, and to help enhance the capacity of the AU over the medium- to long-term to be able to manage the ratification process, and to provide tailored support to Member States with domestication-related challenges. It is anchored on a multi-dimensional approach to development – focusing on peace, security and economic development. Both Agenda 2030 and the African Union (AU) Agenda 2063 recognize that governance, peace and security are central to achieving sustainable development. In this regard, SDG 16 seeks to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”. Similarly, the AU Aspiration 3 of its Agenda 2063 document underscores the need for an Africa of good governance, democracy, respect for human rights, justice and the rule of law. In addition, Aspiration 4 envisions a peaceful and secure Africa. The interrelated aspirations by the UN and AU encapsulated in both Agendas 2030 and 2063 lay critical foundations for the promotion of sustainable development. Promoting governance, peace and security remain an important pillar for achieving this strategic vision for Africa.

The following 6 treaties have therefore been selected for ratification, domestication and implementation during the first phase: (1) African Charter on Human and People’s Rights, adopted in 1981; (1) Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol), adopted in 2003; (3) African Youth Charter, adopted in 2006; (4) African Charter on the Rights and Welfare of the Child, adopted in 1990; (5) African Charter on Democracy, Elections and Governance, adopted in 2007; and (6) AU Convention on Preventing and Combating Corruption adopted in 2003. The project is implemented in 6 priority countries based on regional balance, openness to civil society, entrenched democratic system, legal diversity (encompassing the three-major existing legal systems on the African continent). The six countries are: Senegal and Burkina Faso (Western Africa) Kenya (East/Horn of Africa), Mozambique (Southern Africa), Tunisia (North Africa) and Sao Tome & Principe (Central Africa).

The project is implemented between the AUC Office of Legal Counsel and UNDP’s Regional Bureau for Africa in close collaboration and coordination with RECs (ECOWAS, EAC, SADC). The project has been designed in a way that recognizes that actions are required on both regional and national levels – with regional and sub-regional entities, as well as government and non-state actors in order to help foster the political will and develop technical expertise to enhance ratification and domestication of AU treaties.

Despite the delays in implementation, the project has recorded some remarkable results. For instance, as at the time the project was launched in 2018, Sao Tome and Principe had only one ratification (20%) out of the 6 treaties. In 2019 Sao Tome and Principe ratified and deposited 7 treaties (140%). Also, as at the time of launch of the project no focused country had a National Sectoral Committee but by end of 2019, 3 National Sectoral Committees had been established and functioning. In addition, the capacity of the African Union Commission was improved with the development and launch of the African Union interactive Map - treaties webpage (<https://treaties.au.int/>). Meanwhile the project was launched in all the 6 countries which are making tremendous progress with implementation and achieving results.

**Project Objectives**

The project is informed by specific objectives project include the following:

1. To ensure that the AU has legitimacy and meaning beyond its Headquarters in Addis Ababa by linking the treaties it has developed at the continental level with positive impact on the lives of ordinary Africans; this will ensure that the values on which the AU is built are protected and advanced.
2. To better enable the African continent to meet both the objectives outlined in the Agenda 2063 and the 2030 Agenda for Sustainable Development, including the SDGs, by providing a robust legal framework in which they can be implemented at regional and country levels.
3. To improve harmonization between AU treaties and the different RECs on the continent - thereby enhancing national planning processes and developing synergies across legal frameworks. Fostering a harmonized approach among the RECs, which are guided by AU agreements and principles, is expected to have a significant impact on relations within but also between the RECs, and to facilitate cooperation for trade and human security in border regions.
4. To ensure the work of international development partners – including both bilateral and multilateral actors – is anchored in, supportive of and leveraging AU treaties.

