Terms of Reference for an Independent Outcome Evaluation of the Support to Electoral Reform and Elections, and the UN Support to the 50/50 Programme

UNDP
P. O Box 30135
Lilongwe 3

14 June 2009
Programme Title: Support to Electoral Reforms and Elections and the UN Support to the 50/50 Programme
Type of Assignment: Outcome Evaluation
Composition:
1 international team leader
1 International Consultant (team member)
2 National Consultants (team members)
Timeframe of the Mission: 21 working days
Duty Station: Lilongwe, Malawi and Blantyre, Malawi
Expected date of entry on duty: 15th July 2009
Evaluation Reports:
15th August 2009

1. BACKGROUND/CONTEXT
Malawi has conducted Parliamentary and Presidential Elections since 1994, when the country embraced political pluralism. The previous Presidential and Parliamentary elections were held in 2004. The 2004 elections revealed a number of capacity deficits within the Malawi Electoral Commission, an institution that is mandated by the Constitution of the Republic of Malawi to conduct all elections in Malawi. The capacity deficits required improvements to MEC and to the electoral process in order for future elections to be free, fair and credible.

Post-2004, in preparation for the recently concluded 2009/Presidential and Parliamentary elections and in order to develop the capacity of the Commission, UNDP was requested by Government and development partners to formulate the project entitled “Support to Electoral Reform and Elections”, as the Electoral Trust Fund project. The project has been implemented in two phases. The first phase, which was an “in between ballots boxes” focused mainly on developing the capacity of the Commission, and it ran from March, 2007 to June 2008. The second phase, whose main objective was to support the conduct of the 2009 Parliamentary and Presidential Election, has been implemented from July 2008 to June 2009. The total cost for the Trust Fund Project on Elections was US$ 21 million. Of this amount, US$ 4 million was ear-marked for the first phase and the remaining amount was ear-marked for the second phase. The major contributors to the Trust Fund include UNDP, DfID, Norway, USAID, CIDA, Germany, Ireland, EU, and Japan. The outcome of the project was the promotion of “Good governance, gender equality, and rights based approach to development enhanced by 2011”.

The first phase of the Elections project had four major components as follows:
- Institutional capacity building for the Malawi Electoral Commission (MEC).
- Computerization of the voters’ register
- Provision of Civic and voter education
- Support to the actual conduct of 2009 elections.
The above four components of the first phase were compressed into three in the second phase as follows:

- Strengthened Management Capacity in the Malawi Electoral Commission.
- Strengthened technical capacity to conduct elections in Malawi.
- The electoral process for the 19th May 2009 polls fully implemented.

In order to ensure a gendered electoral process, the 2009 elections were also supported through a national program, “Increasing Women Representation in Parliament and Local Government”, in short referred to as “50-50 Program.” This program was formulated with the guidance of the Development Assistance Group on Gender (DAGG) as a special affirmative action programme to ensure a gender sensitive electoral process that would allow increased participation of women in the 2009 presidential and parliamentary Elections. This program was implemented jointly by the Ministry of Women and Child Development and the Malawi NGO Gender Coordination Network (NGOGCN). The main outcomes of the 50-50 program were as follows:

a) Increased public awareness on the importance of women’s participation in leadership and decision making positions.

b) Increased representation of women in Parliament and participation of women in political decision making

Hence, the outcome evaluation focuses on the following two areas:

1. An evaluation of the overall UNDP-managed Elections Trust Fund project as part of the institutional capacity development of the Malawi Electoral Commission; and
2. The impact of the UN’s support to the 50/50 program on the elections.

Under the first area of evaluation of the ETF project, the evaluation will look at the following components: the institutional capacity development of MEC; the support provided to the actual conduct of the 2009 elections; and the support provided the Trust Fund component of civic and voter education; and the media

Within the context of the Malawian Growth and Development Strategy (MGDS), the United Nations Development Assistance Framework (UNDAF) 2008 - 2011, and the Country Programme Document (CPD), the evaluation will assess the contribution of the projects to the achievement of key outcomes and outputs for improving the deepening and consolidation of democracy in Malawi.
2. THE PURPOSE OF THE EVALUATION
The main objectives of this Outcome Evaluation are to:

a. Assess the outcome of the Elections interventions including the UN supported 50/50 program outcomes.
b. Assess the efficiency and effectiveness of the management of the electoral process.
c. Assess the efficiency and effectiveness of the development partner technical support provided to both the Elections project and the UN supported 50-50 program and its added value to the whole electoral process.
d. Assess the contribution of the projects to the achievement of key outcomes and outputs for improving the deepening and consolidation of democracy in Malawi.
e. Identify strengths and weaknesses in the management of the electoral processes.
f. Provide recommendations on the follow – up to the current elections process including assessing how lessons from the UN supported 50/50 program may be integrated into future electoral processes.

