

TERMS OF REFERENCE FOR THE EVALUATION OF PEACEBUILDING FUND PROJECT PRF 118635

SUPPORT TO NIEC ELECTORAL DISPUTE RESOLUTION MECHANISMS¹

A. BACKGROUND and CONTEXT:

Somalia is emerging from decades of conflict and the organization of the country's first universal suffrage elections which were expected to be held in 2020 but are now expected to be in 2025 is a tremendous paradigm shift. UN electoral assistance to Somalia is in accordance with the decisions of the United Nations General Assembly and the Security Council and the mandate of the United Nations Assistance Mission in Somalia (UNSOM).

Initially, the constitutionally mandated National Independent Electoral Commission (NIEC) was to conduct the elections. However, a political compromise agreement by the National Consultative Council (NCC) in September 2020 to hold an indirect electoral process similar to 2016 excluded both the NIEC and political parties and instead appointed ad hoc electoral bodies:- the Federal electoral Implementation Team(FEIT) and State electoral Implementation Team (SEIT) to conduct the elections. The Electoral Dispute Resolution Committee (EDRC) was established by the NCC in October 2020 with a mandate to resolve electoral complaints from selection of delegates until confirmation of final indirect election results. The EDRC is an ad-hoc body and will be dissolved after completion of the indirect elections. The process has been characterized by delays caused by political disagreements among political actors about the composition of the ad hoc electoral committees appointed to conduct the elections. The process eventually got started in late July of 2021, with elections for the 54-member Upper House. Voters in this election were the federal member state parliaments. These elections concluded in mid-November 2021 and resulted in 26% women being elected. The election for the House of the People is more complex, with 275 seats, each elected by 101 voters called delegates, selected by committees of clan elders and civil society members.

This project aimed to put in place a conflict prevention mechanism by establishing a lean electoral dispute resolution mechanism understood by all, so that electoral complaints are not mishandled and lead to election-related violence by aiming to achieve the following:

- Development and establishment of EDR structures and systems at all levels, including the development of regulations and procedures for dispute resolution (implemented by UNDP).
- Development and implementation of programmes for NIEC staff, relevant judges and electoral stakeholders to ensure EDR is carried out competently and efficiently during different electoral operations (from voter registration to polling, counting and tabulation) (implemented by UNDP).

¹ Hereby referred to as the PBF project.

- Development of the NIEC’s offices for dispute resolution and stakeholder outreach (implemented by UNOPS).

Project Background

The overall aim of the project is to minimize electoral disputes and to enhance peaceful dispute resolution and thereby minimizing elections-related violence during the electoral process in 2020/2021. To achieve this objective, the project was developed to support the NIEC to establish the necessary electoral dispute resolution architecture at all levels so as to minimize conflict and prevent it from escalating into larger-scale violence. If disputes arose, the NIEC should have the capacity to deal with electoral complaints through the prescribed electoral dispute resolution procedures. If a complainant was still dissatisfied, he/she could ultimately resort to the judiciary. It was therefore considered important that judges would also be given specific training on electoral issues. Other key stakeholders would also need to know how electoral complaints procedures and electoral dispute resolution mechanisms work.

The project contributes to the UN Somalia Strategic Framework Priority 1: Deepening federalism and state-building, supporting conflict resolution and reconciliation, and preparing for universal elections. Outcome 1.3: Preparations for 2020/2021 universal elections are completed.

The project supports Sustainable Development Goal (SDG) 16: *“promotion of peaceful and inclusive societies for sustainable development, provision of access to justice for all, and build effective, accountable, and inclusive institutions at all levels”*.

SDG 16 – target 6: *“Development of effective, accountable and transparent institutions at all levels”*

SDG 16 – target 7: *“Assurance of responsive, inclusive, participatory and representative decision-making at all levels”*.