**2. Evaluation Purpose, Scope and Objectives**

The main purpose of this mid-term evaluation is to provide the project partners i.e. UNDP, AU-OLC, SIDA, ECOWAS, EAC and SADC with an independent review of the status, relevance and performance of the project as compared to the project document, identify and assess the basic results as to their sustainability. The consultant is expected to identify and describe the lessons learned, through measurements of the changes in the set indicators, summarize the experiences gained, technically and managerially, and recommend approaches and methodologies to correct any gaps in project implementation. After some constraints in the beginning period of its implementation, it is relevant to evaluate the direction of the project, the way forward and the lessons learned in the period of 2018 to 2020. In addition, the evaluation would help tp understand the possible impact of COVID 19 on the project and being the first phase/pilot phase, recommend ways and means to fast track implementation of the remaining part of the phase and determine a possible second phase.

The evaluation will focus on project implementation during the period Marc 2018 – March 2020 focusing on how the results detailed in the RRF have been achieved or otherwise.

The scope of the evaluation will encompass the successful removal of barriers to project implementation, raising the awareness of the governments of the six countries in which the project is being implemented on the need to adopt internal measures to facilitate the implementation of such treaties, the appropriateness of these measures, as well the impact and sustainability of activities and results.

To achieve the above objectives the Mid-Term evaluation is to address the following:

* Assessment of the project progress towards attaining its objectives and recommend measures (if any).
* Assessment of the relevance of these objectives to the UNDP Regional Programme Document for Africa.
* Review of the appropriateness and clarity of the roles and responsibilities of stakeholders and the level of coordination between them.
* Review of the project concept and design with respect to the clarity of the addressed problems by the project and soundness of the approaches adopted by the project to solve these problems.
* Assessment of the performance of the project in terms of timeliness, quality, quantity and cost effectiveness of the activities undertaken including project procurement: both experts and equipment, training programs, etc.
* Review of the logical framework matrix and the indicators to assess their appropriateness for monitoring the project performance and to what extent they are being used by the project management.
* Assess the prospects of the sustainability of the project outcomes and benefits and recommend measures for its further improvement.
* Identify and describe the main lessons learned from the project performance in terms of awareness raising, strengthening of technical and financial capacity, efforts to secure sustainability and approaches and methodologies used.

**3. Evaluation Criteria and Key Guiding Questions**

The mid-term evaluation seeks to answer the following questions, focused around the evaluation criteria of relevance, effectiveness, efficiency and sustainability:

***Relevance:***

* To what extent was the project in line with the regional development priorities, the Regional programme’s outputs and outcomes, the UNDP Strategic Plan and the SDGs?
* To what extent does the project contribute to the theory of change for the relevant regional programme outcome?
* To what extent were lessons learned from other relevant projects considered in the project’s design?
* To what extent were perspectives of those who could affect the outcomes, and those who could contribute information or other resources to the attainment of stated results, considered during the project design processes?
* To what extent does the project contribute to gender equality, the empowerment of women and the human rights-based approach?
* To what extent has the project been appropriately responsive to political, legal, economic, institutional, etc., changes in the region? Are the intended outputs and outcomes aligned with the key development strategies of the member states? Are they consistent with human development needs of the region and the intended beneficiaries? Do the outputs and outcome address the specific development challenges of the member states and the intended beneficiaries? Were there any unintended consequences (positive or negative) that have implications to the development goals of the countries?
* To what extent has project selected method of delivery been appropriate to the development context?

***Effectiveness***

* To what extent did the project contribute to the country programme outcomes and outputs, the SDGs, the UNDP Strategic Plan and national development priorities?
* To what extent were the project outputs achieved?
* What factors have contributed to achieving or not achieving intended country programme outputs and outcomes?
* To what extent has the UNDP partnership strategy been appropriate and effective?
* What factors contributed to effectiveness or ineffectiveness?
* In which areas does the project have the greatest achievements? Why and what have been the supporting factors? How can the project build on or expand these achievements?
* In which areas does the project have the fewest achievements? What have been the constraining factors and why? How can or could they be overcome?
* What, if any, alternative strategies would have been more effective in achieving the project’s objectives?
* Are the projects objectives and outputs clear, practical and feasible within its frame?
* To what extent have stakeholders been involved in project implementation?
* To what extent are project management and implementation participatory and is this participation contributing towards achievement of the project objectives?
* To what extent has the project been appropriately responsive to the needs of the national constituents and changing partner priorities?
* To what extent has the project contributed to gender equality, the empowerment of women and the realization of human rights?

