Mid Term Evaluation Report

Accelerating the Ratification and Domestication of African Union Treaties

Mid Term Evaluation Report

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Table of Contents

ACRONYMS

ACDEG	African Charter on Democracy, Elections and Governance
ACHPR	African Charter on Human and People's Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AU	African Union
AUCPCC	AU Convention on Preventing and Combating Corruption.
AWP	Annual Work Plans
AYC	African Youth Charter
CPD	Country Programme Document, UNDP
CSO	Civil Society Organization
EAC	East African Community
ECOWAS	Economic Community of West African States
FGD	Focused Group Discussion
ILO	International Labour Organizations
KII	Key Informant Interviews
M&E	Monitoring and evaluation
MOFA	Ministry of Foreign Affairs
MP	Maputo Protocol: Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa
NANHRI	The Network of African National Human Rights Institutions
NSC	National Sectorial Committees
OAU	Organization of African Unity
OHCHR	Office of the High Commissioner for Human Rights
OLC	Office of Legal Counsel
QBS	Questionnaire Based Survey
RECs	Regional Economic Communities
SADC	Southern African Development Community
SDG	Sustainable Development Goals
UNICEF	United Nations Children fund
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Program

EXECUTIVE SUMMARY

The midterm evaluation report of the UNDP and AU joint project ''Accelerating the Ratification and Domestication of African Union Treaties' is based on the overall evaluation criteria of assessing the *relevance, effectiveness, efficiency and sustainability* of the project. It also includes key lessons learned and recommendations for the way forward. The project's results framework and AWPs, related indicators and targets provided the benchmark for the performance evaluation of the project. On the basis of documents assessment, Questionnaire Based Survey (QBS), Key Informant Interviews, FGDs and related observations, following set of evaluation findings are consolidated.

A. Summary of Findings

Relevance: *Overall Rating: Relevant* with the UNDP Strategic Plan and Regional Plan for Africa. However, a more focus, concise and clear alignment with the country level UNDAF/CPDs may be required for sustained ownership and ground level results.

A1- Relevance of the project with the UNDP Regional Program for Africa at the time of its inception is one of the strongest attributes of the project. It is also indirectly aligned to the UNDP Strategic Plan and contributes towards the related output.

A2- Relevance with the Regional Plan for Africa 2018-21 -The project is fully aligned and relevant with the Regional Programme **Outcome 1:** African Union and RECs deliver on their mandate, especially cross-cutting issues related to resilience-building; **Output 1.1:** The AUC Legal Office has strengthened technical capacity to oversee the ratification and domestication of the African Union treaties and related indicators

A3- Relevance with UNDP Strategic Plan 2018-2012- Although indirectly, but the project outcomes and outputs are aligned, relevant and contributing to **Outcome 2:** Accelerate structural transformations for sustainable development and **Output 2.2.2:** Constitution-making, electoral and parliamentary processes and institutions strengthened to promote inclusion, transparency and accountability.

A4- The assessment of all CPDs/UNDAF of the selected 6 countries of the project yielded no adequate and direct relevance and alignments between the project outcomes/outputs and those of country level CPDs' results framework. For instance, ratification, domestication and implementation of treaties were not direct or key results areas in most of the CPDs of the selected countries. However, the indirect linkages, relevance and contribution factors between the targeted treaties to be ratified and the key results areas of the CPD can be found

Project Effectiveness: *Overall Rating: Moderately Satisfactory in outputs 1, 4 & 5* **and** *Moderately Unsatisfactory in output 2* **(Harmonization of Legal Frameworks between AU and REC)** *& output 3* **(Domestication and Implementation of Treaties)**

A5- Overall, project has contributed and assisted some of the targeted countries in the ratification of the treaties, primarily through sensitization, technical assistance, and training and sometimes through effective networking. However, the overall performance of the project varies from one output to the other as well as from one country to the other. Though significant ground work has been done in some of countries such as formation of high level sectoral committees in 3 countries, capacity building and training workshops, sensitizing parliamentarians, legislators and other government stakeholders to ratify treaties and building partnerships with government entities like Ministry of Foreign Affairs, there is no to very little evidence found on the domestication and implementation of these treaties in the selected 6 countries. Moreover it is also worth mentioning that since the inception of the project (March 2018) till the time under review (March 2020) , there were serious delays and slow progress due to various administrative, coordination and implementation related issues (especially slow recruitment processes) as well as due to the latest ongoing Covid-19 pandemic. This resulted in missing many targets and planned action items of the work plan, especially in the years 2018 and 2020. With very limited project activities in 2018 and 2020, data collection led to the conclusion that 2019 is the only year where effective project implementation took place.

A6- The overall effectiveness of project interventions varies from one output/result area to the other, whereby, some of the outputs have achieved or partially achieved the targets so far (primarily in output 1, 4 & 5) and at the country level isolated activities, whereas, some of the areas have either under achieved or they could have been more focused, coherent with clearly visible achievements (output 2 &3). Summary of key findings include:

- Overall, apart from the rationale of selecting one country from each region, it was found unclear that despite one of the main focus of the project was on the ratification of the 6 treaties, 4 selected countries already had 5 or 6 treaties ratified. If the focus was aimed at assisting countries in ratification of 6 treaties, perhaps treaties with low level of ratification could have been selected from each sub region. If the focus was aimed at assisting countries in domesticating and implementing the ratified 6 treaties, no concrete evidence is found regarding successful domestication and implementation of these treaties in the selected countries;

- The project's overall performance on output 1 is ***moderately satisfactory.*** Although some of the key targets of output 1 are not achieved such as a series of policy papers on domestication of each selected treaty developed and disseminated and training programme for member states on legal drafting developed and implemented, there are significant achievements such as recruitment of two legal drafters and development of toolkit. It is worth mentioning that the

stakeholders' consultations indicated significant achievement and stakeholder satisfaction related to the toolkit of standards for ratification of the treaties and the user-friendly interface as well as available options of data monitoring on the developed website of treaties. However, the toolkit was not widely viewed as a comprehensive and coherent tool for domestication and implementation of the treaties;

- Overall progress on output 2 has been found *moderately unsatisfactory*. The harmonization of legal frameworks between AU and REC are one of the key foundations and prerequisite to successfully domesticate and implement the AU treaties. However, most of the targets are either underachieved or not achieved at all. Despite of the fact that project yielded a major milestone of developing and validating assessment report and strategy on harmonization of legal frameworks between the AU and REC, the good work was clearly undermined by postponement of annual dialogue between AU and REC and uncompleted REC focal mechanism at the AU. Moreover with the exception of the project contribution in Kenya, the target related to build capacity of parliaments to domesticate and implement treaties have been highly under achieved;

- Being the core foundation of the project, that is ratification, domestication and implementation of 6 targeted treaties, project's overall performance on output 3 has been **moderately unsatisfactory**. With the exception of **Sao Tome and Principe**, that even surpassed the target of 6 treaties by ratifying 7 treaties and conducting two high level and successful south-south knowledge exchange forums, no target on ratification, domestication and implementation have been fully achieved. It is highly unlikely that any target related to the domestication and implementation of the treaties could be achieved in the remaining 6-7 months. Establishing National Sectorial Committees in 3 countries can be considered as partial achievement of the overall target and despite their early days of being functional, it is still considered a major step towards enabling domestication and implementation of treaties. Nevertheless, the establishment of the NSCs in remaining countries and effectiveness, efficiency and sustainability of existing ones still needs to closely assessed and monitored.

- Despite the two indicators of the output 4 which are not achieved at all, project's overall performance can be categorized as *moderately satisfactory* due to achievement of some key activities such as a series of country level successful media campaigns and outreach programs as well as engaging and training CSOs at some countries level. Nevertheless, a more holistic, planned and coherent plan for each country could have yielded more sustained and major results.

- Finally, project's performance under output 5 is categorized as *moderately satisfactory*. Despite missing on the target of creating awareness of AU treaties among development partners, key

target of a brief assessment study on alignment of UN and other development partners' activities in AU treaties was successfully conducted and circulated to the development partners

Project Efficiency: *Overall efficiency rating:* *Moderately Unsatisfactory* in components like planned vs. Actual Expenditure and Partnership Strategy/implementation and *Moderately Satisfactory* in M&E mechanism and overall implementation arrangements

A8- As per the output wise planned vs. actual expenditure sheet furnished, the budget utilization over the entire project duration has turned out moderately unsatisfactory component of the project whereby overall 38% budget utilization was achieved for 5 different outputs

Following are the few key findings in this regard:

- The overall planned v/s actual expenditure in the first 2 years and till the time under review for year 3 is inefficient that is, 73% in 2018, 53% in 2019 and 18% in 2020 so far. It is worth mentioning that due to ongoing COVID 19 pandemic, many planned activities are postponed and/or cancelled in the year 2020.

- It is evident that only output 1 was budgeted for the year 1 of the project that is very much consistent to the findings in the section above indicating that there a significant slow progress towards output 3 of the project. It also validates that most of the activities for output 2-4 took place in year 2019.

- It is also observed that in the most active year 2 (2019) of the project implementation, the project had overspent for the output 1 and 2. However, despite allocated the highest proportion of planned budget for the output 3 (ratification, domestication and implementation of treaties), only 41% was spent whereby, only 7% for the output 4.

- It is surprising that no actual expenditure is incurred for output 5 for the year 1 and 2 as well as time under review for the year 3 of the project implementation.

A9- Implementation Arrangement & Project Board: Overall Rating: *Moderately satisfactory*- primarily due to the immense commitment of project staff in given constraints that are related to the staff composition, delays due to various factors and geographical scope of the project

A9.1 Project Board: The stakeholder consultations and document review indicated there was only one Project Board meeting held in April 2019 to review performance of 2018. It was assessed that considering the delayed start, missing major action items of work plan and other constraints faced by the project, more Project Board meetings to guide the project could have been more effective.

A9.2 Project Team Following are the key observations regarding the overall project implementation mechanism:

- It is important to mention that considering the geographical scope of the project as well as the thematic areas to be implemented, project team has shown immense commitment and performed well in the given constraints. Keeping in view that composition of the project team was guided by the project design and planning document, it will not be logical to solely hold the project team responsible for any under or partial achievements, both in terms of overall project effectiveness as well as efficiency. While the stakeholder consultation provided common feedback that overall coordination between RSCA and country offices could have been more efficient and robust, there is no doubt the project team is very limited in terms of its quantitative composition to implement a project with such a large geographical and thematic scope. Although evidence indicated that there is enough thematic expertise with relevant credentials in the project team to guide and supervise the implementation, thematic expertise at the country offices is still required

- The data collected through the KIIs and QBS, it was a common observation that merely 1 or in certain cases 2 members at country offices are responsible for the entire implementation of the outputs at country levels. It is extremely ambitious (if not impossible) to expect that 1-2 project staff can provide both administrative and thematic support to a technical project with a vast range of administrative requirements

- Moreover, it was also observed that overall project management structure is sometimes too centralized at RSCA level that resulted in delays, postponement or slow progress towards country level work plan. Nevertheless, there are certain outputs that required centralized management structure to be more efficient, mainly where scope of the activities was beyond the country level.

A10- Monitoring & Evaluation- *Overall Rating: **Moderately satisfactory**-* The efforts of the project staff to generate annual reports and other knowledge products like fact sheets and activities related reports are vital and efficient components of the M&E mechanism.

A11- Project Partnership and Synergy Strategy *Overall Rating: **Moderately Unsatisfactory** with some clear gaps and shortfalls.* The project partnership strategy has multiple tiers that make it more complex and difficult to implement. Keeping in view this challenge, the UNDP project team at RSCA and country office has tried its best to manage it to a certain level.

i) UNDP-AUC -UNDP's partnership with AU has now been comparatively effective and efficient than the initial stages of the project. AUC Legal Office has been the leading partner in the project and due to collaborative efforts between UNDP and AU; project has been able to achieve certain milestones.

ii) AUC-REC- Although AU-REC close collaboration have been perceived as one of the major prerequisite towards working for the domestication and implementation of the AU treaties, it has not highlighted as one of the most effective collaboration yet. Despite REC and AU are moving in more closer collaboration guided by the agreement and validation of harmonization of legal frameworks between AU and REC assessment and strategy , the underachievement in 2 of the key project targets have adversely affected that are, i) dialogue between AU and REC postponed twice ii) REC focal system is still not established.

iii) UN Agencies- No evidence is found on any concrete and established partnership with the relevant UN agencies to implement the related thematic treaty. It has been adversely affected the progress towards domestication and ratification of the treaties in the countries. For instance, role of OHCHR as well as UNICEF, their functions and established network in the country could have been vital for the domestication and implementation of relevant treaties on Human Rights and Child Protection etc.

iv) UNDP- CSOs & Academia- Despite a common feedback during the stakeholder consultation that sustainability of partnership with country level CSOs have been very weak that resulted in lack of CSO's commitment and involvement in the project. However, some efforts at country level to engage with the CSOs and academia are found, primarily through sensitization and training events and seminars. Having said that, a clear, consistent and coherent CSOs engagement strategy were the missing links in the project. More importantly, lack of sustained and effective engagement with regional stakeholder such as NANHRI has been of the weakest component of project partnership strategy implementation. It has resulted in underachievement in the domestication and implementation of treaties.

v) **Bilateral/multilateral actors/Member States:** no evidence is found to validate any coherent and focused intervention to build such partnership on sustainable basis

A12- Sustainability: Overall Rating: Moderately likely with the exceptions of few components and conditioned with effective resource mobilization strategy. One of the weaknesses of the project is that there was no overall sustainability/exit plan mentioned in the project document. However, considering that certain level of national ownership and partnerships established, some of enabling groundwork for the domestication and implementation of AU treaties has started (such as establishment of NSCs, toolkit and website etc) along with the AUC's own focus on implementation of AU treaties in the selected countries, project can be sustained to certain level. However, the financial sustainability of the entire project at the current level of activities is highly dependent on a resource mobilization strategy. It is mainly due to lack of effective, efficient and focused resource mobilization strategy, ineffective and sustained engagement with the donors as well as with the EU/EC and bilateral and multilateral partners already working/interested in working on issues related ratification and domestication of AU treaties.

A13- Gender Equality, Empowerment & Vulnerable Groups- *Overall Rating: Satisfactory*- Aiming at gender equality & empowerment as well as protecting rights of the vulnerable groups have been the strongest components of the project, both by design and through ensuring in all targeted activities of the project.

A14- Lessons Learned

- The effective involvement and commitment of all key stakeholders mentioned in the project document and design phase could have been sustained in all phases of the project implementation.

- Considering the geographical and thematic scope of the project, more administrative and project coordination staff in all the country offices and thematic experts at regional office are vital to fulfil vast set of project activities.

- Keeping in view the project has been aimed at achieving 5 outputs, the budget allocation, expenditure and implementation work plan should be optimally distributed among five outputs and related activities so that overall balanced project effectiveness and achievements can be ensured. By not doing so, project has a danger of underachievement in some of the key results area (e.g. domestication and implementation of AU treaties)

- Establishment of regular, focused and strategic dialogue between key stakeholders such as UNDP, AUC and REC are mandatory to have efficient implementation mechanism, sustainable results and effective implementation of the treaties in all countries.

- The nature of the project due to its multi stakeholder approach and geographical scope requires i) more decentralized decision making to be adaptive to the country level contextual changes and demands, ii) effective coordination between key stakeholders and iii) between country offices and RSCA to implement annual work plans effectively and efficiently.

- A timely, focused and well targeted resource mobilization strategy is a mandatory prerequisite to sustain the financial resources of the project. Limited/no engagement and involvement of donors, bilateral/multilateral stakeholders can have adverse effects on financial sustainability of the project.

Recommendations

A15- The project has faced **two clear hindering attributes** that have adversely affected the overall effectiveness and efficiency of the project that are;

I.   Significant delays in officially launching the project in the 6 countries (12-18 months since project inception);
II. Recent Covid-19 pandemic that has created a hiatus to the good momentum achieved in the year 2019.

A-16- Nevertheless, it is also worth mentioning that:

- Due to good recovery efforts by the UNDP project team at the RSCA and COs, AUC and other stakeholders, the project was steered to some significant enabling mechanisms to domesticate and implement the 6 treaties in the selected countries such as networking with the Government ministries, establishment of NSCs, sensitization and advocacy events etc.

- Where Covid-19 has imposed an immense challenge to not only this project but to almost all major global socio-economic, political and development activities, it is recommended to take it as an opportunity as the project under review is very much relevant, responsive and with focused refinement and redesign, it has considerable enabling mechanism to assist countries in Covid-19 response in general, and to contribute into fulfilling the sudden demand of responding to human rights issues in the current pandemic era in particular.

A17- Based on the these two critical observations, overall assessments on achievements so far, time require to domesticate and implement 6 treaties in the given challenging contexts, building on the key enabling mechanisms established so far, shortfalls and lessons learned (mentioned above), <u>**it is recommended that the project should be extended for 3 years, with considerable project redesigning in all aspects like change in focus & scope, results framework, project implementation mechanism, partnership strategy, and more importantly through effective resource mobilization strategy.**</u>

A18- Project Plan and Design

- There is a need for an ***updated context analysis*** to redesign the project. Since the context of the project has significantly changed since its inception that include ongoing Covid-19 pandemic, priorities and socio economic contexts of the 6 selected countries as well the status on ratification, domestication and implementation of treaties, a revised context analysis, problem identification and objectives analysis are required. It is vital to involve as much country level stakeholders in the assessment as possible along with the technical and strategic inputs from regional stakeholders.

- It is recommended to revise the title of the project to 'Accelerating the Ratification, Domestication **and implementation** of African Union Treaties project

- Revisit the overall scope: a robust but focused and less ambitious Results Framework for the entire duration of the Phase II should be developed.

- The overall project's outputs should be reduced **to maximum of 2-3 outputs (preferably 2).**

- Instead of focusing on multiple incoherent, isolated and ambitious set of outputs and activities, the Project results framework and related implementation plan should be focused on the principle of *'Think big, start small & scale fast'*. Affected by the current pandemic, it can be done by adopting a systematic and **'phased approach'**.