Furthermore, the project’s objectives align with the FGS priorities in the Government framework and national ownership as the New Partnership for Somalia sets out how Somalia and the international community work together to meet Somalia’s most pressing needs, including in the inclusive politics governance mechanism. As set out in the National Development Plan, the Somalia Mutual Accountability Framework (MAF) includes important goals on objectives on preparations for universal elections, such as the adoption of the electoral law, and the timely and sound implementation of NIEC’s strategic plan. Somalia has committed itself to a number of international and regional treaties with key human rights standards, including those in reference to genuine universal suffrage elections and the citizen’s right to be elected by secret ballot, guaranteeing the free expression of the will of the electors.

The Roadmap of the Federal Government of Somalia for ‘Inclusive Politics’ (2017-2020) clearly indicates that holding of elections at the end of the term of the Federal Parliament is a national priority for the country. The establishment of a secure, well-functioning and NIEC stakeholder outreach and EDR centre at a location considered impartial for all stakeholders underscores national ownership for the elections.

The PBF project is linked to the work and mandate of the UNSOM/UNDP Somalia Integrated Electoral Support Group (IESG). IESG supports the NIEC with preparations of the country's parliamentary one person, one vote elections at the federal level, by providing capacity development assistance to the NIEC as well as on operational planning, support to the development of the electoral legal framework, and with voter education and public outreach. Support to the NIEC in establishing an electoral dispute resolution mechanism (EDRM) and the construction of a stakeholder outreach and EDR centre are complementary to the work that IESG is implementing.

Due to the change in the electoral system and exclusion of NIEC from the electoral process, some of the planned activities could not be executed. As results, the PBF Project Document was amended, and resources reallocated to support the ad hoc 21-member EDRC in developing procedures, conducting trainings, workshops and meetings with election selection committees/elders, civil society, delegates, and candidates as well as provision of allowances for the committee members for four months.

Accessible and gender-supportive facilities were constructed at the NIEC Compound for NIEC public outreach and EDR, training and meeting purposes with NIEC. This building will help NIEC to establish effectively the EDRM while preparing for 2025 universal suffrage elections. In the same vein, the Project continued to support NIEC Legal department through training and working sessions to prepare the NIEC to implement the EDRM during preparation and organization of the universal suffrage elections expected to be held in 2025.

Project Outputs: The project has the following two Outputs:

Output 1. EDRM mechanism established, resourced, implemented, and understood by all electoral stakeholders.

Output 2. NIEC stakeholder outreach and EDR facilities are developed at NIEC HQ, including security enhancements (Construction)

The project was originally planned for 22 months with a start date of November 18, 2019. However, due to the political conflict and delay in holding the indirect elections, a no-cost-extension was granted ending on 28 February 2022.

PROJECT/OUTCOME INFORMATION

Project/Outcome title: Support to NIEC Electoral Dispute Resolution Mechanisms

Atlas Award ID: 00123648 Output: 00118635

Corporate outcome and output: The project contributes to the UN Strategic Framework Priorities:

- SP1: Deepening federalism and state-building, supporting conflict resolution and reconciliation, and preparing for universal elections.

Outcome 1.3: Preparations for 2020/2021 universal elections are completed.

Country: Somalia

Region FGS and FMSs: (Five regional member states) Puntland, Southwest, Galmudug, Hirshabelle, Jubbaland and Banadir Regional Administration

Date project document signed: 14 November 2019

Project dates Start Planned end

18 Nov 2019 - 28 Feb 2022

Project budget: USD 2,500,000

Project expenditure at the time of evaluation: (TBA closer to time TORs to be advertised, noting approved no cost extension to 28 Feb 2022)

Funding source: PBF

Implementing partner [1] UNDP and UNOPS

B. PURPOSE AND OBJECTIVES OF THE EVALUATION

Purpose

The primary purpose of this evaluation is to assess the extent to which the project achieved its strategic outcome with an added focus on whether the project interventions have managed to minimize electoral disputes and to enhance peaceful dispute resolution and thereby minimizing elections-related violence during 2020/2021 national indirect elections in Somalia. The evaluation shall determine the projects overall added value to the Electoral Justice in Somalia, in the areas of establishment of an effective EDRM, development of Procedures which take into consideration the right of women participation to EDR process and establishment of EDR facilities for public outreach and meetings. The evaluation must provide concrete findings based on evidence and actionable recommendations to the programme management, partners and the donor. The evaluation shall also provide key lessons learned in the project and highlight the challenges and areas where the project performed less effectively than anticipated.