***Efficiency***

* To what extent was the project management structure as outlined in the project document efficient in generating the expected results?
* To what extent have the UNDP project implementation strategy and execution been efficient and cost-effective?
* To what extent has there been an economical use of financial and human resources? Are project approaches, resources, models, conceptual framework relevant to achieve the planned outcome? Are they sufficiently sensitive to the political and development constraints of the pilot countries (political instability, post crisis situations, etc)?
* Has project’s strategy and execution been efficient and cost effective?
* Are the monitoring and evaluation systems that project has in place helping to ensure that programmes are managed efficiently and effectively for proper accountability of results?
* To what extent have project funds and activities been delivered in a timely manner?
* To what extent do the M&E systems utilized by UNDP ensure effective and efficient project management?

***Sustainability***

* What is the likelihood that project interventions are sustainable?
* Are there any financial risks that may jeopardize the sustainability of project outputs?
* To what extent will financial and economic resources be available to sustain the benefits achieved by the project?
* Are there any social or political risks that may jeopardize sustainability of project outputs and the project’s contributions to country programme outputs and outcomes?
* Do the legal frameworks, policies and governance structures and processes within which the project operates pose risks that may jeopardize sustainability of project benefits?
* What is the risk that the level of stakeholders’ ownership will be sufficient to allow for the project benefits to be sustained?
* To what extent do mechanisms, procedures and policies exist to allow primary stakeholders to carry forward the results attained on gender equality, empowerment of women, human rights and human development?
* To what extent do stakeholders support the project’s long-term objectives?
* To what extent are lessons learned being documented by the project team on a continual basis and shared with appropriate parties who could learn from the project?
* To what extent do UNDP interventions have well-designed and well-planned exit strategies?
* What could be done to strengthen exit strategies and sustainability?
* How should the AU treaties project portfolio be enhanced to support central authorities, and partners in improving service delivery over the long term?
* What changes should be made in the current set of project partnerships in order to promote long term sustainability?

Based on the above analysis, the consultant is expected to provide overarching conclusions on project results in this area of support, as well as recommendations on how the project could adjust its programming, partnership arrangements, resource mobilization strategies, and capacities to ensure that the project portfolio fully achieves current planned outcomes and is positioned for sustainable results in the future. The evaluation is additionally expected to offer lessons for project support in member states and elsewhere based on this analysis.

**4. Methodology of evaluation**

 The project evaluation will be carried out by an external evaluator and will engage a wide array of stakeholders and beneficiaries, including regional bodies, donors, governments where programme is been implemented.

The project evaluation is expected to take a “theory of change’’ (TOC) approach to determining causal links between the interventions that UNDP RSCA has supported and observed progress at the regional, sub-regional and national levels. The evaluator will develop a logic model of how UNDP RSCA acceleration of ratification and implementation of treaties interventions are expected to lead to improved service delivery.

Evidence obtained and used to assess the results of UNDP RSCA support should be triangulated from a variety of sources, including verifiable data on indicator achievement, existing reports, and technical papers, stakeholder interviews, and other means as far as the current situation allows.

The steps in data collection are anticipated but not limited to the following:

***Desk reviews:*** The evaluation team will collect and review all relevant documentation, including the following:

1. Project document and budget (contribution agreement)
2. Regional programme document;
3. Project activity reports;
4. Result Oriented Analysis Report
5. Support services provided to country offices; vi) country office reports; vii) UNDP’s corporate strategies and reports; and viii) government, media, academic publications.
6. Theory of change and results framework
7. Programme and project quality assurance reports
8. Annual workplans
9. Activity designs
10. Consolidated quarterly and annual reports.
11. Results-oriented monitoring report.
12. Highlights of project board meetings.
13. Technical/financial monitoring reports.