I) Phase 1- Short to Medium term (6 months to 1.5 year of project lifecycle)

Due to logistical issues such as conducting physical activities, country level priorities and other challenges imposed by the Covid-19 pandemic, this phase should be focused on the following key objectives:

a) Fulfilling the immediate human rights demands put forward by the Covid-19 pandemic

Select only those targeted treaties in phase 1 that have relevance and direct link to address the recent human rights issues highlighted during the Covid-19 pandemic and prioritize their domestication and implementation to respond to the immediate needs as well facilitate direct benefits to the citizens. For instance, project should be focused on:

a-i) African Charter on Human and People's Rights + Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)

According to the UNFPA Technical Brief on Gender Lens to COVID-19[1], "disease outbreaks affect women and men differently, and pandemics make existing inequalities for women and girls and discrimination of other marginalized groups such as persons with disabilities and those in extreme poverty, worse". There are plenty of evidence reported that domestic violence against women, unwarranted arrests and other discrimination in access to health facilities.

The project needs to identify and renegotiate new partnership mechanism with both Regional Organizations like NANHRI as well as relevant UN agency like UN OHCHR that have established mechanisms, networks and expertise to address country level challenges. Instead of any duplication of efforts, project should focus on already good work done by these organizations in the given context. (For instance, OHCHR had already published a 'Toolkit of treaty law perspectives and jurisprudence in the context of COVID-19)'.

a- ii) African Charter on the Rights and Welfare of the Child

UNICEF has reported that "An additional 6.7 million children under the age of five could suffer from wasting – and therefore become dangerously undernourished in 2020 as a result of the socio-economic impact of the COVID-19 pandemic, whereby, 80 per cent of these children would be from sub-Saharan

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[1] UNFPA Technical Brief, COVID-19: A Gender Lens: Protecting Sexual and Reproductive Health and Rights, and Promoting Gender Equality, March 2020, https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_A_Gender_Lens_Guidance_Note.pdf

Africa and South Asia[2]. The project should partner with regional/country level as well as UN agencies such as UNICEF to ensure Child rights are protected such as by sensitizing, advocating and safeguarding access to nutritious, safe and affordable diets as a cornerstone of the response to COVID-19 by protecting food producers, processors and retailers; discouraging trade bans; and designating food markets as essential services; expanding social protection to safeguard access to nutritious diets etc.

A - iii) African Youth Charter

COVID-19 is affecting many young people in various ways including health, education and socio-economic impact. The pandemic induced lockdowns and home stays, youth in selected countries who hustle and survive on both formal and informal jobs will now be unemployed or insecure. Project should partner with agencies like ILO and government counterparts to ensure that rights of the youth are protected during this ongoing pandemic.

b) Development of step by step customized toolkit to domesticate and implement treaties in the selected countries

Since the ongoing pandemic has imposed immense logistical challenges to implement physical activities like training seminars, sensitization workshops etc., the window should be capitalized by;

- Conducting country wise needs assessment study to domesticate and implement treaties,
- Identify gaps, stakeholders, processes, and mechanism required to domesticate and implement treaties in the selected countries
- Develop a step by step comprehensive toolkit and guidelines to assist each country to domesticate and implement each selected treaty (separate toolkit for each country).
- Instead of going for limited scope studies with generic output and guidelines, each of this study report will provide a complete research-based guideline for each country to implement the selected treaties. It will assist in overall sustainability of the project as the toolkit can be used as benchmark beyond the duration of the project.

c) Develop a national level digital/online advocacy campaign and platform for each country to sensitize the citizens, CSOs, academia and other stakeholders on domestication and implementation of treaties as well as their benefits to protect them during the Covid-19 Pandemic. The digital platform should also provide a monitoring tool to the government's efforts to address human rights issues reported during the Covid-19 pandemic eta

d) **Keep working (wherever possible) on establishing the mechanism and grounds to domesticate and implement treaties** in Phase II with the activities like completing the unfinished tasks of establishing NSCs in the remaining countries as well as building networks and partnerships at country level, development of training manuals for legal staff etc. Moreover, while National Sectoral Committees is

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[2] https://www.unicef.org/pakistan/press-releases/additional-67-million-children-under-5-could-suffer-wasting-year-due-covid-19-unicef

essential, some countries like Kenya have existing mechanisms performing the similar tasks. Such mechanisms can be utilized to avoid duplication of efforts

II- Phase II- Medium to Long term (Year 2 & Year 3)

Domesticate and implement the treaties in the selected countries- *It is vital to completely shift the focus of the project from the ratification of treaties to the domestication and implementation of the treaties to achieve visible outputs that have direct benefit for the citizens of the countries*. While doing so;

I. Utilize the developed toolkit in phase 1 for each country as benchmark to expedite the process;
II. Provide technical assistance and other capacity building measures to domesticate and implement treaties in the selected countries;
III. Enhance the national level advocacy monitoring cell/platform that was designed in Phase 1 at national level comprising of citizen's voice (CSOs, academia) etc to sensitize the citizens about the benefits of the treaties as well as acting as a now a watchdog on the implementation of the treaties.

- The geographical focus and/or number of treaties can be reduced. Keeping in view the overall suggested time duration, contextual challenges due to the ongoing pandemic as well as the time require to domesticate 6 treaties in 6 countries, it seems very ambitious to domesticate and implement all treaties in all selected countries. So, it is recommended that:

a. Out of 6 targeted treaties, only selected ones (more relevant to the pandemic) should be domesticated and implemented in all 6 countries
Or
b. Chose only those countries that have enabling mechanisms or evidence base preparation and progress to domesticate and implement all treaties. One such parameter to consider can be based on countries with established and functional NSCs

- To avoid duplication and complement similar existing efforts, a quick assessment should be conducted to identify similar projects/interventions to domesticate and implement AU treaties in the selected countries. Synergies and partnership should be developed with such initiatives to expedite the processes.
- Keeping in view these high-level strategic design inputs, it is recommended that the new results framework can have following two high level outputs as a broader guidelines

Output 1-The protection of citizens' rights is enhanced during the Covid-19 Pandemic
Output 1.1 – Capacity of both National Human Rights Institutions and Government is enhanced in targeted countries to protect human rights during Covid-19
Output 1.2- The comprehensive step by step toolkit to domesticate and implement each selected treaty to protect citizens' rights

Output 1.3- Digital Platform established and functional to sensitize the citizens, CSOs, academia and other stakeholders on domestication and implementation of treaties as well as their benefits to protect them during the Covid-19 Pandemic.

Output 1.4-

Output 2- Ratified AU treaties are domesticated & implemented in the selected countries

Indicator 2.1- Number of treaties domesticated and Implemented in countries

Baseline 0- Target: x treaties in x countries

Output 2.1

A19- Implementation and Management

i) Project Board

- It is recommended that frequency of project board meeting should be increased from annually to at least biannually to effectively monitor the progress and advice on any corrective or adaptive measures (if required).
- it is also recommended that being one of the most important stakeholders in the current pandemic era as well as its network of national human rights commissions of the countries, representative from the NANHRI should be included as a board member
- Although CSOs are part of the project board composition, their participation should be ensured, considering their key role in the implementation of treaties.

ii) Project Team-

- As indicated in the evaluation findings, **project team composition in terms of numbers and technical expertise should be considerably enhanced, both at country offices and RSCA**. With the scope of coordination and logistical arrangements with multiple regional partners and country level stakeholders, it is imperative to have optimum number of staff at regional and country levels. Similarly it is also proposed that either current or newly recruited professional full time UNDP staff with relevant technical/thematic expertise in the relevant areas of treaties should be included in Country Offices' team who can provide technical support to the Project implementation and coordination staff at the country offices
- The project team should be focused on implementation mechanism whereby a much closer coordination mechanism should be established between the project team at RSCA and UNDP's country offices.

iii) Project Implementation and M&E

- It is also highly recommended that more decentralized planning; implementing and administrative mechanisms should be established that should provide enough flexibility at country offices to implement country level activities. The right balance is imperative considering the time scale of the entire project, evolving contexts at country level as well as to achieve efficient results on time

- All M&E mechanisms and tools that are highlighted in the project document should be completely developed, implemented and made available for stakeholders

- Similarly the results based budgeting mechanism should be developed with an optimum proportion of allocation between outputs. The detailed breakdown of expenditure should be provided with each QPR & APR.

- A more robust 'Results Based' monitoring and reporting mechanism should be developed whereby the AWPS, progress reports/templates are clearly aligned with the projects Results Framework. A thorough RBM training should be conducted for project staff.

A20- Partnership Strategy

- The overall partnership strategy needs to be revisited. With the recommendation of complete shift from ratification of treaties towards their domestication and implementation as well as immediate short-term to medium term response during the pandemic era, a **comprehensive and results oriented partnership strategy should be developed and included as integral part of the project design in the next phase of the project.** Relevant partners for each results area should be identified such as NANHRI, OHCHR, and UNICEF etc.

- It is highly recommended that instead of adhoc approach to engage CSOs at country level, a list of relevant country level CSOs should be identified and selected at the project redesign phase. Partnership with the CSOs should be focused and strictly aligned with the results framework of the project whereby, CSOs should be engaged and involved at all stages of the project including the planning phase.

A21- Sustainability- a clear, coherent and comprehensive sustainability/exit strategy should be developed covering political, socio economic, institutional and financial components of the project sustainability. The sustainability strategy should be complemented by a well planned and targeted 'resource mobilization strategy' to ensure timely financial sustainability of the project

Mid Term Evaluation Report

Accelerating the Ratification and Domestication of African Union Treaties

1. INTRODUCTION

1.1 Background

Since the creation of the Organization of African Unity (OAU) in 1963, the African Union (AU) in 2001 and till the time of the project inception, a total of 49 treaties, protocols, and conventions were adopted by the member states. However, the low rate of ratification and implementation of these AU treaties was considered as a missed opportunity for the African continent to advance the continental agenda, negatively impacting the effectiveness of the AU's efforts to foster peace and stabilization, and to further economic development in Africa.

Keeping in view this challenge, African Union and UNDP collaborated in a joint project, 'Accelerating the Ratification and Domestication of African Union Treaties' that is a 3-year multi-country and regional initiative to assist 6 targeted countries to ratify and domesticate 6 selected treaties during the course of the project implementation. The targeted treaties include; 1) African Charter on Human and People's Rights, adopted in 1981; (2) 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.

Overall, the project has following key objectives:

- 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.

- 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.

- 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.

- To ensure the work of international development partners – including both bilateral and multilateral actors – is anchored in, supportive of and leveraging AU treaties.

With the collaboration of the key partners, that are, UNDP, AU-OLC, SIDA, ECOWAS, EAC and SADC etc, the project is aimed at achieving the following outputs

Following are the 5 key outputs of the project

- The AUC Office of Legal Counsel is enabled to support treaty ratification
- Legal frameworks between the AU and RECs are harmonized
- Member States are able to rapidly and effectively ratify and domesticate treaties
- National CSOs and general public have improved knowledge of treaty processes and their benefits
- Bilateral and multilateral development partners endeavours are informed by AU treaties and protocols

The purpose of this midterm evaluation was to; assess the relevance, effectiveness, efficiency and sustainability of the ongoing project, identify the key lessons learned and recommend a way forward in the changing and evolving uncertain environment.

The initial desk evaluation indicated following key attributes that:

- Overall, the project having the start and end date of March 2018-March 2021 respectively, has experienced a considerable delay with major activities took place only in 2019.
- There are certain reported achievements during the course of action that includes ratification and deposit of 7 treaties by Sao Tome and Principe ratified, formation of National Sectoral Committees in 3 of the selected countries, deployment of the website, (https://treaties.au.int/), advocacy and awareness events in the targeted countries etc.
- After gaining a momentum, the ongoing Covid-19 pandemic has created or is leading towards a new hiatus in an already delayed project implementation.
- Although annual report provides initial brief snapshot of progress towards results, a detailed indicator wise progress update was not adequately found in the initial desk evaluation. It was later compiled and furnished by the UNDP project team

Keeping in view some of the attributes found in the desk evaluation and while evaluating the project under the basic criteria of the midterm evaluation, the assessment was based on two primary parameters;

I. How has the project performed so far with reference to its Results Framework, related indicators and targets;

II. How and if the project can cope with and realign with the evolving unforeseen impact caused by the Covid-19 Pandemic and/or any changing context of the Africa region.

2. Evaluation Objectives & Approach

2.1 Evaluation Objectives and Criteria

The midterm evaluation of the project was aimed at addressing the following objectives and related evaluation criteria to assess the performance of the project since its inception till the time of the mid-term evaluation:

i) To assess & evaluate the relevance of the project under following sub-criteria:

➢ To what extent is the Project aligned with regional development priorities, the Regional programme's outputs and outcomes, the UNDP Strategic Plan and the SDGs

➢ To what extent is Project aligned with the UNDP's mandate, Strategic Plan, CPD and UNDAF of the 6 selected countries?

➢ Do the project outcomes address identifiable problems of the Africa region?

➢ 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?

➢ How relevant was the geographical coverage of the project?

➢ How the Project was able to cater the needs of the beneficiaries in the changed context? Is there any evidence that the project advanced any key national human rights, gender or inclusion policies and the priorities of UN & UNDP?

➢ 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?

ii) To assess/evaluate the Effectiveness & Impact of the project under the following broader sub-criteria

➢ To what extent are 5 outputs and the related targets of project's results framework achieved so far?

➢ To what extent have the project objectives and outcomes, as set out in the Project Document, project's Results Framework and other related documents, have been achieved so far?

➢ To what extent did the project contribute to the regional program outcomes and outputs, the SDGs, the UNDP Strategic Plan and regional/national development priorities?

➢ Are some components better achieved than others? If yes, then Why?

➢ What has been the contribution of partners and other organizations to the project results?

➢ How effective has been the contribution of project to improving governments of the 6 countries' ownership, planning and management capacity process towards ratification and domestication of the AU treaties?

➢ Are the project objectives clearly stated and contribution to results measurable?

➢ Did women, men, youth and marginalized groups directly benefit from the project 's activities? If so, how and what was the impact?

➢ Were any changes made in the project regarding approach, partnerships, beneficiaries etc. suggested by any internal or external project mid-point assessment, context/risk analysis? Did it affect project results?

➢ How successful have partnership arrangements been in contributing to sharing institutional capacity?

➢ 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?

iii) To assess and evaluate efficiency of the project delivery and implementation under the following sub-criteria

➢ Are outputs achieved within expected cost and time so far?

➢ Could the activities and outputs have been delivered in fewer resources without reducing their quality and quantity?

➢ Are there major cost- or time-overruns or budget revisions?

➢ Is there a management or coordination mechanism for the partnership?

➢ How frequently and by what means information is shared within the project stakeholders?

➢ How many levels of decision making are involved in operational approval?

➢ To what extent were quality outputs delivered on time?

➢ Were the project inputs and benefits fairly distributed amongst different genders and communities while increasing access for the most vulnerable? What factors influenced decisions to fund certain proposed activities, and not others?

- How efficient is the M&E system and to what extent did M&E mechanism provide management with a stream of data that allowed it to learn and adjust implementation accordingly?
- How useful was the results framework as a management tool during implementation and any changes made to it?
- To what extent did the coordination with other UN agencies and UNDP projects reduce transaction costs, optimize results and avoid duplication?

iv) To assess and evaluate the project sustainability under the following sub criteria

- How sustainable has been the contribution of project to improve country level ownership, planning and management capacity?
- Was project sustainability strategy developed during the project design?
- How should the AU treaties project portfolio be enhanced to support central authorities, and partners in improving service delivery over the long term?
- Is the project itself sustainable? (Financial, Institutional, Socio Economic and Resources etc)
- To what extent has a sustainability strategy, including capacity development of key stakeholders of country, been developed or implemented?
- To what extent have partners committed to providing continuing support?
- Are there any social or political risks that may jeopardize sustainability of project outputs and the project's contributions to country program outputs and outcomes?
- To what extent do stakeholders support the project's long-term objectives?
- To what extent do UNDP interventions have well-designed and well-planned exit strategies?
- What could be done to strengthen exit strategies and sustainability?
- What changes should be made in the current set of project partnerships in order to promote long term sustainability

v) Cross Cutting Themes

- To what extent and how effective the project has mainstreamed and addressed cross cutting themes like human rights-based approach; gender equality; youth;
- To what extent has gender equality and the empowerment of women been addressed in the design, implementation and monitoring of the project?
- To what extent have the project promoted positive changes in gender equality and the empowerment of women? Were there any unintended effects?

vi) UNDP Partnership methodology

- UN being one of many development partners operating in the region, are there any UN's overall comparative strengths or value addition,' vis-à-vis other development partners
- Do partner organizations share the same goals as the UN?
- How effective the UN partnership strategy and the partners are in providing added benefits for the project to achieve overall outcomes and outputs

- 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?

vii) Asses and analyze any Lessons Learned, challenges faced and furnish recommendations

2.2 Inception/Introductory Meeting/Call

Upon the award of a contract, a Zoom based inception/introductory meeting was held between the Consultant and the UNDP's team on 29th June, 2020.

The meeting was initiated with a brief introduction of the project by the UNDP team members. The overview was followed by discussion on methodology, scope and expectations about key deliverables, particularly, data collection tools. In addition, the inception meeting call served as an opportunity to discuss management approach and coordination mechanisms of the assignment and to request relevant important documents. During the meeting, UNDP also confirmed sharing that all the readily available information as well as documents pertaining to project for desk review and document analysis. However due to an unforeseen emergency and internet shutdown in Ethiopia, the documents were received a week later on 6th July, 2020. The Inception meeting call was followed by further correspondence on exchange of key information on project (documents) and management of the virtual consultations. The overall data collection phase considerably delayed and challenged by various factors such as continued internet shutdown in Ethiopia, limited correspondence with the project team at the Africa Regional Bureau etc.

3. Evaluation Methodology

The following sections provide relevant details with regard to the Evaluation methodology adopted on the basis of the TORs for undertaking the assignment and finalized in the inception report.