Objectives of the evaluation:

- Assess the relevance, effectiveness, efficiency, and sustainability of project strategies and activities in terms of 1) managing electoral disputes and reducing related election violence 2) achievement of national ownership for elections 3) whether the project capitalized on the IESG (UNDP and UNSOM) added value in Somalia; and 4) the degree to which the project addressed cross-cutting issues including gender-sensitivity in Somalia;
- Assess to what extent the PBF project has made a concrete contribution to reducing election related violence in Somalia. With respect to PBF's contribution, the evaluator may appraise whether the project helped advance achievement of the SDGs, and in particular SDG 16;
- Evaluate the project's efficiency, including its implementation strategy, institutional arrangements as well as its management and operational systems and value for money;

- Assess whether the support provided by the PBF has allowed a specific focus on women’s access to electoral justice and whether the PBF support factored in gender equality;
- Assess the extent to which the implementation of the Project was affected by the challenging environment
- Identify and document key lessons learned and best practices and to propose practical recommendations for future programming.

C. SCOPE OF THE PROJECT EVALUATION

The evaluation team shall undertake the specific tasks listed below:

- (i) Evaluate the whole results chain from project indicators, outputs, outcomes, and immediate impacts with regards to activities achieved by the project.
- (ii) Verify through onsite visit the construction of a stakeholder outreach and EDR centre and establishment of an EDRM.
- (iii) Evaluate the project’s theory of change specifically, the conceptual, technical and policy underpinnings of the project design and compare with experiences on the ground.
- (iv) Evaluate the degree to which the activities contributed to achieving the project’s strategic outcomes, specifically identifying the contributing factors to achievement of outputs/outcomes and contributing factors to failure to achieve outputs/outcomes. This will serve to enhance evidence-based learning to inform future programming.
- (v) Evaluate project performance against its ability to achieve minimizing election related violence through an effective and timely adjudication of electoral complaints.

A shared folder will be provided to the evaluator with all the relevant documents which will include but not be limited to key meeting minutes and notes, semi-annual and annual reports, current lessons learned reports, and key correspondence.

Evaluation Questions within specific OECD-DAC criteria

RELEVANCE:

- Was the project relevant in addressing electoral related violence through formal and informal electoral disputes resolution? If there were significant contextual shifts, did the project goals and approach remain relevant?
- Was the project appropriate and strategic to the main peacebuilding goals and challenges in the country at the time of the PBF project's design? Did relevance continue throughout implementation?
- Was the project relevant to the UN's peacebuilding mandate and the SDGs, in particular SDG 16?
- Was the project relevant to the needs and priorities of the target groups/beneficiaries? Were they consulted during design and implementation of the project?
- Was the project well-timed to address a conflict factor or capitalize on a specific window of opportunity?
- Did the project's theory of change clearly articulate assumptions about why the project approach is expected to produce the desired change? Was the theory of change grounded in evidence?

EFFICIENCY:

- How efficient was the overall staffing, planning and coordination within the project (including between the two implementing agencies and with stakeholders)?
- Have project funds and activities been delivered in a timely manner?
- How efficient and successful was the project's implementation approach, including procurement, number of implementing partners and other activities?
- How efficiently did the project use the project board?
- Were there delays to project implementation? Did these delays create missed opportunities to address election related disputes?
- How well did the project team communicate with implementing partners, stakeholders, and project beneficiaries on its progress?

- Overall, did the PBF project provide value for money? Have resources been used efficiently? Did the actual and expected results (outputs and outcome) justify the costs incurred?
- To what extent did the PBF project ensure synergies within different programs of UN agencies and other implementing organizations and donor with the same portfolio?