***Stakeholder interviews:*** The evaluation team will conduct face-to-face if applicable and/or telephone interviews with relevant stakeholders, including: i) UNDP staff (managers and programme/project officers) at the Regional Service Center in Addis Ababa and Country Offices; and ii) policy makers, beneficiary groups, various relevant organs of AU and RECs and donors.

All interviews should be undertaken in full confidence and anonymity. The final evaluation report should not assign specific comments to individuals.

A case study approach will be used to identify and highlight issues that can be further investigated across the programme.

The final methodological approach including interview schedule, and data to be used in the evaluation should be clearly outlined in the inception report and be fully discussed and agreed between UNDP, stakeholders and the evaluation team.

**5. Expected deliverables from the evaluation**

**Evaluation inception report (10-15 pages).** One week after contract signing, the evaluator will produce an inception report containing the proposed theory of change for UNDPs work on Acceleration and Ratification of treaties in the region. The inception report should include an evaluation matrix presenting the evaluation questions, data sources, data collection, analysis tools and methods to be used (See Annex 1). The evaluation will also propose a rating scale in order that Performance rating will be carried out for each evaluation criteria: relevance, effectiveness, efficiency and sustainability. The inception report should detail the specific timing for evaluation activities and deliverables and propose specific stakeholders to be interviewed. Interview or survey Protocols for different stakeholders should be developed. The inception report will be discussed and agreed with the Senior Management of RSCA before the evaluators proceed with site visits.

The inception report should be carried outfollowing and based on preliminary discussions with UNDP after the desk review and should be produced before the evaluation starts (before any formal evaluation interviews, survey distribution.

**Evaluation debriefings.** Immediately following an evaluation, UNDP may ask for a preliminarydebriefing and findings.

**Draft evaluation report (within an agreed length).[[1]](#footnote-1)** The programme unit and keystakeholders in the evaluation should review the draft evaluation report and provide an amalgamated set of comments to the evaluator within an agreed period of time, addressing the content required (as agreed in the TOR and inception report) and quality criteria as outlined in these guidelines.

**Evaluation report audit trail.** Comments and changes by the evaluator in response to the draftreport should be retained by the evaluator to show how they have addressed comments.

**Final evaluation report including lessons.**

**Presentations to stakeholders and/or the evaluation reference group through Zoom or Skype can be organized by project team**.

**Evaluation brief and other knowledge products** or participation in knowledge-sharing events,if relevant.

**6.** **Requirements of the consultant**

The mid-term evaluation will be undertaken by an external consultant with the following requirements:

* Minimum Master’s degree in economics, political science, public administration, regional development/planning, or other social science;
* Minimum 10-15 years of professional experience in public sector development, including in the areas of democratic governance, human rights, anti-corruption, regional development, gender equality and social services.
* At least 5 years of experience in conducting evaluations of government, policies and international aid organizations, preferably with direct experience with treaty process ratification;
* Strong working knowledge of the UN and its mandate in the region, and more specifically the work of UNDP in support of governance initiatives;
* Sound knowledge of results-based management systems, Gender dimensions and monitoring and evaluation methodologies; including experience in applying SMART (S Specific; M Measurable; A Achievable; R Relevant; T Time-bound) indicators;
* Excellent reporting and communication skills;
* Fluent in written and spoken English. Fluency in French will be an added advantage.