Preparation of the Evaluation

3.1 Desk Review and Document Analysis

The foundation of the desk review was the background documents shared by the UNDP team. It is worth mentioning that a multiple sourced set of documents were furnished that includes detailed project document (pro doc), annual project update report, fact sheets and AWPs etc. However, part from the overall annual reports for the year 2018 and 219, limited information/documents at the country level interventions were found in the documents. Nevertheless, this data was later gathered through the primary data collection. The project design document provided in-depth background contextual analysis and facilitated a good and in-depth understanding of the project and enabled an

effective assessment design. In the given challenging context of limited communication and initial slow response of stakeholders, project team tries its best to provide information that was available to them.

A list of documents reviewed during this stage is provided in the **Annex A.**

3.2 Programmatic Scope of the Assessment

The programmatic scope of the evaluation exercise was primarily focused on evaluating the relevance, effectiveness, efficiency and sustainability of the following key outputs, indicators and targets of the results framework in the years March 2018- March 2020 of the project implementation.

Results to be achieved 2018-2021			
Outputs	Indicators to be Evaluated	Target	Planned Results Oriented Activities
Output 1: The AUC Office of Legal Counsel is enabled to support treaty ratification	**Indicator 1:** Extent to which the Office of Legal Counsel has improved its technical, technological, operational and financial capacities required to discharge its mandates in relation to supporting treaty ratification2	Year 1: 2 Year 2: 3 Year 3: 4 Overall Target : 4	**1.1. Dedicated support structure established within the Office of Legal Counsel** Three legal drafters recruited for the AU office; Translation service centre established, including recruitment of staff. **1.2. A series of policy papers on domestication of each selected treaty developed and disseminated** Research on the levels of domestication of each of the six treaties conducted; Policy papers disseminated widely. **1.3. "Toolkit" on standards for ratification and domestication developed** ▪ Research to develop standards, benchmarks, and indicators for effective and efficient ratification and domestication, including specific guidance on how to translate policies into laws conducted; ▪ Compilation of best practices produced; ▪ Information refined to produce toolkit; ▪ Toolkit disseminated broadly. **1.4. Training programme for Member States on legal drafting developed and implemented** ▪ Training programme on ratification and domestication developed. ▪ Low performing countries targeted, and training programme implemented in five countries selected for engagement. **1.5. Data monitoring and verification mechanism developed, including open-data tracking and visualization tool for monitoring and outreach**

			Data monitoring and verification mechanism developed, with interactive data map concerning which countries have ratified and domesticated which treaties; Annual presentation of treaty performance presented using interactive visualizations during AU Head of States Summit; Visualization tool made accessible and widely distributed
Output 2: Legal frameworks between the AU and RECs are harmonized	**Indicator 1:** Number of harmonized legal frameworks between AU and three RECs (SADC, ECOWAS, EAC)		**2.1. Areas where harmonization is required are identified and a strategy on common standards developed** Research undertaken to pinpoint areas where harmonization is most needed, focusing on those treaties where impact will be highest is conducted Strategy for ensuring harmonization elaborated, with a focus on removing bottlenecks and reducing communication asymmetries. Implementation will be carried out through the focal point system below Training held for the AU and REC focal points to establish common standards and processes for treaty harmonization and to validate the strategy
	Indicator 2: Number of parliaments with improved capacities to undertake inclusive, effective and accountable law-making, oversight and representation. (SP indicator 2.2.2.3.) Baseline: Target	Year 1: 2 (and assessment) Year 2: 5 Year 3: 8	**2.2. REC focal point system established within the Office of Legal Counsel to assist with implementation** Focal point system established in Office of Legal Counsel and in three RECs; Three focal points covering all the eight AU recognized RECs recruited; Focal points provided with training and guidance.
	Indicator 3: Number of constitution-making bodies (CMBs) in the pilot countries with mechanisms for civic	Year 1: 2 parliaments Year 2: 4 parliaments Year 3: 6	**2.3. Annual dialogue between the legal advisors of the AU and RECs reinforced** Annual dialogue agenda designed, date agreed upon, and invitations sent out

| | engagement, including the participation of women and other marginalised groups (SP indicator 2.2.2.4.) | parliaments

Target: 6 | Annual dialogue held and agreements on next steps made; Best practices from the region collected and disseminated; Annual dialogue held for and AU and RECs on progress towards harmonisation, discussion of bottlenecks and good practices on acceleration of treaty ratification. |
|---|---|---|---|
| **Output 3:** Member States are able to rapidly and effectively ratify and domesticate treaties | Percentage of regional treaties ratified by Member States | Year 1: 46% Year 2: 50% Year 3: 55% states **Baseline:** 42% Target: 100% | **3.1. South-South knowledge-exchange forums established concerning good practices in treaty ratification** Good practices in ratification and domestication based on high performing countries (e.g. Mali) captured and disseminated. |
| | Number of selected member states4 that have ratified and domesticate the 6 international treaties | Year 1: 2 member states Year 2: 2 member states Year 3: 2 members Baseline: ratification 2; Domestication: 0 Target: ratification 4; Domestication: 6 | **3.2. Member States in five selected countries are supported to domesticate selected (six) treaties based on priorities identified through consultations with the AU and other stakeholders** Targeted and tailored support is provided to five Member States on the domestication of the six selected treaties, paying particular attention to the constraints and capacity gaps that need to be overcome.

3.3. National sectorial committees are set up at the national level UNDP engages with governments in five key target countries to facilitate the establishment of national sectorial committees related to selected treaties; National sectorial committees set up in five selected Member States Committees are provided with training and guidance to ensure they are able to effectively and swiftly domesticate the relevant six selected treaties. |
| | **Indicator 2:** Number of treaties that are domesticated in selected Member States. | **Baseline: 0** Target: 6 | **3.4. National legal staff engage in extensive training programmes** Broad capacity-building programme for national legal staff (from selected countries) on ratification and domestication is developed (will be developed by legal staff recruited to support the AU Legal staff provided with on-going ad-hoc advice and assistance on ratification and domestication issues on demand through the AU Legal office; Training programme is implemented in the five selected countries |

| Output 4: National CSOs and general public have improved knowledge of treaty processes and their benefits | Indicator 1: Number of countries that adopt and implement, with UNDP assistance, legal and regulatory frameworks that enable civil society to function in the public sphere and contribute to sustainable development:

a) Women's groups.
b) Youth groups.
Women's groups.
Youth groups

Number of platforms/mechanisms developed to promote public education and awareness about treaties implementation and benefits
Baseline: 0
Target: 18 | Year 1: 2 countries
Year 2: 2 countries
Year 3: 2 countries

Baseline: 0
Target: 6
Women's groups.
Youth groups
Year 1: 6
Year 2: 6
Year 3: 6 | **4.1 In-country media campaign developed and implemented (through radio, television and social media)** in five target countries
Content for public awareness developed;
Collaborations developed with radio stations, television channels and through new media;
Implementation/distribution of media content in selected countries.
Implementation/distribution of media content.

4.2 In-country outreach campaign implemented in schools, universities, public places, and through other engagements
Design of outreach campaign for schools and universities;
Implementation of outreach campaign to diverse audiences by local and regional CSOs.

4.3 Civil society actors serve as advocates for greater domestication/implementation
Local civil society groups trained to support and serve as advocates for greater domestication/implementation. |

| Output 5: Bilateral and multilateral development partners endeavours are informed by AU treaties and protocols | Indicator 1: Percentage of bilateral and multilateral development partners informed by AU treaties and protocols Baseline: 0 Target: 100% | Year 1: 30% Year 2: 60% Year 3: 100% | **5.1 Scanning assessment undertaken on the alignment of UN and other development partners' activities in AU treaties** Brief study to identify which of the current bilateral and multilateral engagements are aligned with and anchored in AU treaties in the six selected countries. The study will also identify the areas where such anchoring/leveraging is most likely to have impact; Quantitative indicators develop for bilateral and multilateral agreements and their alignment with AU treaties; Distribution of findings |
| | **Indicator 2:** Level of awareness amongst key development partners of relevance of AU treaties and protocols6 | Year 1: 2 Year 2: 3 Year 3: 4 | **5.2 Awareness Raising, Knowledge Sharing/ Development and training programmes on AU Treaties and Protocol Sharing for Development Partners** |

3.3 Development of Assessment Tools

The TORs and the desk Review of the documents provided an informed foundation for the development of assessment tools. Due to the intrinsic as well as unforeseen limitations like remote data collection, delayed and interrupted communication with the project team and between project team and other stakeholders, geographical scale of the project that was based in 6 countries as well the overall time constraints, following 3 tier participatory techniques were adopted:

- Key Informant Interviews (KIIs)
- Questionnaire based Survey (QBS)
- Focus Group Discussion (FGD)

The above mentioned tools are user friendly and provide a combination of qualitative and quantitative information. **Annex B** provides a detailed **'Evaluation Questions Matrix',** relevant/related data collection methods and sources adopted for the evaluation mission. These questions also provided the guiding basis for the interviews, QBS and the Focused Group Discussion.

3.4 Data Collection

To undertake the assessment, the collection and analysis of both quantitative and qualitative information was ensured through a combination of primary and secondary sources. Data collected from one source was triangulated with the other to ensure accuracy and validity. An intelligent mix of three approaches provided more quality and depth to ensure greater understanding of the phenomenon, especially with the mentioned challenges.

The assessment was carried out in a participatory manner, where feedback was gathered both from stakeholders at the beneficiaries as well as the institutional levels.

3.5 Development of Data Collection Activity Plan

Considering the limited duration of the assignment and extensive reach of the stakeholders, UNDP team assisted in developing the data collection activity plan. Since project team was initially getting slow response from the stakeholder, added by the challenge of limited correspondence due to the internet shut down, consultant supplemented the effort by directly arranging meetings and corresponding with the stakeholders. The activity plan outlined a list of stakeholders as well as dates modes where the activity will be undertaken. The activity plan format was given in the **Annex D** and it was finalized and adjusted in consultation with the UNDP team.

Data Tool Adoption Criteria

As indicated, due to initial challenges in data collection due interrupted communication and slow response from the stakeholders, following Data Tool Adoption Criteria was discussed and adopted with the help of UNDP project team in Ethiopia to maximize data gathering from multiple sources:

3.5.1 Key Informant Interviews (KIIs)

It was initially planned to conduct KIIs with the list of the stakeholders provided by the project team. Later it was agreed after mutual discussion that at least one KII will be conducted with each of the 6 country level stakeholders (including UNDP CO, REC, Donor and Implementation Partners). The KIIs were conducted virtually through Skype or Zoom. The **Annex D** indicates the relevant stakeholders that were consulted through KIIs. It is worth mentioning that despite various reminders and attempts from the Project Team, KIIs could not be conducted with some of the key intended stakeholder. The potential stakeholders primarily to be interviewed include REC (ECOWAS, EAC and SADC, COMESA, UMA, CEN-SAD etc) and African National Human Rights Institutions (NANHRI). NANHRI, though responded through QBS later

Annex B provides a guiding list of potential interview question for the key informant interviews under the criteria of relevance, effectiveness, efficiency, sustainability, cross cutting themes and UN's partnership strategy.

3.5.2 Questionnaire Based Survey (QBS)

Since, the project geographical scope is vast and scattered and stretched to six countries of the African region, combined with no field mission and reliance on the virtual data collection as well as to mitigate the challenge of any missing KIIs, a comprehensive Questionnaire Based Survey (QBS) was developed to capture data from a range of stakeholders of project. It assisted in further validation and triangulation of data gathered from the range of project documents, news articles, published stories, as well as data gathered during KIIs. **Annex C** provides the basic set of questions for QBS, divided into 3 parts; i) For UNDP staff, (ii) Implementation Partners (iii) Donors. Section A is of the QBS was highly recommended for the donors but it has still been kept optional for them.

Keeping in view the challenges of conducting KIIs with all stakeholders, it is worth mentioning that QBS was sent to all the project stakeholders through email. After a slow response, it was appreciated that a range of stakeholders submitted their detailed feedback (after the deadline was extended) including representatives from government entities, CSOs, academia and regional partners like NANHRI. Hence, the challenge of conducting optimum number of KIIs was very much supported by the QBS tool.

3.5.3 Focus Group Discussions (FGD)

To further complement the data collection process, a detailed FGD was conducted on 30th July, 2020. With the dedicated support of the project team (as FGD was postponed due to first availability and then technical issue), a platform was provided to stakeholders from countries who could not take part in KIIs or QBS as well as to those stakeholders who wants to provide their further input after the KIIs. FGD was intended to get a combined feedback of the regional project staff, CO staff and implementation partners. A good proportionate gender representation was ensured in the FGD.

3.6 Data Analysis

The process of data analysis was expected to be intensive as it was aimed to analyze both quantitative and qualitative data from broad stakeholder base and 5 outputs areas; analytical tools were applied which permit comparisons. Triangulation of data gathered from various data collection tools was conducted as a basic data analysis mechanism. **Qualitative data** gathered during the course of the assessment was transcribed and categorized according to the various themes and topics explored with clear conclusions drawn. The **quantitative analysis** included percentages, comparisons, planned vs. actual quantitative targets (as per the project's results framework in various AWPs), etc.

Following obligatory ratings were used for the assessment of each of the sections of the project:

Ratings for Effectiveness, Efficiency, Overall Project Outcome Rating, M&E, IA &EA Execution	Sustainability ratings	Relevance ratings
4: Satisfactory (S): minor to no shortcomings **3: Moderately Satisfactory (MS): moderate shortcomings** **2. Moderately Unsatisfactory (MU): significant shortcomings** **1. Unsatisfactory (U): major shortcomings**	4. Likely (L): negligible risks to sustainability	2. Relevant (R)
	3. Moderately Likely (ML): moderate risks	1. Not relevant (NR)
	2. Moderately Unlikely (MU): significant risks 1. Unlikely (U): severe risks	
Additional ratings where relevant: **Not Applicable (N/A)** **Unable to Assess (U/A)**		

3.6 Evaluation Limitations

As briefly indicated above, the evaluation exercise faced few intrinsic as well unforeseen challenges;

Due to the ongoing pandemic, the data collection was entirely based on the virtual means and tools. Moreover, as soon as inception meeting took place, there was a complete closure of any correspondence with the UNDP project team for a week. It delayed the initial desk review to develop the inception report as well as finalization of stakeholder consultations process. It was later found that this sudden hiatus was due to emergency situation in Addis Ababa that led to complete internet shut down. The situation remained for almost 2-3 weeks with very limited interaction and correspondence with the project team. It also led a much slower response from the stakeholders to be consulted.

To mitigate these challenges, following measures were adopted:

- 3 Tier data collection tools (KIIs, FGD, and QBS) were deployed to capture views of as many stakeholders as possible. Although not all the stakeholders planned for KIIs and questions to be asked could be fully conducted as planned, those stakeholders who could not take part in KIIs due to various challenges, they could take part through QBS and/or FGD. Few stakeholders eventually participated in FGDs after repeated and committed attempts of project team
- Worked with the Project Team to directly interact and communicate with the stakeholders to arrange meetings/consultations and following up about QBS etc.
- QBS deadline was extended twice to include as many remaining stakeholders as possible.
- More detailed questions were asked through QBS as compared to the limited number of KIIs and FGD conducted due to reasons mentioned above
- Data collection phase was extended by conducting FGD as well as data analysis phase was conducted on parallel basis (wherever possible) to manage the time constraints.
- During the internet shut down and upon revival of the internet services, UNDP project team dedicated extra time and effort to consult, request and remind stakeholders for KIIs, FGD and QBS.

4. Evaluation Findings

4.1   Relevance

Overall Rating: _Relevant_ with the UNDP Strategic Plan and Regional Plan for Africa. However, a more focus, concise and clear alignment with the country level UNDAF/CPDs may be required for sustained ownership and ground level results.

Relevance of the project with the UNDP Regional Program for Africa at the time of its inception is one of the strongest attributes of the project. It is also indirectly aligned to the UNDP Strategic Plan and contributes towards the related output. However clear and direct linkages of the project's results framework and focus areas of intervention with the 6 country level UNDAF/CPDs were not adequately found.

4.1.1   Relevance with the Regional Plan for Africa 2018-21

The project is fully aligned and relevant with the following outcome, outputs and related indicators:

Regional Programme Outcome 1: African Union and RECs deliver on their mandate, especially cross-cutting issues related to resilience-building.

Indicator: Percentage of people, who experienced a dispute and had access to a formal or informal dispute mechanism, considered affordable and just (disaggregated by sex to the extent possible).

Output 1.1: The AUC Legal Office has strengthened technical capacity to oversee the ratification and domestication of the African Union treaties.

Indicator 1.1.1: Extent to which the Office of Legal Counsel has the capacity to support treaty ratification.

4.1.2   Relevance with UNDP Strategic Plan 2018-2012

Although indirectly, but the project outcomes and outputs are aligned, relevant and contributing to the following outcome and output of the UNDP's Strategic Plan:

Outcome 2: Accelerate structural transformations for sustainable development.

Output 2.2.2: Constitution-making, electoral and parliamentary processes and institutions strengthened to promote inclusion, transparency and accountability.

4.1.2   Relevance with the Country Level UNDAF/CPDs

The assessment of all CPDs/UNDAF of the selected 6 countries of the project yielded no adequate and direct relevance and alignments between the project outcomes/outputs and those of country level CPDs' results framework. For instance, ratification, domestication and implementation of treaties were not direct or key results areas in most of the CPDs of the selected countries.

However, the indirect linkages, relevance and contribution factors between the targeted treaties to be ratified and the key results areas of the CPD can be found.

For instance, the 6 treaties can be indirectly linked and contributed to:

i). Kenya

National Priority or Goal: A democratic political system that is issue-based, people-centered, results-oriented and accountable to the public.

UNDAF Outcome Involving UNDP #1: By 2022, people in Kenya access high-quality services at devolved level that are well coordinated, integrated, transparent, equitably resourced and accountable.

Output 1.1: Government has strengthened policy, legal and institutional mechanisms for coordinated, inclusive and effective service delivery.