EFFECTIVENESS:

- How effective were the projects implementation strategies and to what extent did the PBF project achieve its intended objectives and contribute to the project’s strategic vision?
- To what extent did the PBF project substantively mainstream a gender and support gender-responsive approach?
- Assess to what extent targets have been achieved per indicator in the results framework
- How effective and timely was the PBF project’s implementation in terms of electoral disputes management and construction of NIEC EDRM building? Would it be beneficial to support the same EDR structure in the future if it is indirect elections?
- How appropriate and clear was the projects targeting strategy in terms of geographic and beneficiary targeting?
- Did the project adopt responsive monitoring and evaluation practices/systems and how effective were they in capturing data to inform results at all levels including outcome level?

SUSTAINABILITY & OWNERSHIP:

- Did the intervention design include an appropriate sustainability and exit strategy (including promoting national/local ownership, use of national capacity etc.) to support positive changes in electoral dispute resolution after the end of the project?
- How strong is the commitment of the Government and other stakeholders to sustaining the results of PBF support and continuing initiatives, especially in establishment and implementation of the agreed NIEC EDRM for universal suffrage 20225?
- How has the project enhanced and contributed to the development of national capacity in order to effectively deal with electoral complaints and minimize election related violence during national elections in Somalia?
- What are the recommendations for similar support in future interventions?

COHERENCE:

- To what extent did the PBF project complement work among different entities, especially with other UN actors?

- To what degree were the project’s design, implementation, monitoring and reporting aligned with that of other projects supporting Somalia’s elections?
- How were stakeholders involved in the project’s implementation?

CATALYTIC:

- Was the project financially and/or programmatically catalytic?
- Has PBF funding been used to scale-up other peacebuilding work and/or has it helped to create broader platforms for peacebuilding?

GENDER-RESPONSIVE/GENDER-SENSITIVE

- Did the project consider the different challenges, opportunities, constraints and capacities of women, men and youth in project design (including within the conflict analysis, outcome statements and results frameworks) and implementation?
- Were the commitments made in the project proposal to gender-responsive approach, particularly with respect to the budget, realized throughout implementation?
- To what extent were gender considerations mainstreamed throughout the PBF support to Somalia EDR process?

RISK-TOLERANCE AND INNOVATION:

- Were risks adequately monitored and mitigated?
- How novel or innovative was the project approach? Can lessons be drawn to inform similar approaches elsewhere?

Disability

- Were persons with disabilities consulted and meaningfully involved in programme planning and implementation?
- What proportion of the beneficiaries of a programme were persons with disabilities?
- What barriers did persons with disabilities face?

D. METHODOLOGY AND APPROACH

As of 11 March 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic as the new coronavirus rapidly spread to all regions of the world. Travel to and in the country is constrained by a combination of COVID-19 and the ongoing conflict. If it is not possible to

travel to or within the country for the evaluation then the evaluation team should develop a methodology that takes this into account the conduct of the evaluation virtually and remotely, including the use of remote interview methods and extended desk reviews, data analysis, surveys and evaluation questionnaires. This should be detailed in the Inception report and agreed with the Evaluation Manager.

If all or part of the evaluation is to be carried out virtually then consideration should be taken for stakeholder availability, ability or willingness to be interviewed remotely. In addition, their accessibility to the internet/computer may be an issue as many government and national counterparts may be working from home. These limitations must be reflected in the evaluation report while demonstrating efforts to mitigate such challenges

The evaluation will employ a combination of both qualitative and quantitative evaluation methods including:

- The evaluation will be summative and will employ a participatory approach whereby discussions with and surveys of key stakeholders provide/verify the substance of the findings. Proposals submitted by prospective consultants should outline a strong mixed method approach to data collection and analysis, clearly noting how various forms of evidence will be employed vis-à-vis each other to triangulate gathered information.
- Proposals should be clear on the specific role each of the various methodological approaches plays in helping to address each of the evaluation questions.
- The methodologies for data collection may include but not necessarily be limited to:
 - Desk review of key documents.
 - Key informant interviews (KIIs) and focus group discussions, as appropriate, with major stakeholders including country PBF team, officials from key stakeholders in electoral dispute resolution which include NIEC Legal department, EDRC, IESG, UNDP Somalia procurement and finance units and UNOPS. All stakeholders have men and women who were engaged or supported by the PBF project and the aim should be that equal numbers of both are interviewed.
 - Beneficiary/communities and stakeholder perception surveys to feed into outcomes.
 - Systematic review of monitoring data and internal assessments and evaluations.
 - Systematic review of existing, relevant data at the outcome or country context level.
 - Systematic review of all the relevant project documentation including project documents, annual work-plans, project coordination meeting reports and project progress reports.
 - On-site observation/visit of the NIEC EDRM building.

E. DELIVERABLES

1. **Inception Report:** The consultant evaluator will prepare an Inception Report to further refine the evaluation questions and detail the methodological approach, including data collection instruments, in consultation with the PBF technical team. The Inception report must be approved by both the evaluation manager and the PBF prior to commencement of data collection in the field. The inception report should include the following key elements:

Inception report content

1. **Background and context**, illustrating the understanding of the project/ outcome to be evaluated.
2. **Evaluation objective, purpose and scope.** A clear statement of the objectives of the evaluation and the main aspects or elements of the initiative to be examined.
3. **Evaluation criteria and questions.** The criteria the evaluation will use to assess performance and rationale. The stakeholders to be met and interview questions should be included and agreed, as well as a proposed schedule for field visits.
4. **Evaluability analysis.** Illustrates the evaluability analysis based on formal (clear outputs, indicators, baselines, data) and substantive (identification of problem addressed, theory of change, results framework) approaches, and the implications for the proposed methodology.
5. **Cross-cutting issues.** Provide details of how cross-cutting issues will be evaluated, considered and analysed throughout the evaluation. The description should specify how methods for data collection and analysis will integrate **gender considerations**, ensure that data collected is disaggregated by sex and other relevant categories, and employ a diverse range of data sources and processes to ensure the inclusion of diverse stakeholders, including the most vulnerable where appropriate.
6. **Evaluation approach and methodology**, highlighting the conceptual models to be adopted, and describing the data collection methods,² sources and analytical approaches to be employed, including the rationale for their selection (how they will inform the evaluation) and their limitations; data-collection tools, instruments, and protocols; and discussing their reliability and validity for the evaluation and the sampling plan.

² Annex 2 in the Guidelines outlines different data collection methods.

7. **Evaluation matrix**, identifying the key evaluation questions and how they will be answered through the selected methods.
 8. A revised **schedule of key milestones**, deliverables and responsibilities, including the evaluation phases (data collection, data analysis and reporting).
 9. Detailed **resource requirements** tied to evaluation activities and deliverables detailed in the workplan.
 10. **Outline of the draft/ final report** as detailed in the guidelines and ensuring quality and usability (outlined below). The agreed report outline should meet the quality standards outlined in these guidelines and the quality assessment requirements outlined in section 6 of the UNDP Evaluation Guidelines.
 11. A work plan and timelines to be agreed with relevant PBF focal points.
2. **Presentation/validation of preliminary findings** to relevant in-country stakeholders and PBF
 3. **Final evaluation report:** The consultant evaluator will prepare the final evaluation report based on PBF’s evaluation report template. The first draft of the final report will be shared with an Evaluation Reference Group (ERG), composed of representatives of all direct fund recipients and the PBF (at a minimum), for their comments. Further editing by the evaluators may be required before final approval of the report. The final accepted version of the report will reflect ERG’s comments. The Final Report must be approved by both the evaluation manager and the PBF.