**7.** **Evaluation Ethics**

The evaluation must be carried out in accordance with the principles outlined in the UNEG ‘Ethical Guidelines for Evaluation’ and sign the Ethical Code of Conduct for UNDP Evaluations. The consultant must safeguard the rights and confidentiality of information providers, interviewees and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on data. The consultant must also ensure security of collected information before and after the evaluation and protocols to ensure

Consultant must be free and clear of perceived conflicts of interest. To this end, interested consultants will not be considered if they were directly and substantively involved, as an employee or consultant, in the formulation of project strategies and programming relating to the outcome and programme under review. The code of conduct and an agreement form to be signed by consultant will be part of this ToR.

**8.** **Implementation Arrangements**

The UNDP RSCA will select the evaluator and will be responsible for the management of the evaluator. The RSCA Regional Programme Coordinator will designate a focal point for the evaluation that will work with the Evaluation Specialist and Project Manager to assist in facilitating the process (e.g., providing relevant documentation, arranging visits/interviews with key informants, etc.). The RSCA Management will take responsibility for the approval of the final evaluation report. The Project Manager will arrange introductory meetings within RSC and will establish initial contacts with partners and project implementation staff. The consultant will take responsibility for setting up meetings and conducting the evaluation, subject to advanced approval of the methodology submitted in the inception report. The Management of RSC/RBA will develop a management response to the evaluation within four weeks of report finalization.

The Project Task Manager of the Project will convene an Advisory Panel comprising of technical experts to enhance the quality of the evaluation. This Panel will review the inception report and the draft evaluation report to provide detail comments related to the quality of methodology, evidence collected, analysis and reporting. The Panel will also advise on the conformity of evaluation processes to the UNEG standards. The evaluation team is required to address all comments of the Panel completely and comprehensively. The Evaluation Team Leader will provide a detail rationale to the advisory panel for any comment that remain unaddressed.

It will be the responsibility of the evaluator to logistically and financially arrange their travel to and from relevant project sites (if the pandemic allows) and to arrange most interviews. Planned travels and associated costs will be included in the Inception Report and agreed with the RSC if required.

**9. Timeframe for the Evaluation Process**

The evaluation is expected to take 28 working days, over a period of eight weeks starting 1 June 2020. A tentative date for the stakeholder workshop is 22 June, and the final draft evaluation report is due on 31 July 2020. The following table provides an indicative breakdown of activities and delivery:

|  |  |  |
| --- | --- | --- |
| **Activity** | **Deliverable** | **Work day allocation** |
| Review materials and develop work plan | Inception report and evaluation matrix(1-5 June) | 5 |
| Participate in an Inception Meeting with project staff and M&E of the RSCA and relevant partners |
| Draft inception report |
| Review Documents and stakeholder consultations | Draft evaluation report Stakeholder workshop presentation(8 -20 June) | 18 |
| Interview stakeholders |
| Conduct field visits  |
| Analyse data  |
| Develop draft evaluation & lesson Learned report to project  |
| Present draft Evaluation and lesson learned Report at Validation Workshop | Final evaluation report(28 June) | 7 |
| Finalize and submit evaluation and lessons learned report incorporating additions and comments provided by stakeholders  |
|  | Totals 28 | 8 weeks |

**10. Application submission process and criteria for selection**

**Fees and payments**

Interested consultants should provide their requested fee rates when they submit their expressions of interest, in USD. Project will then negotiate and finalise contracts. Travel costs and daily allowances will be paid against invoice, and subject to the UN payment schedules for RSCA. Fee payments will be made upon acceptance and approval by the RSC of planned deliverables, based on the following payment schedule:

|  |  |
| --- | --- |
| Inception report  | 20% |
| Draft Evaluation Report and lessons learned report | 50% |
| Final Evaluation Report with annexed lesson learned report | 30% |

**ANNEX 1**

**Table 1. Sample evaluation matrix**

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| --- | --- | --- | --- | --- | --- | --- |
| Relevant evaluation criteria | Key questions | Specific sub questions | Data sources | Data collection methods/tools | Indicators/ success standards | Methods for data analysis |
|  |  |  |  |  |  |  |
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1. A length of 40 to 60 pages including executive summary is suggested [↑](#footnote-ref-1)