Output 1.4: People in Kenya have capacity to engage, deepen accountability and transparency in devolution, especially women, youth and persons with disability.

ii). Tunisia

National Priority or goal: Anchoring of democratic principles by upholding the rule of law and forging a new, more inclusive and balanced social project founded upon freedom, good governance and social justice.

UNDAF outcome No.1: by 2019, civil, political and administrative institutions are fully operational with respect to observance of universal principles of human rights, democracy and gender equity.

Output 1.1 Strengthened capacity of institutions safeguarding the rule of law, providing enhanced access to justice and security, especially for the more vulnerable, in accordance with international norms

Output 1.2 Citizen Participation and the capacities of institutions and opposition forces strengthened, facilitating enhanced accountability to the people.

iii) Senegal

National priority or goal: PILLAR 3 OF THE PES; Governance, institutions, peace and security.

UNDAF Outcome Involving UNDP: By 2023, national and local institutions improve the quality and equity in the delivery of public services for the promotion of peace, security and effective governance.

Output 1.1: National institutions and local authorities have enhanced technical, organizational and financial capacities to develop, implement, monitor and evaluate public policies aligned to the Sustainable Development Goals.

Output 1.2: Control bodies have increased technical capacities to fight corruption in public service.

iv) Mozambique

National Priority or Goal 1: Consolidate national unity, peace and sovereignty

UNDAF outcome 8: All people benefit from democratic and transparent governance institutions and systems that ensure peace consolidation, human rights and equitable service delivery.

v) São Tomé and Príncipe

National Priority or Goal: Strengthen social cohesion and the internal and external credibility of the country.

UNDAF Outcome Involving UNDP: Disparities and inequalities are reduced at all levels through the effective participation of vulnerable and key groups, and the development and use by these groups of social protection and basic social services.

UNDAF Outcome: The central, local and public administration and the control institutions are more effective, with guaranteed citizen participation, in particular among youth and women.

vi) Burkina Faso

National Priority or Goal: Institutions Reform and Modernization of the Administration.

UNDAF Outcome Involving UNDP Outcome 1.1: By 2020, the effectiveness of institutions is improved and the people of Burkina Faso, particularly those most exposed to the risks of conflict and insecurity, live in peace and security in a state governed by the rule of law.

4.2   Effectiveness

Overall, project has contributed and assisted some of the targeted countries in the ratification of the treaties, primarily through sensitization, technical assistance, and training and sometimes through effective networking. However, the overall performance of the project varies from one output to the other as well as from one country to the other.

Though significant ground work has been done in some of countries such as formation of high level sectoral committees in 3 countries, capacity building and training workshops, sensitizing parliamentarians, legislators and other government stakeholders to ratify treaties and building partnerships with government entities like Ministry of Foreign <u>Affairs, there is no to very little evidence found on the domestication and implementation of these treaties in the selected 6 countries.</u> Moreover it is also worth mentioning that since the inception of the project (March 2018) till the time of this midterm review, there were serious delays and slow progress due to various administrative, coordination and implementation related issues (especially slow recruitment process) as well as due to the latest Covid-19 pandemic. This resulted in missing many targets and planned action items of the work plan, especially in the years 2018 and 2020. With very limited project activities in 2018 and 2020, data collection led to the conclusion that 2019 is the only year where effective project implementation took place.

Following is the output wise assessment of the project effectiveness so far:

i) Output 1- The AUC Office of Legal Counsel is enabled to support treaty ratification

Indicator & Target	Planned Results Oriented Activities	Assessment on activities and targets
Indicator 1: Extent to which the Office of Legal Counsel has improved its technical, technological, operational and financial capacities required to discharge its mandates in relation to supporting treaty ratification **Year 1: 2** **Year 2: 3**	**1.1. Dedicated support structure established within the Office of Legal Counsel** Three legal drafters recruited for the AU office; Translation service center established, including recruitment of staff. **1.2. A series of policy papers on domestication of each selected treaty developed and disseminated** Research on the levels of domestication of each of the six treaties conducted; Policy papers disseminated widely.	*1.1. Some of the targets are partially achieved.* 2 legal drafters for French and Portuguese were recruited. The recruitment of Arabic legal drafter is still in process. Although evidence indicated that Translation services were provided in AU summit 2019 and 2020, there is no evidence found on establishment of a separate and sustained Translation Service Center. It was however indicated that since there was challenges to establish a new system, the existing centralized translation system will provide the services *1.2 Target is not achieved-* Although an international consultancy in process after the delayed recruitment process due to

Year 3: 4 Overall Target : 4		unavailability of the qualified firms/consultants, the slow and delayed process impacted the domestication of the treaties as one of the key results area in the output 3. Having the research on domestication of treaties not completed, the output 3 will be adversely affected in any case.
	1.3. "Toolkit" on standards for ratification and domestication developed	
		1.3 Target is achieved .A comprehensive toolkit with standards allowing effective and efficient ratification was completed and validated.
	1.4. Training programme for Member States on legal drafting developed and implemented ▪ Training programme on ratification and domestication developed. ▪ Low performing countries targeted and training programme implemented in five countries selected for engagement.	*1.4 Target is not achieved.* After lack of qualified candidates applying for the recruitment advertisement, the consultancy to develop and implement the training programme has been re advertised. Once finalized, it will be translated into all AU languages for member states, RECs and AUC to be supported to undertake the training. It is though highly unlikely to achieve the target of develop and implementing such training programme in 5 targeted countries within the existing timeframe of the project
	1.5. Data monitoring and verification mechanism developed, including open-data tracking and visualization tool for monitoring and outreach	
		1.5. *Target is achieved* by providing technical and financial support to the Office of Legal Counsel of the African Union Commission to develop a webpage with the treaties map at http://treaties.au.int/.

Overall Assessment

Overall, the assessment of data gathered indicates that considering the project timeframe and the remaining time left to implement the output 1 as well disruption caused by the ongoing pandemic, though some of the results, indicators and related targets of output 1 are still ongoing, it will be a challenge to complete them within the remaining time of the project (that is March 2012). It is worth mentioning that the stakeholders' consultations yielded significant achievement and satisfaction related to the toolkit of standards for ratification of the treaties and the user friendly interface as well as available options of data monitoring on the developed website of treaties. It was also observed that more focus on domestication of treaties in the toolkit could have been more comprehensive to assist member countries. Nevertheless, key under achievements include slow progress on the completion of important tasks of developing policy papers for the domestication and implementation of treaties as well as training program for the legal drafters, which serves as two vital components for the implementation of treaties.

ii) Output 2: Legal frameworks between the AU and RECs are harmonized

Indicator	Planned Results Oriented Activities	Status on activities and targets
Indicator 1 Number of harmonized legal frameworks between AU and three RECs (SADC, ECOWAS, EAC)	**2.1. Areas where harmonization is required are identified and a strategy on common standards developed** Research on harmonization Strategy for ensuring harmonization elaborated, Implementation will be carried out through the focal point system below Training held for the AU and REC focal points to establish common standards and processes for treaty harmonization and to validate the strategy **2.2. REC focal point system established within the Office of Legal Counsel to assist with implementation** Focal point system established in Office of Legal Counsel and in three RECs; Three focal points covering all the eight AU recognized RECs recruited; Focal points provided with training and guidance. **2.3. Annual dialogue between the legal advisors of the AU and RECs reinforced** Annual dialogue agenda designed, date agreed upon, and invitations sent out Annual dialogue held and agreements on next steps made; Best practices from the region collected and disseminated; Annual dialogue held for and AU and RECs on progress towards harmonisation, discussion of bottlenecks and good practices on acceleration of treaty ratification.	*2.1. Target is achieved with exception to the training component* A comprehensive study was completed in July 2019. After validation a strategy of harmonization has been developed. However, training for the AU and REC focal points have not be provided yet *2.2. Target is partially Achieved-* No evidence is found on the RECs focal point mechanism in the OLC as indicated in the project document. However, it is indicated that the 3 legal drafters will act as the RECs focal points. Recruitment of 3rd legal drafter is still in process *2.3. Target is not Achieved.* Although the annual dialogues were planned in year 2019 & 2020, they were postponed on both occasions. This result area was a vital step towards follow up the good work that was done by the development and validation of the assessment report and strategy on harmonization between the AU and RECs *Indicator 2 is not achieved-* The target of building capacity of parliaments in 3 years of project implementation is not achieved. Nevertheless, there was significant at country level where the sensitization support provided to the Kenyan Parliamentarians led to revise the Kenya Treaty making Act 2012. A new Act has been prepared and pending approval of the parliament.
Indicator 2- Number of parliaments with improved capacities to undertake inclusive, effective and accountable law-making, oversight and representation **Year 1: 2 Year 2: 5 Year 3: 8**		

Overall Assessment

Output 2 that was focused on creating harmonized legal frameworks between AU and RECS as well as capacitating parliaments to undertake inclusive, effective and accountable law-making, oversight and representation **is** *underachieved.* A significant milestone was achieved by developing and validating assessment report and strategy on harmonization of legal frameworks between the AU and REC. However, the follow up results were either shown slow progress or are not achieved. Stakeholder consultations indicated that the 3 legal drafters will also provide the role of REC focal points

Nevertheless, it was also assessed that whether the TORs of any recruited legal drafters entail requirement and/or additional expectations of representing as focal points. Evidence (TORs) indicated that it is clearly mentioned that legal drafter will also provide the role of REC focal point. Moreover, postponement of annual dialogue between AU and REC may hinder (if already have not) the good momentum that was built by the validation of report and strategy to harmonize the legal frameworks between the two key stakeholders. Keeping in view the remaining time frame of the project, it seems unlikely to attain the indicator 2 of the output that is related to the capacity building of parliaments.

Output 3: Member States are able to rapidly and effectively ratify and domesticate treaties

Indicator	Planned Results Oriented Activities	Status on activities and targets
Percentage of regional treaties ratified by Member States **Year 1: 46%** **Year 2: 50%** **Year 3: 55%** **states Baseline: 42%** **Target: 100%**	**3.1. South-South knowledge-exchange forums established concerning good practices in treaty ratification** Good practices in ratification and domestication based on high performing countries (e.g. Mali) captured and disseminated.	*3.1. Target is achieved*- It is validated through the data analysis from different sources that two very effective South - South Knowledge platforms were conducted. The first one was specifically focused on good practices of the ratification of treaties (19 December 2018 in Cairo), whereby Mali and Togo as the highest ratifications discussed the benefits of ratification and domestication of the treaties. The second South-South Knowledge Exchange forum was organized on 12 – 13 December 2019 (Addis Ababa, Ethiopia) with the theme: *Achieving SDGs and Agenda 2063: The Role of AU Normative Frameworks for Preventing and Combating Corruption*.
Number of selected member states4 that have ratified and domesticate the 6 international treaties	**3.2. Member States in five selected countries are supported to domesticate selected (six) treaties based on priorities identified through consultations with the AU and other stakeholders** Targeted and tailored support is provided to five Member	*3.2 One of the most important target is partially achieved (if not underachieved)[3]*- Keeping in view more than 2 years of implementation and the planned indicators and targets, it is observed and validated through data analysis that the project has not considerably achieved under this key output

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[3] See the overall assessment below

	States on the domestication of the six selected treaties, paying particular attention to the constraints and capacity gaps that need to be overcome.	(that also represents the main scope of the project). Apart from the exception of Sao Tome and Principe that ratified 7 treaties and Tunisia 1 treaty, no significant and focused target indicated in this RF is achieved in terms of the ratification of the treaties (especially when most of the countries already had high level of ratification of 6 treaties even before the inception of the project). Other achievement is related to the revision of Treaty making Act of 2012 in Kenya and pending approval of ratification of African Charter on Democracy, Elections and Governance by Kenyan Parliament.
Year 1: 2 member states **Year 2: 2 member states** **Year 3: 2 member** **Baseline:** **ratification 2;** **Domestication: 0** **Target:** **ratification 4;** **Domestication: 6** **Indicator 2:** **Number of treaties that are domesticated in selected Member States.** **Target: 6**		
		Apart from some silo sensitization and capacity building initiative at some country level such as in Sao Tome and Principe, no evidence is found through multiple data collection sources on domestication and implementation of ratified treaties in the selected countries. It is observed that targets related to domestication and related implementation of treaties are underachieved
	3.3. National sectorial committees are set up at the national level: UNDP engages with governments in five key target countries to facilitate the establishment of national sectorial committees related to selected treaties; National sectorial committees set up in five selected Member States. Committees are provided with training and guidance to ensure they are able to effectively and swiftly domesticate the relevant six selected treaties.	*3.3. Target is Partially Achieved*- Out of the target of 5 countries; National Sectorial Committees are established in 3 countries (Mozambique, Sao Tome and Principe and Burkina Faso). Although these sectorial committees are right step in the right direction and it can provide an ideal vehicle for domestication and implementation of the treaties, NSC in all 3 countries are recently formed in 2019 whereby initial meetings emphasize the focus on the domestication and implementation of the treaties
	3.4. National legal staff engage in extensive training programmes Broad capacity-building programme for national legal staff (from selected countries) on ratification and domestication is developed (will be developed by legal staff recruited to support the AU ; Legal staff provided with on-going ad-hoc advice and assistance on ratification and domestication issues on demand through the AU Legal office; Training programme is implemented in the five selected countries.	*3.4. Target is achieved with the exception that no evidence is found that the all training programmes were developed by the legal staff recruited to support AU.* Nevertheless, a range of training programmes were conducted in all six countries on various thematic areas of the 6 treaties. Good gender balance in these workshops was also validated through data verification.

Overall Assessment

It can be argued that Output 3 provides the real foundation of the project scope and focus that is, 'Ratification, Domestication and Implementation of AU Treaties'.

The documents review (in particular) and stakeholders' consultations resulted in the following key observations regarding the ratification, domestication and implementation of treaties:

- Out of the 6 selected countries to ratify 6 treaties as the focus intervention of the project, 2 countries had already ratified all 6 treaties even at the time of the project inception, 2 had ratified 5 and only two had ratified 1 and 3 treaties respectively. It was indicated that countries were selected to ensure a balance of the 5 AU regions. Moreover other factors were to be taken into account including conducive political environment, vibrant civil society and active UNDP offices etc

- Similarly One of the justifications provided during the stakeholder consultation was that, countries with already highest level of ratification were selected so that related domestication and implementation of those treaties could be enhanced in these countries as well as they can share their best practices with those with less level of ratification. Moreover, countries for low level of ratification were selected so that their ratification process can be expedited. The claim could not be validated due to two reasons:

    i) Ironically, apart from the exceptional progress by Sao Tome and Principe that ratified even 7 treaties during the project implementation, figures related to the ratification of treaties in Senegal and Kenya remained unchanged (5) whereas, Tunisia had ratified only one additional treaty during the project so far. So the target was very much underachieved

    ii) Also, there was **no to very little evidence found** (apart from the establishment of NSC in 2019) on any concrete and focused planning as well as related achievement on domestication and implementation of treaties in all 3 countries which already had highest level of ratification even at the inception of the project (Burkina Faso and Mozambique). Hence, the targets on domestication and implementation of treaties were highly underachieved.

- It was also worth mentioning that during the time period of the project under review (March 2018-March 2020), the **project inception workshop took place in October 2018 (Nairobi), while the country level project launch for 5 countries were conducted in 2019. It is therefore, evident that it was very difficult to achieve targets of ratification, domestication and implementations of treaties in 1-1.5 years.** One of the highlighted reasons for delays was related to the selection of the targeted countries. No common thread of reasons behind such a substantial delay could be found and validated. Nevertheless, delay of almost a year to kick start 'major' interventions at country level has definitely adversely affected in achieving targets of this foundation output of the project.

- Keeping in view these constraints and delayed implementation, it should be very much appreciated that project staff at the Regional Bureau as well as country level along with the implementation partners were able to achieve following key achievements:

    i) Conducted two well represented, high-level and successful south-south knowledge exchange forums;

    ii) Trainings of the legal staff at country level who can provide good HR support net for the future endeavors to domesticate and implement treaties

    iii) More importantly, setting up National Sectorial Committees in the 3 countries (Mozambique, Sao Tome and Principe and Burkina Faso), that can provide the key requisite foundation for the implementation of treaties. However, the targets of setting up similar committees in other countries as well as administrative and funding issues to sustain these NSCs are still imposing challenge to the project implementation.