Evaluation ethics

“This evaluation will be conducted in accordance with the principles outlined in the UNEG ‘Ethical Guidelines for Evaluation’. 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 anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered in the evaluation process must also be solely used for the evaluation and not for other uses with the express authorization of UNDP and partners.”

A. Institutional Arrangements/Reporting Lines

MANAGEMENT AND IMPLEMENTATION ARRANGEMENTS

Country Office Evaluation Management: UNDP CO management is ultimately responsible and accountable for the quality of the evaluation process and products under the leadership of the UNDP Deputy Resident Representative - Programmes (DRR-P). The DRR-P will assign an

Evaluation Manager (UNDP M&E Specialist) who shall be responsible for engaging and debriefing the consulting team, coordinating review of reports, and ensuring compliance with UNDP/UNEG evaluation standards, ethics, and code of conduct for evaluations. The CO Management will take responsibility for the approval of the final evaluation report.

The CO management will develop a management response to the evaluation within two weeks of report finalization.

Project Management: The Project Manager responsible for Support to NIEC Electoral Dispute Resolution Mechanisms project will support the evaluator on a daily basis with respect to providing background information and progress reports and other documentation, setting up stakeholder meetings and interviews, and coordinating with beneficiaries and key stakeholders.

Evaluation Reference Group: To ensure the independence, credibility and ownership of the evaluation, an evaluation reference group (PBF, UNDP, NIEC/EDRC) will be established to help guide the process. The nomination of members will be done before the assignment commences and the group details shared. Development partners contributing the project will be requested to nominate a member each. Other members of the group will be drawn from among key stakeholders of the project.

Evaluators: There will be an independent international consultant . They should not have worked for UNDP or have been involved with national partners, in the design or implementation of the project. The evaluator will have the overall responsibility for the conduct of the evaluation exercise as well as quality and timely submission of reports (inception, draft, final etc). An individual consultant procurement notice on the evaluation will include information on criteria for selecting proposals. An excerpt on the criteria is provided as an annex to the ToR.

Considering the effects of the COVID-19 pandemic, virtual focus group discussions with project beneficiaries and other stakeholders will be conducted. Interviews with relevant key informants. Observations and verifications (virtual field consultations -when/if possible- using checklist) to be conducted by local consultant with all Covid-19 and security protocols issued by the Government being observed. Furthermore, the evaluators will be expected to familiarize themselves with the United Nations Evaluation Group's standards and norms and ethics for conducting project evaluations. The evaluator will provide the Evaluation Manager with regular updates and feedback.

Duty Station

The consultancy will be home-based, and consultant shall set-up a schedule to engage with the project team through video conferencing or other remote communication tools.

F. TIMEFRAME:**Scope of Price Proposal and Schedule of Payments**

The contract price is a fixed price based on the results, with the length of service being approximate.

The payment schedule will be directly related to the deliverable submissions and approval of final report.

Deliverable	Duration	Amount	Weeks (%)
Inception Report	Week 1	Tranche 1	20%
Field data collection and analysis	Weeks 2-4	Tranche 2	30%
Draft evaluation report	Week 5	Tranche 3	20%
Final Report	Week 6-7	Tranche 4	30%
Total	38 days		100%

G: EVALUATION

Applications will be evaluated technically, and points are attributed based on how well the proposal meets the requirements of the Terms of Reference using the guidelines detailed in the table below:

Evaluation Criteria – Expertise, Skills, Qualifications, Knowledge and Value for Money	
Technical expertise (required experience and knowledge for assignment)	50
Experience in undertaking evaluations of government executed projects, in particular, for electoral assistance projects	30
Academic qualifications (relevant academic qualifications in line with the TORs)	20
Scores	100
RANKING	

Interviews may be conducted as part of technical assessment for shortlisted proposals.

Submitted by:

Mary Cummins

Deputy Chief Electoral Advisor

Agreed by:

Garikai Mabeza

Monitoring & Evaluation Specialist

Approved by:

Jacqueline Olweya

Deputy Resident Representative (P)



Digitally signed by Mary Cummins
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