Regarding the project itself as well as ratification, domestication and implementation of treaties, following are summarized observations corralled through the country consultation processes:

i) Kenya

The country level launch was conducted in September 2019 (18 months since the project inception). Keeping in view this substantial delays, Kenya has been able to conduct a sensitization workshop for Parliamentarians that enabled revision of Treaty Ratification Law. The draft is now with the parliamentarian for review and approval. In terms of the treaty ratification, Kenya already had ratified 5 treaties before the project inception and the status is unchanged. The ratification of 6th treaty is still in process. **Overall, no significant target is achieved in terms of ratification, domestication and implementation of 6 treaties through the project.**

ii) Sao Tome and Principe

The country level launch was conducted in January 2019. **Sao Tome and Principe has turned out to be an exceptional achievement in terms of the ratification of the 6 additional treaties (1 above the target), as well as the establishment of the National Sectorial Committee**. Although it was highlighted during the stakeholder consultations that it will be an over claim that project itself is the sole or the biggest contributor in the ratification of the remaining 5 treaties in the country, there was a clear consensus found that project had a direct, focused and substantial contribution towards this extra ordinary achievement. **Moreover, the establishment of NSC with its 2 focused meetings turned out to be right step towards enabling mechanism of domestication and implementation of the AU treaties.** Nevertheless the concerns and misunderstanding related to funding, logistical and national ownership l

issues of this NSC were highlighted as the main challenge for the project team for the NSCs sustainability.

iii) Mozambique

Despite the country had already ratified 6 treaties at the time of project inception, no significant target related to the domestication and implementation of treaties could be achieved. There were few sensitization interventions on the domestication and implementation of treaties such as Seminar "Towards Accelerated Domestication of the Treaties of the African Union" and Inhambane Human Rights Fair: "Towards Accelerated Domestication of the Treaties of the African Union" etc. However, no substantial achievement towards domestication and implementation of 6 treaties could be found. Although it is highlighted in the stakeholder consultations and annual report that a NSC is formed in the country, it is still not clear that whether a newly formulated NSC will take a lead on domestication and implementation of the treaties or existing inter-ministerial committee will remain in charge.

iv) Senegal

The project was officially launched in October 2019 (18 months after the project inception). Senegal had ratified 5 treaties at the time of the project inception. The status remained unchanged as the ratification of African Charter on Democracy, Elections and Governance is still in process. It is worth mentioning that it is due to the project intervention of sensitization and advocacy workshop on African Charter on Democracy, Elections and Governance (attended by the Directory of Legal and Consular Affairs (MoFa), the Department of Human Rights of the Ministry of Justice, the Interior Ministry, the Ministry of Youth Affairs as well as CSOs etc), the process towards ratification of the treaty is comparatively expedited. Nevertheless no concrete evidence is found on focused planning and interventions on domestication and implementation of other 5 ratified treaties. No National Sectorial Committee has been established yet.

v) Burkina Faso

The project was officially launched in August 2019 (17 months after the project inception). Burkina Faso had already ratified 6 treaties at the time of project inception. Apart from couple of sensitization and training events on AU treaties, no concrete evidence on achieved target regarding domestication and implementation of the 6 ratified treaties could be found. Nevertheless, establishment of a functional National Sectorial Committee (NSC) with 47 members from government sector and CSOs is a significant milestone achieved to domesticate and implement treaties in future

vi) Tunisia

The project was officially launched in July 2019. Tunisia had ratified 3 treaties at the time of the project inception. Since its launch in the country, stakeholder consultations as well as documents review indicated that project had directly contributed in ratification of the African Union Convention on Preventing and Combating Corruption for Tunisia, primarily through sensitization, Capacity building and advocacy efforts. It was also highlighted that ratification of African Charter on Democracy,

Elections and Governance is also in process whereas there are some technical issues of comparability between the African Charter on the Rights and Welfare of the Child and domestic laws on child protection. Nevertheless, neither NSC could be established nor any concrete evidence on domestication and implementation of treaties could be found.

Output 4: National CSOs and general public have improved knowledge of treaty processes and their benefits

Indicator	Planned Results Oriented Activities	Status on activities and targets
Indicator 1: **Number of countries that adopt and implement, with UNDP assistance, legal and regulatory frameworks that enable civil society to function in the public sphere and contribute to sustainable development:** **a) Women's groups.** **b) Youth groups.** **Women's groups.** **Youth groups** **Year 1: 2 countries** **Year 2: 2 countries** **Year 3: 2 countries** **Baseline: 0** **Target: 6** **Women's groups.** **Youth groups** **Year 1: 6** **Indicator** **Number of platforms/mechanisms developed to promote public education and awareness about treaties implementation and benefits** **Baseline: 0** **Target: 18**	**4.1 In-country media campaign developed and implemented (through radio, television and social media)** in five target countries Content for public awareness developed; Collaborations developed with radio stations, television channels and through new media; Implementation/distribution of media content in selected countries. Implementation/distribution of media content. **4.2 In-country outreach campaign implemented in schools, universities, public places, and through other engagements** Design of outreach campaign for schools and universities; Implementation of outreach campaign to diverse audiences by local and regional CSOs. **4.3 Civil society actors serve as advocates for greater domestication/implementation** Local civil society groups trained to support and serve as advocates for greater domestication/implementation.	*4.1. Target is partially achieved* - Out of the 5 targeted countries, the data analysis indicated that Mozambique has developed and maintained a dedicated website. Generic multilingual videos on treaty processes can be found. No coherent, planned, focused and sustained in country media campaigns involving multiple media tools could be found in other countries *4.2. Target is partially achieved* – Isolated outreach campaigns are conducted in Burkina Faso and **São Tome and Principe** involving civil society organizations and universities. However no concrete evidence on coherent, planned and systematic outreach campaigns is found in countries *4.3. Target is Partially achieved*- With exception to Kenya, A series of training events and seminars are reported in the annual reports as well as during some of the consultations. However, it is emphasized in most of the stakeholder consultations that involvement of CSOs and Academia as a continued and sustained partner in the project has been one of the weaker links. It has directly and adversely affected the progress towards domestication and implementation of treaties *Indicator 1 and Indicator 2 are under achieved* As no evidence are found on adopted legal and regulatory frameworks that enable civil society to function in the public sphere and contribute to sustainable development as well as reported platforms/mechanisms to promote public education and awareness about treaties implementation and benefits

Overall Assessment

As indicated, a series of isolated media campaigns and outreach programs have been reported and validated in some of the countries, there is no concrete evidence is found on coherent, holistic and targeted planning in this regard. Despite the interventions are often successful in attracting audience or reaching beneficiaries, there is no follow up or sustainability found in implemented activities. Moreover, the level of engagement and interventions highly vary from one country to the other, which once again indicates an adhoc planning approach in communication and outreach strategy. Moreover, the two key indicators of the output are under achieved. **Despite there seems to be a well intended effort to bring CSOs in outreach and training events, the stakeholder consultations indicated that lack of continuous engagement with the CSOs as well as their limited involvement in the planning and execution of project have been key reasons behind limited progress toward domestication and implementation of strategies.**

Output 5: National CSOs and general public have improved knowledge of treaty processes and their benefits

Indicator	Planned Results Oriented Activities	Status on activities and targets
Indicator 1: **Percentage of bilateral and multilateral development partners informed by AU treaties and protocols** **Baseline: 0** **Target: 100%** **Year 1: 30%** **Year 2: 60%** **Year 3: 100%** **Indicator 2:** **Level of awareness amongst key development partners of relevance of AU treaties and protocols** **Year 1: 2** **Year 2: 3** **Year 3: 4**	**5.1 Scanning assessment undertaken on the alignment of UN and other development partners' activities in AU treaties** Brief study to identify which of the current bilateral and multilateral engagements are aligned with and anchored in AU treaties in the six selected countries. The study will also identify the areas where such anchoring/leveraging is most likely to have impact; Quantitative indicators develop for bilateral and multilateral agreements and their alignment with AU treaties; Distribution of findings **5.2 Awareness Raising, Knowledge Sharing/ Development and training programmes on AU Treaties and Protocol Sharing for Development Partners**	*5.1. Target is achieved*- A study is completed that have very briefly assessed the alignment of UN and other partners with AU treaties. However no concrete evidence on any developed quantitative indicators for bilateral and multilateral agreements and their alignment with AU treaties are found *5.2. Target is not Achieved*- Despite some basic efforts such as a attempts to convene a meeting with development partners, no evidence is found on planned and focused awareness raising mechanism for the development partners

Overall Assessment

A brief assessment study on alignment of UN and other development partners' activities in AU treaties was conducted and circulated to the development partners. The study seems to be very brief with no clear reference to the quantitative indicators for bilateral and multilateral agreements and their alignment with AU treaties. No evidence is found on awareness raising or any training programs on AU Treaties for Development Partners.

Unintended Output/Benefit

As indicated above, ratification of 6 treaties by Sao Tome and Principe has turned out to be an exceptional achievement of this project so far. However, it is also validated through data collection that the country due to the sensitization interventions of the project, has also been able to deposit and ratify 7th treaty that is, African Continent Free Trade Agreement. This achievement is a significant unintended output of this project

4.2.3 Project Effectiveness Summary of Overall Findings

Project Effectiveness-Overall Rating: *Moderately Satisfactory in outputs 1, 4 & 5* **with** *Moderately Unsatisfactory in output 2* **(Harmonization of Legal Frameworks between AU and REC)** *& output 3* **(Domestication and Implementation of Treaties)**

The overall effectiveness of project interventions varies from one output/result area to the other, whereby, some of the outputs have achieved or partially achieved the targets so far (primarily in output 1, 4 & 5) and at the country level isolated activities, whereas, some of the areas have either under achieved or they could have been more focused, coherent with clearly visible achievements (output 2 &3). Summary of key findings include:

- Although, it was indicated that countries were selected to ensure a balance of the 5 AU regions. Moreover other factors were to be taken into account including conducive political environment, vibrant civil society and active UNDP offices etc. However, if the focus was aimed at assisting countries in ratification of 6 treaties, perhaps treaties with low level of ratification could have been selected. If the focus was aimed at assisting countries in domesticating and implementing the ratified 6 treaties, no concrete evidence is found regarding successful domestication and implementation of these treaties in the selected countries

- The project's overall performance on output 1 is ***moderately satisfactory.*** Although some of the key targets of output 1 are not achieved such as a series of policy papers on domestication of each selected treaty developed and disseminated and training programme for member states on legal drafting developed and implemented, there are significant achievements such as recruitment of two legal drafters and development of toolkit. It is worth mentioning that the stakeholders' consultations yielded significant achievement and satisfaction related to the

toolkit of standards for ratification of domestication and the user friendly interface as well as available options of data monitoring on the developed website of treaties;

- Overall progress on output 2 has been found _moderately unsatisfactory_. The harmonization of legal frameworks between AU and REC are one of the key foundation and prerequisite to successfully domesticate and implement the AU treaties. However, most of the targets are either underachieved or not achieved at all. Despite of the fact that project yielded a major milestone of developing and validating assessment report and strategy on harmonization of legal frameworks between the AU and REC, the good work was clearly undermined by postponement of annual dialogue between AU and REC and lack of intended REC focal mechanism at the AU. Moreover, the target related to build capacity of parliaments to domesticate and implement treaties have been highly under achieved;

- Being the core foundation of the project, that is ratification, domestication and implementation of 6 targeted treaties, project's overall performance on output 3 has been **moderately unsatisfactory**. With the exception of **Sao Tome and Principe**, that even surpassed the target of 6 treaties by ratifying 7 treaties and conducting two high level and successful south-south knowledge exchange forums, no target on ratification, domestication and implementation have been fully achieved. It is highly unlikely that any target related to the domestication and implementation of the treaties could be achieved in the remaining 9-10 months. **Establishing National Sectorial Committees in 3 countries can be considered as partial achievement of the overall target and despite their early days of being functional, it is still considered a major step towards enabling domestication and implementation of treaties**. Nevertheless, the NSCs effectiveness, efficiency and sustainability still needs to closely assessed and monitored.

- Despite the two indicators of the output 4 which are not achieved at all, project's **overall performance** can be categorized as _moderately satisfactory_ due to achievement of some key activities such as a series of country level successful media campaigns and outreach programs as well as engaging and training CSOs at some countries level. Nevertheless, a more holistic, planned and coherent plan for each country could have yielded more sustained and major results.

- Finally, project's performance under output 5 is categorized as _moderately satisfactory_. Despite missing on the target of creating awareness of AU treaties among development partners, key target of a brief assessment study on alignment of UN and other development partners' activities in AU treaties was successfully conducted and circulated to the development partners

- The overall project effectiveness can be concluded on the notion that despite exceptional achievements of ratification of treaties in Sao Tome and Principe, two successful South-South knowledge exchange programme as well as country level sensitization workshops, training sessions on some of the AU treaties and for legal staff, the project could not achieve considerable milestones in the domestication and implementation of 6 treaties. However, it has

been able to enable certain key mechanisms going forward that can be prove vital for the implementation of these treaties such as establishment of NSCs in three countries and recruitment of legal drafters etc.

4.3 Efficiency

Overall Efficiency Rating: *Moderately Unsatisfactory* in components like **Planned vs. Actual Expenditure and Partnership Strategy/implementation** and *Moderately Satisfactory* in **M&E mechanism** and overall **implementation arrangements**

4.3.1 Allocated Budget vs. Actual Expenditure

The budget utilization over the entire project duration has turned out moderately unsatisfactory component of the project whereby overall 38% budget utilization was achieved for 5 different outputs. Following is the breakdown of the planned vs. actual expenditure;

Output	Planned 2018	Actual Expend 2018	Planned Budget 2019	Total Actual Expend 2019	Commitment 2019	Planned Budget 2020	Actual Expend 2020	Total Commitments
Output 1- The AUC Office of Legal Counsel is enabled to support treaty ratification	525,000	382,814	839,993	938,442	519	1,340,000	416,095	42,339
Output 2- Legal frameworks between the AU and RECs are harmonized	0	0	100,000	149,684	30,080	120,000	25,752	0
Output 3- Member States are able to rapidly and effectively ratify and domesticate treaties	0	0	922,000	384,878	20,537	1,419,000	50,377	20,015
Output 4- National CSOs and general public have improved knowledge of treaty processes and their benefits	0	0	411,080	30,629	13,156	190,000	8,306	1,777
Output 5- Bilateral and multilateral development partners endeavors are informed by AU treaties and protocols	0	0	704,000	0	0	140,000	0	0

Keeping in view the overall output wise planned v/s actual expenditure in table compiled above, following are few key observations that are also validating findings of the section on the project effectiveness:

- The overall planned v/s actual expenditure in the year 1 & 2 and till the time of the review in year 3 is inefficient that is, 73% in 2018, 53% in 2019 and 18% in 2020 so far. It is worth mentioning that due to ongoing COVID 19 pandemic, many planned activities are postponed and/or cancelled in year 2020.

- It is evident that only output 1 was budgeted for the year 1 of the project that is very much consistent to the findings in the section above indicating that there a significant slow progress towards output 3 of the project. It also validates that most of the activities for output 2-4 took place in year 2019.

- It is also observed that in the most active year 2 (2019) of the project implementation, the project had overspent for the output 1 and 2. However, despite allocated the highest proportion of planned budget for the output 3 (ratification, domestication and implementation of treaties), only 41% was spent whereby, only 7% for the output 4.

- It is surprising that no actual expenditure is incurred for output 5 for all 3 years of the project implementation.

Overall Rating: Moderately Unsatisfactory

4.3.2 Implementation Arrangement & Project Board

Overall Rating: *Moderately satisfactory-* primarily due to the immense commitment of project staff in given constraints that are related to the staff composition, delays due to various factors and geographical scope of the project

Overall project implementation mechanism included two main teams that are **Project Board** and the **project team**.

i)   **Project Board**

As guided by the project document, the project board is composed of representation from AUC, ECOWAS, ECCAS, EAC, SADC and IGAD, donor partners, CSOs, and UNDP (Corporate, Regional Service Centre and Country Offices). Following are the two key function provided by the board:

a) Provide strategic advice on current and emerging development issues

b) Review past year's annual report on achievements, challenges, lessons learned and innovations and eventually reports from mid-term reviews/evaluations, and provide strategic advice on corrective actions, future direction, substantive scope and focus of the Project.

The stakeholder consultations and document review indicated there is only one Project Board meeting held in April 2019 to review performance of 2018.

ii) Project Team

The project team includes a project manager assisted by progamme analysts and focal points working for UNDP country offices in the 6 selected countries.

Following are the key observations regarding the overall project implementation mechanism:

- It was assessed that considering the delayed start, missing major action items of work plan and other constraints faced by the project, more **Project Board meetings to guide the project could have been more effective.**

- **It is important to mention that considering the geographical scope of the project as well as thematic areas to be implemented, project team has shown immense commitment and performed very well in the given constraints**. Keeping in view that composition of the project team was guided by the project design and planning document, it will not be logical to solely hold the project team responsible for any under achievements, both in terms of overall project effectiveness as well as efficiency. While the stakeholder consultation provided common feedback that overall coordination between RSCA and country offices could have been more efficient and robust, there is no doubt the project team is very limited in terms of its thematic expertise to implement such a large scope project. . Although evidence indicated that there is enough thematic expertise with relevant credentials in the project team to guide and supervise the implementation. However thematic expertise at the country offices is still required

- The data collected through the KIIs and QBS, **it was a common observation that merely 1 or in certain cases 2 members at country offices are responsible for the entire implementation of the outputs at country levels.** It is extremely ambitious (if not impossible) to expect 1-2 project staff can provide both administrative and thematic support to such a technical project with a vast range of administrative responsibilities

- Moreover, it was also observed that overall project management structure is too centralized at RSCA level that resulted in delays, postponement or slow progress towards country level work

plan. Nevertheless, there are certain outputs that require centralized management structure to be more efficient, mainly where scope of the activities was beyond at the country level.

4.3.3 Monitoring and Evaluation

Overall Rating: Moderately satisfactory- The efforts of the project staff to generate annual reports and other knowledge products like fact sheets and activities related reports are vital and efficient components of the M&E mechanism.

Nevertheless, that Annual reports and annual updates provide 'results based/output wise' status update as per the RBM principles. However, details on planned vs. actual expenditure in the annual report was the missing link

4.3.4 Project Partnership and Synergy Strategy

Overall Rating: Moderately Unsatisfactory *with some clear gaps and shortfalls*

The project partnership strategy has multiple tiers that make it more complex and difficult to implement. Keeping in view this challenge, the UNDP project team at RSCA and country office has tried its best to manage it to a certain level.

i) UNDP-AUC -UNDP's partnership with AU has now been comparatively effective and efficient than the initial stages of the project. In fact, AUC Legal Office has been the leading partner in the project and with the help of collaborative efforts between UNDP and AU; project has been able to achieve certain milestones. It was observed during the stakeholder consultations that coordination within the departments of the AUC has been challenging due to different commitments and department priorities

ii) AUC-REC- Although AU-REC close collaboration have been perceived as one of the major prerequisite towards working for the domestication and implementation of the AU treaties, it has not highlighted as one of the most effective collaboration yet. Despite REC and AU are moving in more closer collaboration guided by the agreement and validation of harmonization of legal frameworks between AU and REC assessment and strategy , the underachievement in 2 of the key project targets have adversely affected that are, i) dialogue between AU and REC postponed twice ii) REC focal system is still not established.

iii) UN Agencies- No evidence is found on any concrete and established partnership with the relevant UN agencies to implement the related thematic treaty. It has been adversely affected the progress towards domestication and ratification of the treaties in the countries. For instance role of OHCHR as well as UNICEF, their functions and established network in the country could have been vital for the domestication and implementation of relevant treaties on Human Rights and Child Protection etc.

iv) UNDP- CSOs & Academia- There are two levels of partnerships with the CSOs and Academia for the project implementation. Despite a common feedback during the stakeholder consultation that sustainability of partnership with country level CSOs have been very weak that resulted in lack of CSO's commitment and involvement in the project, there has been considerable efforts at country level to engage with the CSOs and academia through sensitization and training events and seminars. **Having said that, a clear, consistent and coherent CSOs engagement strategy were the missing link in the project.**

More importantly, lack of sustained and effective engagement with regional stakeholder like NANHRI has been of the weakest component of project partnership strategy implementation. It has resulted in underachievement in the domestication and implementation of treaties. Stakeholders' consultation indicated that efforts have recently been made to engage NANHRI as a key stakeholder and NANHRI has also shown its interest and relevance to the project.

v) **Bilateral/multilateral actors/Member States:** Despite guided by the project document to collaborate with a wide range of Member States, the EU/EC and bilateral and multilateral partners already working/interested in working on issues related ratification and domestication of AU treaties, **no evidence is found to validate any coherent and focused intervention to build such partnership on sustainable basis**

4.4   Sustainability

Overall Rating: Moderately likely with the exceptions of few components and conditioned with effective resource mobilization strategy

One of the weaknesses of the project is that there was no overall sustainability/exit plan for the project in the project document. However, considering that certain level of national ownership and partnerships established, some of enabling groundwork for the domestication and implementation of AU treaties has started along with the AUC's own focus on implementation of AU treaties in the selected countries Following are the key findings in this regard:

- Since there are certain results areas, indicators and targets that are underachieved, it is highly unlikely that all outputs and related activities could be sustained.

- **The partnerships with the Ministry of Foreign Affairs (MOFA) at countries level and more importantly establishment of National Sectorial Committee in 3 countries have provided considerable ground to sustain activities targeted at the implementation of treaties, at least in these 3 countries**. However it will require a shift from soft activities as well as from the focus on ratification of treaties towards domestication and implementation of the treaties. Moreover,

it was indicated by country level stakeholders that the conceptual clarity is required about the role and functions of these NSCs, logistical and administrative mechanism and more importantly its funding mechanism through national ownership. However it was also indicated that the role of NSCs is very clear both from the decision of the Executive Council (Rules of Procedure of the Ministerial Committee on the Challenges of Ratification/ Accession and Implementation of OAU/AU Treaties, as well as from the Guidelines on the Modalities for Setting up, Liaising and Engaging with NSCs also adopted by Executive Council. These guidelines were also shared with the NSCs

- **There are certain milestones that may be sustained due to its long term benefits for the countries such as the website on AU treaties and Toolkit on ratification and domestication of AU treaties**. Moreover, the advocacy, training and sensitization on AU treaties to build capacity of parliamentarians, CSOs, legal staff will also assist in sustained contribution for the countries to implement the relevant treaties

- **However, lastly and more importantly, the financial sustainability of the entire project at the current level of activities is also assessed as moderately unlikely. It is mainly due to lack of effective, efficient and focused resource mobilization strategy,** ineffective and sustained engagement with the donors as well as with the EU/EC and bilateral and multilateral partners already working/interested in working on issues related ratification and domestication of AU treaties. To ensure the financial sustainability of the project, a robust and engaging resource mobilization strategy along with refined focus and results framework for the next phase are pre requisites and key steps

4.5. Gender Equality, Empowerment & Vulnerable Groups

Overall Rating: Satisfactory

Aiming at gender equality & empowerment as well as protecting rights of the vulnerable groups have been the strongest components of the project, both by design and through ensuring in all targeted activities of the project.

The entire project design is focused on assisting 6 countries to ratify, domesticate and implement AU treaties to ensure protection of human rights in general and to protect rights of women, children, and youth in particular. Moreover, it was also found that a good gender balance was maintained in various components of the project, ranging for the staff composition of the project to the participants of training events, sensitization and advocacy seminars.

5. Lessons Learned

- The effective involvement and commitment of all key stakeholders in the planning and development of the project document could have been sustained in all phases of the project implementation. It was learned that involving all stakeholders at all levels of project implementation both at regional (such as REC, NANHRI) and country level (CSOs and Academia) is vital to obtain sustainable ownership of all stakeholders.

- Considering the geographical and thematic scope of the project, more administrative and project coordination staff in all the country offices as well as thematic experts at regional office is vital to fulfil vast set of project activities.

- Keeping in view the project has aimed at achieving 5 outputs, the budget allocation, expenditure and implementation work plan should be optimally distributed among five outputs and related activities so that overall balanced project effectiveness and achievements can be ensured. By not doing so, project has a danger of underachievement in some of the key results area (e.g. domestication and implementation of AU treaties).

- Establishment of regular, focused and strategic dialogue between key stakeholders such as UNDP, AUC and REC are mandatory to have efficient implementation mechanism, sustainable results and effective implementation of the treaties in all countries.

- The nature of the project due to its multi stakeholder approach and geographical scope requires more decentralized decision making to be adaptive to the country level contextual changes, effective coordination between key stakeholders and between country offices and RSCA to implement annual work plans effectively and efficiently.

- Lack of coherent project sustainability and exit strategy may result in reduced sustainability of the project to fewer components only

- A timely, focused and well targeted resource mobilization strategy is a mandatory prerequisite to sustain the financial resources of the project. Limited to no engagement and involvement of donors, bilateral and multilateral stakeholders can have adverse effects on the overall financial sustainability of the project.

6. Recommendations

The project has faced **two clear hindering attributes** that have adversely affected the overall effectiveness and efficiency of the project that are;

III.   Significant delays in officially launching the project in the 6 countries (12-18 months since project inception);

IV.   Recent Covid-19 pandemic that has create a hiatus to the good momentum achieved in the year 2019.

Nevertheless, it is also worth mentioning that:

- **Due to good recovery efforts by the UNDP project team at RSCA and COs, AUC and other stakeholders,** the project was steered to some significant enabling mechanism to domesticate and implement the 6 treaties in the selected countries such as networking with the Government ministries, establishment of National Sectorial Committees, sensitization and advocacy events etc.

- **Where Covid-19 has imposed an immense challenge to not only this project but to almost all major global socio-economic, political and development activities, it is recommended to take it as an opportunity as the project under review is very much relevant, responsive** and with focused refinement and redesign, it has considerable enabling mechanism to assist countries in Covid-19 response in general, and to contribute into fulfilling the sudden demand of responding to human rights issues in the current pandemic era in particular.

Based on the these two critical observations, overall assessments on achievements, time require to domesticate and implement 6 treaties in the given challenging contexts, building on the key enabling mechanisms established so far, shortfalls and lessons learned (mentioned above), **it is recommended that the project should be extended for 3 years, with considerable project redesigning in all aspects like change in focus & scope, results framework, project implementation mechanism, partnership strategy, and resource mobilization strategy.**

Following are some of the key recommendations in this regard:

6.1- Project Plan and Design

- There is a need for an *updated context analysis* to redesign the project. Since the context of the project has significantly changed since its inception that include ongoing Covid-19 pandemic,

priorities and socio economic contexts of the 6 selected countries as well the status on ratification, domestication and implementation of treaties, a revised context analysis, problem identification and objectives analysis are required. It is vital to involve as much country level stakeholders in the assessment as possible along with the technical and strategic inputs from regional stakeholders.

- It is recommended to revise the title of the project to 'Accelerating the Ratification, Domestication **and implementation** of African Union Treaties project

- Revisit the overall scope: a robust but focused and less ambitious Results Framework for the entire duration of the Phase II should be developed.

- The overall project's outputs should be reduced **to maximum of 2-3 outputs (preferably 2).**

- Instead of focusing on multiple incoherent, isolated and ambitious set of outputs and activities, the Project results framework and related implementation plan should be focused on the principle of *'Think big, start small & scale fast'*. Affected by the current pandemic, it can be done by adopting a systematic and **'phased approach'.**

I) Phase 1- Short to Medium term (6 months to 1.5 year of project lifecycle)

Due to logistical issues such as conducting physical activities, country level priorities and other challenges imposed by the Covid-19 pandemic, this phase should be focused on the following key objectives:

a) Fulfilling the immediate human rights demands put forward by the Covid-19 pandemic

Select only those targeted treaties in phase 1 that have relevance and direct link to address the recent human rights issues highlighted during the Covid-19 pandemic and prioritize their domestication and implementation to respond to the immediate needs as well facilitate direct benefits to the citizens. For instance, project should be focused on:

a-i) African Charter on Human and People's Rights + Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)

According to the UNFPA Technical Brief on Gender Lens to COVID-19[4], "disease outbreaks affect women and men differently, and pandemics make existing inequalities for women and girls and discrimination of other marginalized groups such as persons with disabilities and those in extreme

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[4] UNFPA Technical Brief, COVID-19: A Gender Lens: Protecting Sexual and Reproductive Health and Rights, and Promoting Gender Equality, March 2020, https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_A_Gender_Lens_Guidance_Note.pdf

poverty, worse". There are plenty of evidence reported that domestic violence against women, unwarranted arrests and other discrimination in access to health facilities.

The project needs to identify and renegotiate new partnership mechanism with both Regional Organizations like NANHRI as well as relevant UN agency like UN OHCHR that have established mechanisms, networks and expertise to address country level challenges. Instead of any duplication of efforts, project should focus on already good work done by these organizations in the given context. (For instance, OHCHR had already published a 'Toolkit of treaty law perspectives and jurisprudence in the context of COVID-19)'.

a- ii) African Charter on the Rights and Welfare of the Child

UNICEF has reported that "An additional 6.7 million children under the age of five could suffer from wasting – and therefore become dangerously undernourished – in 2020 as a result of the socio-economic impact of the COVID-19 pandemic, whereby, 80 per cent of these children would be from sub-Saharan Africa and South Asia[5].

The project should partner with regional and country level as well as UN agencies such as UNICEF to ensure Child rights are protected such as by sensitizing, advocating and safeguarding access to nutritious, safe and affordable diets as a cornerstone of the response to COVID-19 by protecting food producers, processors and retailers; discouraging trade bans; and designating food markets as essential services; expanding social protection to safeguard access to nutritious diets etc.

A - iii) African Youth Charter

COVID-19 is affecting many young people in various ways including health, education and socio-economic impact. The pandemic induced lockdowns and home stays, youth in selected countries who hustle and survive on both formal and insecure jobs will now be unemployed. Project should partner with agencies like ILO and government counterparts to ensure that rights of the youth are protected during this ongoing pandemic.

b) Development of step by step customized toolkit to domesticate and implement treaties in the selected countries

Since the ongoing pandemic has imposed immense logistical challenges to implement physical activities like training seminars, sensitization workshops etc., the window should be capitalized by;

- Conducting country wise needs assessment study to domesticate and implement treaties,
- Identify gaps, stakeholders, processes, and mechanism required to domesticate and implement treaties in the selected countries

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[5] https://www.unicef.org/pakistan/press-releases/additional-67-million-children-under-5-could-suffer-wasting-year-due-covid-19-unicef

- Develop a step by step comprehensive toolkit and guidelines to assist each country to domesticate and implement each selected treaty (separate toolkit for each country).
- Instead of going for limited scope studies with generic output and guidelines, each of this study report will provide a complete research based guideline for each country to implement the selected treaties. It will assist in overall sustainability of the project as the toolkit can be used as benchmark beyond the duration of the project.

c) Develop a national level digital/online advocacy campaign and platform for each country to sensitize the citizens, CSOs, academia and other stakeholders on domestication and implementation of treaties as well as their benefits to protect them during the Covid-19 Pandemic. The digital platform should also provide a monitoring tool to the government's efforts to address human rights issues reported during the Covid-19 pandemic eta

d) **Keep working (wherever possible) on establishing the mechanism and grounds to domesticate and implement treaties** in Phase II with the activities like completing the unfinished tasks of establishing NSCs in the remaining countries as well as building networks and partnerships at country level, development of training manuals for legal staff etc. Moreover, while National Sectoral Committees is essential, some countries like Kenya have existing mechanisms performing the similar tasks. Such mechanisms can be utilized to avoid duplication of efforts

II- Phase II- Medium to Long term (Year 2 & Year 3)

Domesticate and implement the treaties in the selected countries- *It is vital to completely shift the focus of the project from the ratification of treaties to the domestication and implementation of the treaties to achieve visible outputs that have direct benefit for the citizens of the countries*. While doing so;

    I.   Utilize the developed toolkit in phase 1 for each country as benchmark to expedite the process;

    II.   Provide technical assistance and other capacity building measures to domesticate and implement treaties in the selected countries;

    III.   Enhance the national level advocacy monitoring cell/platform that was designed in Phase 1 at national level comprising of citizen's voice (CSOs, academia) etc to sensitize the citizens about the benefits of the treaties as well as acting as a now a watchdog on the implementation of the treaties.

- The geographical focus and/or number of treaties can be reduced. Keeping in view the overall suggested time duration, contextual challenges due to the ongoing pandemic as well as the time require to domesticate 6 treaties in 6 countries, it seems very ambitious to domesticate and implement all treaties in all selected countries. So it is recommended that:

c. Out of 6 targeted treaties, only selected ones (more relevant to the pandemic) should be domesticated and implemented in all 6 countries
Or

d. Chose only those countries that have enabling mechanisms or evidence base preparation and progress to domesticate and implement all treaties. One such parameter to consider can be based on countries with established and functional NSCs

- To avoid duplication and complement similar existing efforts, a quick assessment should be conducted to identify similar projects/interventions to domesticate and implement AU treaties in the selected countries. Synergies and partnership should be developed with such initiatives to expedite the processes.

- Keeping in view these high level strategic design inputs, it is recommended that the new results framework can have following two high level outputs as a broader guidelines

Keeping in view these high level strategic design inputs, it is recommended that **the new results framework can have following two high level outputs as a broader guidelines** (All other interventions highlighted above can come under these outputs with clear quantitative indicator and targets)[6]

Output 1-**The protection of citizens' rights is enhanced during the Covid-19 Pandemic**

Output 1.1 – Capacity of both National Human Rights Institutions and Government is enhanced in targeted countries to protect human rights during Covid-19

Indicator 1.1.1- % change in number of domestic violence cases during the project duration.

Indicator 1.1.2- % change in government policies/interventions to protect child rights during the pandemic

Output 1.2- The comprehensive step by step toolkit to domesticate and implement each selected treaty to protect citizens' rights

Indicator 1.2.1- Number of tool kits developed and validates

Output 1.3- Digital Platform established and functional to sensitize the citizens, CSOs, academia and other stakeholders on domestication and implementation of treaties as well as their benefits to protect them during the Covid-19 Pandemic

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[6] Development of detailed project design and results framework is beyond the scope of this review. These outputs are suggested as broader guidelines. Inputs on comprehensive project design and results framework may be provided separately.

Indicator 1.3.1- Number of CSOs academia registered on the platform

Indicator 1.3.2- Number of reported human rights issues addressed during the Covid-19 pandemic era

Output 1.4-

Output 2- Ratified AU treaties are domesticated & implemented in the selected countries

Indicator 2.1- Number of treaties domesticated and Implemented in countries

Baseline 0

Target: x treaties in x countries

Output 2.1

Indicator 2.1.1

(Any unfinished targets from the existing results framework should only be considered as either sub-outputs or activities and not as separate outputs)

Additional recommendations on project design include:

- **The geographical focus and/or number of treaties can be reduced.** Keeping in view the overall suggested time duration, contextual challenges due to the ongoing pandemic as well as the time require to domesticate 6 treaties in 6 countries, it seems very ambitious to domesticate and implement all 6 treaties in 6 selected countries. So it is recommended that:

  a. Out of 6 targeted treaties, only selected ones (more relevant to the pandemic) should be domesticated and implemented in all 6 countries

     Or

  b. Chose only those countries that have enabling mechanism or evidence base preparation and progress to domesticate and implement all treaties. One such parameter to consider can be based on countries with established and functional NSCs

- To avoid duplication and complement similar existing efforts, a quick assessment should be conducted to identify similar projects/interventions to domesticate and implement AU treaties in the selected countries. Synergies and partnership should be developed with such initiatives to expedite the processes.

6.2 Implementation and Management

i) Project Board

- It is recommended that frequency of project board meeting should be increased from annually to at least biannually to effectively monitor the progress and advice on any corrective or adaptive measures (if required).
- it is also recommended that being one of the most important stakeholder in the current pandemic era as well as its network of national human rights commissions of the countries, representative from the NANHRI should be included as a board member
- Although CSOs are part of the project board composition, their participation should be ensured, considering their key role in the implementation of treaties.

ii) Project Team-

- As indicated in the evaluation findings, **project team composition in terms of numbers and technical expertise should be considerably enhanced, both at country offices and RSCA**. With the scope of coordination and logistical arrangements with multiple regional partners and country level stakeholders, it is imperative to have optimum number of staff at regional and country levels. Similarly it is also proposed that either current or newly recruited professional full time UNDP staff with relevant technical/thematic expertise in the relevant areas of treaties should be included in Country Offices' team who can provide technical support to the Project implementation and coordination staff at the country offices
- The project team should be focused on im**plementation mechanism whereby a much closer coordination mechanism should be established between the project team at RSCA and UNDP's** country offices.

iii) Project Implementation and M&E

- It is also highly recommended that more **decentralized planning; implementing and administrative mechanisms** should be established that should provide enough flexibility at country offices to implement country level activities. The right balance is imperative considering the time scale of the entire project, evolving contexts at country level as well as to achieve efficient results on time

- Similarly, the **results based budgeting mechanism** should be developed with an **optimum proportion of allocation between outputs**. The detailed breakdown of expenditure should be provided with each QPR & APR.

- A more robust **'Results Based' monitoring and reporting mechanism** should be developed whereby the AWPS, progress reports/templates are clearly aligned with the projects Results Framework. A thorough RBM training should be conducted for project staff.

6.3- Partnership Strategy

- The overall partnership strategy needs to be revisited. With the recommendation of complete shift from ratification of treaties towards their domestication and implementation as well as immediate short-term to medium term response during the pandemic era, a **comprehensive and results oriented partnership strategy should be developed and included as integral part of the project design in the next phase of the project.** Relevant partners for each results area should be identified such as NANHRI, OHCHR, and UNICEF etc.

- It is highly recommended that instead of adhoc approach to engage CSOs at country level, a list of relevant country level CSOs should be identified and selected at the project redesign phase. Partnership with the CSOs should be focused and strictly aligned with the results framework of the project whereby, CSOs should be engaged and involved at all stages of the project including the planning phase.

6.4 Sustainability

A clear, coherent and comprehensive sustainability/exit strategy should be developed covering political, socio economic, institutional and financial components of the project sustainability. The sustainability strategy should be complemented by a well-planned and targeted **'resource mobilization strategy' to ensure timely financial sustainability of the project.**

Following are high level recommendations/steps to develop a resource mobilization strategy[7]

- **Developing A rationale:** Once the results and resource framework is finalized, the Resource Mobilization Rationale should be finalized.

- **Review the Resource Requirement**: set by the finalized results and resource framework

- **Assessment of External resource environment in thematic area of the project**- Once the gaps of resources to be fulfilled after the internally available funding resources are identified, an updated assessment of external resources environment should be conducted. It is important to note that apart from the other partners/donors working directly or indirectly in areas of AU

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[7] The detailed Resource Mobilization Strategy is beyond the scope of the evaluation. Inputs/details can be provided separately

treaties ratification and domestication, there are windows of funding opportunities opened by the ongoing pandemic to respond to the current human rights needs

- **Develop a concrete action Plan with concrete performance indicators, targets and timelines.** It should be focused on:

i) Identification of Resource Partners- by mapping the common interest such as treaties to be domesticated and implemented. If direct linkages are not drawn, indirect linkages on how an implemented treaty will cater to the citizens' needs that are high priority for the potential resource partners. It can include other UN agencies OHCHR, UNICEF, ILO, regional stakeholders like NANHRI, host governments private sector, bi/lateral & multilateral stakeholders (EU, SIDA, USAID, DFID, NORAID, SDC etc.)

ii) Engage: By setting up meetings, developing advocacy tools, proposals sharing, preparing presentations for the resource partners on project's objectives and results etc. Bring them as voluntary member of the Project Board to present the project's key achievements and seek their interests

iii) Negotiate: and reach agreement on joint interests, develop partnership conditions, reach to a legal agreement

IV) Manage & Report: Acknowledge the contribution of resource partner, fulfill all legal obligations,

v) Communicate Results: The RM strategy should clearly outline tools and mechanism to regularly communicate results to the resource partners against their contributions and continuous advocate for their support

- **Continuous Monitoring of the RM strategy-** to identify key lessons learned and to take corrective measures so that resource partners can continuously be identified, engaged and involved

7.   Conclusions

7.1   Project Relevance: The project is found relevant and aligned with the UNDP Strategic Plan and Regional Plan for Africa. There are indirect linkages with country level national goals and CPD/UNDAFs, a more focus, concise and clear alignment with the country level UNDAF/CPDs may be required for sustained ownership and ground level results

7.2   Project Effectiveness: Overall, project has contributed and assisted the targeted countries in the ratification of the 6 treaties, primarily through sensitization, technical assistance, training and sometimes through effective networking; however the overall performance of the project varies from one output to the other as well as from one country to the other. Though significant ground work has been done in some of countries such as formation of high level sectoral committees in 3 countries,

capacity building and training workshops, sensitizing parliamentarians, legislators and other government stakeholders to ratify treaties and building partnerships with government entities like Ministry of Foreign Affairs, there is no to very little evidence found on the domestication and implementation of these treaties in the selected 6 countries It was observed that overall rating of project effectiveness was moderately satisfactory in outputs 1, 4 & 5 with Moderately Unsatisfactory in output 2 (Harmonization of Legal Frameworks between AU and REC) & Output 3 (Domestication and Implementation of Treaties) . Generally, The overall effectiveness of project interventions varies from one output/result area to the other, whereby, some of the outputs have achieved or partially achieved the targets so far (primarily in output 1, 4 & 5) whereas, some of the areas have either under achieved or they could have been more focused, coherent with clearly visible achievements (output 2 &3) .

7.3 Project Efficiency: Overall, the efficiency of the project has been mixed where some subcomponents were efficient than others. For instances the overall performance on key component of planned vs. actual expenditure was consistently inefficient as well the partnership strategy has not turned out to be the most efficient part of the project. Nevertheless, overall implementation arrangements, project team and M&E mechanism has turned out to be more efficient subcomponents of the project

7.4- Project Sustainability- is moderately likely with the exceptions of few components and conditioned with effective resource mobilization strategy. It was found that there was no overall sustainability/exit plan for the project and no concrete resource mobilization strategy was also developed and implemented. There are certain components like establishment of NSCs, tool kit for ratification of treaties and website to monitor treaties ratification progress are more likely sustainable components.

7.5 Gender Equality & Vulnerable Group- Aiming at gender equality & empowerment as well as protecting rights of the vulnerable groups have been the strongest components of the project, both by design and through ensuring in all targeted activities of the project.

7.6 Lessons Learned

- The effective involvement and commitment of all key stakeholders in the planning and development of the project document could have been sustained in all phases of the project implementation.
- Considering the geographical and thematic scope of the project, more administrative and project coordination staff at the country offices as well as thematic experts at regional office is vital to fulfil vast set of project activities

- Keeping in view the project has aimed at achieving 5 outputs, the budget allocation, expenditure and implementation work plan should be optimally distributed among five outputs and related activities so that overall balanced project effectiveness and achievements can be ensured.
- Establishment of regular, focused and strategic dialogue between key stakeholders such as UNDP, AUC and REC are mandatory to have efficient implementation mechanism, sustainable results and effective implementation of the treaties in all countries.
- The nature of the project due to its multi stakeholder approach and geographical scope requires more decentralized decision making to be adaptive to the country level contextual changes, effective coordination between key stakeholders and between country offices and RSCA to implement annual work plans effectively and efficiently
- Lack of coherent project sustainability and exit strategy may result d in reduced sustainability of the project to fewer components only
- A timely, focused and well targeted resource mobilization strategy is a mandatory prerequisite to sustain the financial resources of the project. Limited to no engagement and involvement of donors, bi lateral and multilateral stakeholders have adversely affected the overall financial sustainability of the project

7.7 Recommendations: Based on the momentum gained in 2019, relevance of the project to address human rights challenged imposed by the Covid-19 pandemic, overall assessments on achievements, time require to domesticate and implement 6 treaties in the given challenging contexts, building on the key enabling mechanisms established so far, shortfalls and lessons learned (mentioned above), it is recommended that the project should be extended for 3 years, with considerable project redesigning in all aspects like change in focus & scope, results framework, project implementation mechanism, partnership strategy, resource mobilization strategy.

ANNEXES

- UNDP (2020), 'Fast Facts-Accelerating the Ratification and Domestication of African Union Treaties'
- UNDP & AUC (2020), 'Africa Treaties Report'
- UNDP (2020), 'Covid-19 and Human Development: Assessing the Crisis, Envisioning the Recovery
- UNDP (2020), 'Update on Programme Implementation January-December 2019'
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- UNDP (2019)- 'Harmonization Between African Union and Regional Economic Communities Treaties
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- UNDP (2019), 'project- Annual Work Plan 2019'
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- UNDP (2017), 'UNDP Strategic Plan 2018-2021'
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- UNDP (2017), 'CPD Burkina Faso 2018-2020
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- UNDP (2014), 'Draft COP Tunisia 2015-2019'

Additional Documents/Material: Brochures, Facts sheets and Website (http://treaties.au.int)

ANNEX B Evaluation Criteria & Questions Matrix Checklist– Accelerating the Ratification and Domestication of African Union Treaties Project- Mid Term Evaluation				
Evaluation Criteria	**Key questions specific sub-questions**	**Data Sources**	**Data collection Methods/Tools**	**Indicators/Success Standard**
Relevance/design	➢To what extent is the Project aligned with regional development priorities, the Regional programme's outputs and outcomes, the UNDP Strategic Plan and the SDGs? ➢To what extent is Project aligned with the UNDP's Mandate Strategic Plan, CPD and UNDAF of the 6 selected countries? ➢Do the project outcomes address identifiable problems of the region? ➢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? ➢How relevant was the geographical coverage of the project? ➢How the Project was able to cater the needs of the beneficiaries in the changed context? Is there any evidence that the project advanced any key national human rights, gender or inclusion policies and the priorities of UN & UNDP?	UNDP staff, SIDA, AUC (Particularly legal office), REC (ECOWAS, EAC and SADC, COMESA, UMA, CEN-SAD etc.), CSOs, Academia, Network of African National Human Rights Institutions (NANHRI)	Key informant Interviews Questionnaire Based Survey (QBS) Document Review	Projects' results indicators Linkages with UNDP strategic plan

	➢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?			
Effectiveness	➢ To what extent are 5 outputs and related targets of project's results framework achieved so far? ➢ To what extent have the project objectives and outcomes, as set out in the Project document, project's Results Framework and other related documents, have been achieved? ➢ To what extent did the project contribute to the country programme outcomes and outputs, the SDGs, the UNDP Strategic Plan and national development priorities? ➢ Are some components better achieved than others? If yes then Why? ➢ What has been the contribution of partners and other organizations to the project results? ➢ How effective has been the contribution of project to improving governments of the 6 countries' ownership,	UNDP staff, SIDA, AUC (Particularly legal office), REC (ECOWAS, EAC and SADC, COMESA, UMA, CEN-SAD etc.), CSOs, Academia, Network of African National Human Rights Institutions (NANHRI)	Key informant Interviews Questionnaire Based Survey (QBS) FGDs Document Review	Overall Results Framework Indicators

	planning and management capacity process towards ratification and domestication of the AU treaties? ➢ Are the project objectives clearly stated and contribution to results measurable? ➢ Did women, men, youth and marginalized groups directly benefit from the Project's activities? If so, how and what was the impact? ➢ Were any changes made in the project regarding approach, partnerships, beneficiaries etc. suggested by any internal or external project mid-point assessment, context/risk analysis? Did it affect project results? ➢ How successful have partnership arrangements been in contributing to sharing institutional capacity? ➢ 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?			
Output 1 **Output 1: The AUC Office of Legal Counsel is enabled to support treaty ratification**	➢ Are the outline indictors in the results framework progressing towards achievement or the year wise indicators achieved? If not, why?	AUC, UNDP, NANHRI	Key informant Interviews Questionnaire Based Survey (QBS) FGDs Document Review	**Indicator 1:** Extent to which the Office of Legal Counsel has improved its technical, technological, operational and financial capacities required to discharge its mandates in relation to supporting treaty

				ratification2
Output 2 **Output 2: Legal frameworks between the AU and RECs are harmonized**	➢ Are the outline indictors in the results framework progressing towards achievement or the year wise indicators achieved? If not, why? What are the key success and challenging factors	AUC, RECs, UNDP, State of the Union Coalition (SOTU), NANHRI	Key informant Interviews Questionnaire Based Survey (QBS) FGDs Document Review	Indicator 1 Number of harmonized legal frameworks between AU and three RECs (SADC, ECOWAS, EAC) Indicator 2- Number of parliaments with improved capacities to undertake inclusive, effective and accountable law-making, oversight and representation. (SP indicator 2.2.2.3.) Indicator 3- Number of constitution-making bodies (CMBs) in the pilot countries with mechanisms for civic engagement, including the participation of women and other marginalised groups (SP indicator 2.2.2.4.)

Output 3: Member States are able to rapidly and effectively ratify and domesticate treaties	➤ Are the outline indictors in the results framework progressing towards achievement or the year wise indicators achieved? If not, why?	UNDP, Government AUC, Government of Mali, UNDP, SOTU, CSOs, NANHRI	Key informant Interviews Questionnaire Based Survey (QBS) FGDs Document Review	Percentage of regional treaties ratified by Member States Number of selected member states4 that have ratified and domesticate the 6 international treaties Number of treaties that are domesticated in selected Member States.
Output 4: National CSOs and general public have improved knowledge of treaty processes and their benefits	➤ Are the outline indictors in the results framework progressing towards achievement or the year wise indicators achieved? If not, why?	UNDP, State of the Union Coalition, CSOs, NANHRI and NHRIs in the first phase countries	Key informant Interviews Questionnaire Based Survey (QBS) FGDs Document Review	Number of countries that adopt and implement, with UNDP assistance, legal and regulatory frameworks that enable civil society to function in the public sphere and contribute to sustainable development: a) Women's groups. b) Youth groups. Women's groups. Youth groups Number of platforms/mechanis

				ms developed to promote public education and awareness about treaties implementation and benefits
Output 5: Bilateral and multilateral development partners endeavours are informed by AU treaties and protocols	➤ Are the outline indictors in the results framework progressing towards achievement or the year wise indicators achieved? If not, why?	AUC; UNDP; EU; Governments of Sweden, UK, US, Japan, NANHRI	Key informant Interviews Questionnaire Based Survey (QBS) FGDs Document Review	**Indicator 1:** Percentage of bilateral and multilateral development partners informed by AU treaties and protocols Baseline: 0 Target: 100% **Indicator 2:** Level of awareness amongst key development partners of relevance of AU treaties and protocols
Efficiency	➤ Are outputs achieved within expected cost and time so far? ➤ Could the activities and outputs have been delivered in fewer resources without reducing their quality and quantity? ➤ Are there major cost- or time-overruns or budget	UNDP staff, SIDA,AUC (Particularly legal office), REC (ECOWAS, EAC and SADC, COMESA,	Key informant Interviews Questionnaire Based Survey (QBS) Document	Results Framework Indicators AWPs Planned vs. Actual

	revisions?	UMA, CEN-SAD etc.),	Review	Budget Allocation
	➢ Is there a management or coordination mechanism for the partnership?	CSOs, Academia,		& utilization
	➢ How frequently and by what means information is shared within the project stakeholders?	Network of African National Human		
	➢ Are project objectives and strategies understood by staff?	Rights Institutions (NANHRI)		
	➢ Are project objectives and strategies understood by partners?			
	➢ How many levels of decision making are involved in operational approval?			
	➢ To what extent were quality outputs delivered on time?			
	➢ Were the project inputs and benefits fairly distributed amongst different genders and communities while increasing access for the most vulnerable? What factors influenced decisions to fund certain proposed activities, and not others?			
	➢ How effective is the M&E system and to what extent did monitoring systems provide management with a stream of data that allowed it to learn and adjust implementation accordingly?			
	➢ Were the risks identified in the project document or process the most important and the risk ratings applied appropriately			
	➢ How useful was the results framework as a management tool during implementation and any changes made to it?			
	➢ To what extent did the coordination with other UN agencies and UNDP projects reduce transaction costs,			

	optimize results and avoid duplication?			
Sustainability	➢ How sustainable has been the contribution of project to improving country level ownership, planning and management capacity? ➢ Was project sustainability strategy developed during the project design? ➢ How should the AU treaties project portfolio be enhanced to support central authorities, and partners in improving service delivery over the long term? ➢ Is the project itself sustainable? (Financial, Institutional, Socio Economic and Resources etc) ➢ What indications are there that the outcomes will be sustained (systems, structures, staff, etc.)? ➢ To what extent has a sustainability strategy, including capacity development of key stakeholders of country, been developed or implemented? ➢ To what extent have partners committed to providing continuing support? ➢ 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	UNDP staff, SIDA,AUC (Particularly legal office), REC (ECOWAS, EAC and SADC, COMESA, UMA, CEN-SAD etc), CSOs, Academia, Network of African National Human Rights Institutions (NANHRI)	Key informant Interviews Questionnaire Based Survey (QBS) Document Review	Sustainability strategy Resource mobilization mechanism

	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			
Cross Cutting Issues	➢ To what extent and how effective the project has mainstreamed and addressed cross cutting themes like human rights-based approach; gender equality; youth; ➢ To what extent has gender equality and the empowerment of women been addressed in the design, implementation and monitoring of the project? ➢ Is the gender marker data assigned to this programme representative of reality? ➢ To what extent have the project promoted positive changes in gender equality and the empowerment of women? Were there any unintended effects?	UNDP staff, SIDA,AUC (Particularly legal office), REC (ECOWAS, EAC and SADC, COMESA, UMA, CEN-SAD etc), CSOs, Academia, Network of African National Human Rights Institutions (NANHRI)	Key informant Interviews Questionnaire Based Survey (QBS) FGDs Document Review	Programme Indicators on gender, youth and other vulnerable groups

UN Strategic Position & Partnership Strategy	➢ UN being one of many development partners operating in the region, are there any UN's overall comparative strengths or value addition,' vis-à-vis other development partners ➢ Do partner organizations share the same goals as the UN? ➢ How effective the UN partnership strategy and the partners are in providing added benefits for the project to achieve overall outcomes and outputs ➢ 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?	UNDP staff, SIDA,AUC (Particularly legal office), REC (ECOWAS, EAC and SADC, COMESA, UMA, CEN-SAD etc), CSOs, Academia, Network of African National Human Rights Institutions (NANHRI)	Key informant Interviews Questionnaire Based Survey (QBS) Document Review

Survey- Questionnaire

Name	Title, Department (if applicable)	Institution
Category of Stakeholder a) UNDP staff b) Implementation Partners & Beneficiaries c) Donors	Email Address	Country

Introduction: The UNDP Regional Bureau office is conducting a Mid Term project evaluation of **'Accelerating the Ratification and Domestication of African Union Treaties Project**

It examines UNDP's contribution to development results to ensure organizational learning and accountability. The evaluation is carried out by an independent international evaluation specialist.

You have been identified as one of the key stakeholders of the UNDP's project in the region, and we would like to receive your feedback on your experience with UNDP-supported project. Your feedback is valuable and will be used as part of the overall analysis together with other information and data collected by the consultant. You will send the response directly to the consultant.

The survey questions are divided into three sections: A. *for UNDP Core staff/ project staff* **B**. *for Implementation Partners & beneficiaries* and C. *For Donors*
***

BACKGROUND:

1. Please identify yourself as a stakeholder in the project that provides the basis of providing your feedback (UNDP staff, Implementation Partners and member of beneficiary countries, Donor):
   1) _____
   2) _____
   3) _____

Annex C

A. QUESTIONS FOR UNDP CORE STAFF/ PROJECT STAFF & IPS/BENEFICIARIES (RECOMMENDED BUT OPTIONAL FOR THE DONORS)

1. RELEVANCE:

1.1 To what extent is the project aligned with the regional level priorities, policies and strategies the UNDP strategic Plan?

1.2 To what extent is project aligned with the CPD and UNDAF for the region and/or of the selected countries?

1.3 Do the Project outputs address identifiable problems of African Region in context of the ratification and domestication of the African Union Treaties?

1.4 How relevant are the geographical coverage of the project and the rational of choosing the 6 selected countries considering that many other countries may not have better record in terms of ratification and domestication of the treaties?

1.5 How does the project able to cater the needs of the beneficiary countries in the given context? Is there any evidence that the project advanced towards a better situation that are relevant to the 6 selected treaties?

1.6- In the changing environment caused by the Pandemic, do you think that project focus is still relevant to the evolving regional context?

2. EFFECTIVENESS

2.1 To what extent are outputs and targets of project project's results framework achieved so far?

2.2 To what extent have the project objectives and outcomes, as set out in the project document, have been achieved so far?

2.3 Are some components better achieved than others?

2.4 What has been the contribution of partners and other organizations to the project outcomes?

2.5 How effective has been the contribution of project to improving government ownership, planning and management capacity process towards ratification, domestication as well as implementation of the treaties?

2.6 Are the project objectives clearly stated and contribution to results measurable?

2.7 Did women, men, youth and marginalized groups directly benefit from the Project's activities? If so, how and what was the impact?

2.8 Were any changes made in the project regarding approach, partnerships, beneficiaries etc. suggested by project board meeting, periodic assessment, and context/risk analysis? Did it affect project results?

2.9 How successful have partnership arrangements been in contributing to sharing institutional capacity?

2.10 What impact did the work of project have so far in creating awareness about targeted 6 treaties, their importance and benefits for the citizens of the selected countries?

3. <u>EFFICIENCY</u>

3.1 **Managerial and operational efficiency**:

    a) Has the project been implemented **within expected dates, costs estimates so far**? Were there any deviations? If yes, Why?

    b) Has UNDP taken prompt actions to solve implementation and other operational issues? What is the current **project management structure** (incl. reporting structure; **oversight** responsibility)? What has worked/ not worked in this structure?

    c) How often and how have the **monitoring and evaluation** activities been conducted? How are the results reported to UNDP programme units, donors and other partners? What worked, or did not work, and why?

3.2 **Programmatic efficiency:**

    a) Were the **financial resources and approaches** (conceptual framework) envisaged appropriate to achieving planned objectives?

    b) Were the resources focused on a set of activities that were expected to produce significant results (**prioritization**)? Has the project achieved 'value for money'?

    c) Were there any efforts to **ensure 'synergies'** among various projects within UNDP (and those with other partners)? Explain results, and contributing factors.

    d) Have **alternative approaches and 'innovative' solutions** been actively explored? What could be done to ensure the overall efficiency of the UNDP project?

e) Were the project inputs and benefits fairly distributed amongst different genders and communities while increasing access for the most vulnerable? What factors influenced decisions to fund certain proposed activities, and not others?

4. SUSTAINABILITY:

4.1 How sustainable has been the contribution of project to improving selected countries level ownership, planning and management capacity in the area of ratification and domestication of AU treaties?

4.2 Was project sustainability strategy developed during the project design?

4.3 How sustainable has been the project to improving efforts of ratification, domestication as well as implementation of the treaties at a later stage?

➢ Is the project itself sustainable? (Financial, Institutional, Socio Economic and Resources etc)
➢ What indications are there that the outcomes will be sustained (systems, structures, staff, etc.)?
➢ To what extent has a sustainability strategy, including capacity development of key stakeholders of countries, been developed or implemented?

5. Please list down top 3 lessons learned so far

5.1 Please List down top 3 challenges that have or may hinder performance of the overall project so far

5.2- Please provide 3-5 high priority recommendations for the way forward

B. ADDITIONAL QUESTIONS FOR IMPLEMENTATION PARTNERS & BENEFICIARIES ONLY

6. For which output of the project your organization partnered with the UNDP?

➢ The AUC Office of Legal Counsel is enabled to support treaty ratification
➢ Legal frameworks between the AU and RECs are harmonized
➢ Member States are able to rapidly and effectively ratify and domesticate treaties
➢ National CSOs and general public have improved knowledge of treaty processes and their benefits
➢ Bilateral and multilateral development partners endeavours are informed by AU treaties and protocols

7. What was your organization's role in the project?

8. What are the key achievements of your activities under the project?

9. Were the project objectives, outcomes, outputs and targets fully explained to your organization before the start of the partnership/initiative?

10. Were there any shortcomings in achieving the set targets? If yes, then what are the main factors behind it?

11. UNDP is one of many development partners operating in your country/region. What is your view on UNDP's performance (or contribution) in the following areas Please Rate?

i) Highly Effective ii) Effective iii) moderately Effective iv) Not effective

11.1 Overall **responsiveness** to emerging priorities and needs of Africa Region and particularly in the area of ratification & domestication of AU treaties

11.2 Ability to **influence national-level development policies** (e.g. SDGs) with its technical knowledge and expertise in thematic areas.

11.3 Contribution to the following **5 results area of the project**

- ➢ The AUC Office of Legal Counsel is enabled to support treaty ratification
- ➢ Legal frameworks between the AU and RECs are harmonized
- ➢ Member States are able to rapidly and effectively ratify and domesticate treaties
- ➢ National CSOs and general public have improved knowledge of treaty processes and their benefits
- ➢ Bilateral and multilateral development partners endeavours are informed by AU treaties and protocols

11.4 Ability to **lead other development partners** on important issues?

11.5 Ability to **coordinate and establish effective partnerships and networks** with relevant partners (e.g., CSOs, private sector, UN agencies, donors, academic/research institutions).

11.6 Ability to integrate **gender and human rights** issues **into its programmes**. Any Examples?

12 What are UNDP's overall '**comparative strengths**, 'value added,' vis-à-vis other development partners, if any

13. What are the key challenges (if any) face by you organization as implementation partner with UNDP and/or project itself

14. Do you have any recommendations for the way forward?

C. ADDITIONAL QUESTIONS FOR THE DONORS ONLY (PLEASE FILL PART A- HIGHLY RECOMMENDED)

15. What is your overall view about the project performance so far?

i) Very Good ii) Good iii) Average iv) Poor v) Very Poor

16. Out of the following results area, which result area/s do you think, project performance is on track and why?

➢ The AUC Office of Legal Counsel is enabled to support treaty ratification
➢ Legal frameworks between the AU and RECs are harmonized
➢ Member States are able to rapidly and effectively ratify and domesticate treaties
➢ National CSOs and general public have improved knowledge of treaty processes and their benefits
➢ Bilateral and multilateral development partners endeavours are informed by AU treaties and protocols

Comment:

17. Out of the following results area, which result area/s do you think, project performance is **not** on track and why?

➢ The AUC Office of Legal Counsel is enabled to support treaty ratification
➢ Legal frameworks between the AU and RECs are harmonized
➢ Member States are able to rapidly and effectively ratify and domesticate treaties
➢ National CSOs and general public have improved knowledge of treaty processes and their benefits
➢ Bilateral and multilateral development partners endeavours are informed by AU treaties and protocols

Comment:

18. What is the level of your satisfaction from the impact of the project on the primary objective of ratification and domestication of 6 treaties in the selected 6 countries?

i) Highly Satisfied ii) satisfied iii) moderately Satisfied iv) Not satisfied

19. What is your overall view about the Value for Money (VfM) attribute of the project?

20. UNDP is one of many development partners operating in your country/region. As a donor of the project, what is your view on the UNDP's performance (or contribution) in the following areas Please Rate?

i) Highly Effective ii) Effective iii) moderately Effective iv) Not effective

20.1 Overall **responsiveness** to emerging priorities and needs of Africa Region and particularly in the project focus of ratification & domestication of AU treaties

20.2 Ability to **influence national-level development policies** (e.g. SDGs) with its technical knowledge and expertise in thematic areas.

20.3 Contribution to the following **5 results area of the project**

- ➢ The AUC Office of Legal Counsel is enabled to support treaty ratification
- ➢ Legal frameworks between the AU and RECs are harmonized
- ➢ Member States are able to rapidly and effectively ratify and domesticate treaties
- ➢ National CSOs and general public have improved knowledge of treaty processes and their benefits
- ➢ Bilateral and multilateral development partners endeavours are informed by AU treaties and protocols

20.4 Ability to **lead other development partners** on important issues?

20.5 Ability to **coordinate and establish effective partnerships and networks** with relevant partners (e.g., CSOs, private sector, UN agencies, donors, academic/research institutions).

20.6 Ability to integrate **gender and human rights** issues **into its programmes**. Examples?

Considering the project performance so far and challenges posed by the Pandemic and/or any other changes in the regional context, do you have any recommendations for the way forward?

Activity Plan

DATE	DAY	ACTIVITY	Stakeholder
29th June, 2020	Monday	Skype meeting	UNDP Team + Consultant (OA)
6th July, 2020	Monday	Submission of initial project documents	UNDP Team
6th-8th July, 2020	Monday– Wednesday	Desk Review and Document Analysis	OA
9th-10th July, 2020	Thursday-Friday	Development of Inception Report and Methodology	OA
10th July	Friday	Submission of the Inception Report	OA
15th July	Wednesday	Feedback on the Inception Report	UNDP
16th-31st July 2020[8]	Thursday- Friday	Virtual Meetings & Circulation of Questionnaire Based Survey to UNDP project staff in districts, IPs & beneficiaries[9], FGD[10] Stakeholders to consulted: UNDP staff, SIDA,AUC (Particularly legal office), REC (ECOWAS, EAC and SADC, COMESA, UMA, CEN-SAD etc), CSOs, Academia, Network of African National Human Rights Institutions (NANHRI), EU; Governments of Sweden, any other stakeholders	UNDP +OA
3rd August 7th August	Monday- Friday	Data Analysis Phase I and start the compilation of the draft report	OA
10th August	Monday	Submission of the Draft Report	OA
12th August 2020	Wednesday	Feedback on Draft Report	UNDP
18th August 2020	Thursday	Submission of Final Report	OA

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[8] The stakeholder consultations took more than expected time due to limited communication with project team and stakeholders and as per the availability and response from the stakeholders
[9] QBS were sent to the entire stakeholder list provided by the UNDP team. KIIs were conducted as per the availability and response of the stakeholders
[10] FGD was conducted on 30th July, 2020

Activity Plan

Stakeholder List and data collection tools used to approach/consult the stakeholders

Sno	Name of the Stakeholder	Institution	QBS	KII	FGD
1	Daouda Bale	Project focal point Burkina Faso	✓	✓	✓
2	GOUBA Passida Pascal	Director of Legal and Consular Affairs / MoFA / Burkina Faso	✓		✓
3	Namoano Rodrigue	President of National Commission of Human Rights / Burkina Faso	✓		
4	OUEDRAOGO Julie Rose	Magistrate / Association of Women Lawyers (AFJ/BF) / Burkina Faso	✓		
5	NACANABO Sagado	Executive Secretary of the National Anti-Corruption Network / Burkina Faso	✓		
6	OUEDRAOGO Thomas	Executive Director of the Center for Democratic Governance (CGD) / Burkina Faso	✓		
7	BADO Christoph	Deputy Secretary General of the Burkinabè Movement for Human and Peoples' Rights (MBDHP)	✓		
8	SOULAMA Hélène	NGO Women Voice / Burkina Faso	✓		
9	Brian Migowe	Project focal point Kenya	✓	✓	✓
10	Mr. Waweru James	Ministry of Foreign Affairs, Head Office of Registrar of Treaties / Kenya	✓		
11	Ms. Nasimiyu Wekesa	Ministry of Foreign Affairs, Project Liaison / Kenya	✓		✓
12	Carol Nyaga	State Counsel, Project Liaison, Office of Attorney General / Kenya	✓		✓
13	Ms. Petronila Mukiando	Human Rights Officer, Kenya National Commission on Human Rights	✓		
14	Mr. Dima Dima	Legal Drafter, Kenya National Assembly / Kenya	✓		
15	Ms. Rosa Langa	Project focal point Mozambique	✓		✓
16	Ms. Habiba Rodolfo	Head of Unit / UNDP Mozambique	✓		
17	Ms. Lor Ibraimo Mussagy	UNV/Peacebuilding and Governance / Mozambique	✓		✓
18	Ms. Isac Matola	Department of International Relations and Cooperation / MoFA Mozambique	✓		
19	Ms. Maria Maria Rungo	Advisor to the Minister of Justice	✓		
20	Ms. Fernanda Bernardo	Programme Officer / UN WOMEN Mozambique	✓		
21	Mr. Simao Tila	CSO's (JOINT)	✓		
22	Mr. Luis Bitone	National Human Rights Commission	✓		
23	Mr. Moises Moguima	Centre for Human Rights of the Eduardo Mondlane University	✓		
24	Ms. Alissandra Ramos	Project focal point Sao Tome and Principe	✓	✓	✓
25	Mr. Aderito Santana	DRR/P UNDP Sao Tome and Principe	✓		
26	Mr. Deodato Capela	Public Integrity Center / Sao Tome and Principe	✓		✓
27	Mr. Esterline Genero	Focal point of Ministry of Foreign Affairs Sao Tome and Principe	✓		

28	Ms. Neusa Carvalho	Youth&Adol.Dev.Officer / UNICEF Sao Tome and Principe	✓		
29	Ms. Sabina dos Ramos	Former Project Officer Sao Tome and Principe	✓		
30	Mr. Gregório Santiago	Office of Human Rights / Ministry of Justice Sao Tome and Principe	✓		✓
31	Mr. Nerik Salvaterra	Office of Attorney General	✓		
32	Mr. Maximino Carlos	Journalist / Radio of Sao Tome	✓		
33	Mailika Sloane Leconte	Project focal point Senegal	✓	✓	✓
34	Seynabou Diaw Ba	Governance focal point UNDP Senegal	✓		
35	Mbaye Diop	Office of Human Rights / Ministry of Justice / Senegal	✓		
36	Kemoko Diakite	Ambassador / Director of Legal and Counsular Affirs / MoFA / Senegal	✓		
37	Dieynaba Touré	Ministry of Foreign Affairs, Project Liaison / Senegal	✓		
38	Mounirou Fall	General coordinator of projects at the National Office for Fighting Corruption (OFNAC) Senegal	✓		
39	Abdoulaye SEYE	Programme Analyst OHCHR Senegal	✓		
40	Marie Sabara	Program Officer for the Elimination of Violence Against Women (UN WOMEN) Senegal	✓		✓
41	Birahime Seck	President of Forum Civil (CSO)	✓		
42	Malick Diop	Coordinator of the platform of non-state actors (CSO)	✓		
43	Ousmane Khouma	Professor of Law and Political Science	✓		
44	Hamza Ghedamsi	Project focal point Tunisa	✓	✓	✓
45	Ms. Jamila Debbech Ksiksi	Member of Parliament - Panafrican Parliament Network	✓		
46	Mr. Chawki Tabib	National Authority Against Corruption (INLUCC)	✓		
47	Ms. Samia Melki Fessi	KADIRAT Women Association	✓		
48	Mr. Haythem El Mekki	Independent Journalist	✓		
49	M. Badreddine Jelidi	Direction Africa - MoFA Tunisia	✓		
50	Mr. Eduardo Lopez-Mancisidor	Portfolio Coordinator SDG 16 - UNDP Tunisia	✓		
51	Lucie Boucher	UNV Project Governance and Peacebuilding Specialist - AU Treaties project	✓	✓	
52	Kanil Lopes	Programme Analyst AU Treaties project	✓	✓	✓
53	David Omozuafoh	AU Treaties Project Manager	✓	✓	
54	Frew Demeke	SIDA focal point for AU Treaties project	✓	✓	
55	Jide Okeke	Regional Programme Coordinator - RSCA	✓		
56	Mtendere Gondwe	Office of Legal Consel - African Union	✓	✓	

57	Ethel Sirengo	Office of the East African Economic Community Permanent Representative to the African Union Comission	✓		
58	Dr. Nelson Magbagbeola	ECOWAS Permanent Representative to the African Union Commission	✓		
59	Jevin Pillay Ponisamy	Office of the Executive Secretary - Liaison Office to the African Union	✓	✓	
60	Amb. Salah S. Hammad	The African Governance Architecture Secretariat, Department of Political Affairs, AU Commission	✓		
61	Ms. Victoria Maloka	African Union Women Gender and Development Directorate (AU WGDD)	✓		
62	Ms. Fatma Ajroud	Chief Administrator for International Cooperation, National Anti-corruption Agency	✓		
63	Mr. Seif Bentili:	Project Officer, Al Bawsala (CSO)	✓		

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

Domestication of African Union Treaties Project

Duty Station: Home Base

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, 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, and 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 remains 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, and 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, and 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 to 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: 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:

   i.   Project document and budget (contribution agreement)
  ii.   Regional programme document;
 iii.   Project activity reports;
  iv.   Result Oriented Analysis Report
   v.   Support services provided to country offices; VI) country office reports; vii) UNDP's corporate strategies and reports; and viii) government, media, academic publications.
  vi.   Theory of change and results framework

vii.   Programme and project quality assurance reports
viii.   Annual workplans
ix.   Activity designs
x.   Consolidated quarterly and annual reports.
xi.   Results-oriented monitoring report.
xii.   Highlights of project board meetings.
xiii.   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 out following 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 preliminary debriefing and findings.

Draft evaluation report (within an agreed length). [11] The programme unit and key stakeholders 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 draft report 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;

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[11]A length of 40 to 60 pages including executive summary is suggested

- 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 remains 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 on31 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 -20June)	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

Relevant evaluationcriteria	Key questions	Specific sub questions	Data sources	Data collection methods/tools	Indicators/ success standards	Methods for data analysis