The findings of this evaluation are expected to assist the UNDP Country Office, EAD, the Malawi Government and development partners in further enhancing the country’s future capacity to manage the conduct of future gender-sensitive, free and fair Parliamentary and Presidential Elections, future bye-elections, and Local Government Elections that are scheduled in 2010.

3. SCOPE OF THE EVALUATION
The evaluation will assess the contributions made against the following project outcome indicators:

- Improved national capacity to formulate policy, manage, monitor, and deliver services to protect the rights of vulnerable groups.
- Strengthened technical capacity within the Malawi Electoral Commission to support to improve its ability to have free, fair and credible elections.
- Increased public awareness on the importance of women’s participation in leadership and decision making positions including assessing the impact of increased representation of women in Parliament.

Specifically, the scope will include:

- Identifying challenges encountered and positive results or progress made to achieve the intended outcomes.
- Assessing whether or not the elections were conducted in a free and fair atmosphere including the prevailing political situation, the role played by the media and civic and voter education, the participation of women in the elections, and the capacity of MEC to manage the electoral processes.
- Assessing the adequacy of management arrangements, the integrity of the financial management, procurement processes and mechanisms related to monitoring and evaluation.
Providing recommendations on the follow – up to the current elections interventions including the UN supported 50/50 activities, and especially on how the lessons from the UN supported 50/50 programme may be integrated into future electoral processes.

4. MAIN TASKS FOR THE CONSULTANTS
In order to achieve the above objectives, the Evaluation Team is expected to:

- Assess the level of progress made towards achieving the project outcome with specific focus on identifying both contributing factors and impediments;
- Evaluate the extent of the UNDP contribution to the achievement of the outcome through related project/Annual Work-Plan outputs;
- Assess the viability and effectiveness of partnership strategies in relation to the achievement of the outcomes, including involvement of GoM, MEC, donors, civil society, political parties and the media.
- Identify and assess lessons learnt and best practices in relation to management and implementation of activities to achieve the related outcomes.
- Identify institutional strengths and weaknesses and areas for improvement of the Country Office programme strategy in the field of Elections and Electoral Assistance to MEC.
- Make recommendations on sustaining implementation of activities initiated within the framework of the electoral reforms and elections for future electoral projects; identify a clear link with UNDAF outcomes and outputs and strategies of development partners in support of deepening democracy in Malawi and their expected contribution against the relevant set of indicators.
- Evaluate the policy decisions with regard to the Constitution of Malawi and the mandate of the Malawi Electoral Commission.
- Assess the design and implementation of various components of the project support documents including how the various resources were mobilized and utilized (including recruitment and procurement), how the governance structures for the programme functioned (ETF and pre-ETF meetings), and assessing the integrity of the budgeting, planning and reporting requirements.
- Review the electoral law and the subsequent methodology adopted in Malawi and assess how responsive they are to the needs and interests of various social groups.
- Review the role of the media, regulatory bodies, media–related laws, and assess how these were related to the powers of MEC in promoting a level political playing field.
- Review how the UNDP coordinated and managed the Electoral Trust Fund and assess the support extended by development partners for its effective functioning.
- Provide recommendations on how Malawi can hold affordable, efficient and gender-sensitive elections in the future, through capacity building of MEC so that future elections are fully led and owned by its nationals.
APPROACH AND METHODOLOGY OF THE EVALUATION

The evaluating will pay particular attention on the following criteria:

Project design and implementation: Evaluate the logic and completeness of the process in planning and designing the activities for electoral reforms and the conduct of 2009 elections, with particular focus on the following four windows of support:

- Institutional capacity development of the MEC and support to the actual conduct of the 2009 elections (including aspects such as results management; electoral rolls (registration and verification); accountability (including asset management, procurement, financial & budget management); and national monitoring & international observation.
- Management of engendered Civic and voter education (long term efforts through NGOs such as NICE and MESN) and short term efforts through the ETF;
- Analysis of gender and other social exclusion/inclusion issues including disability (including how to further strengthen the 50-50 type of campaign or to introduce similar initiatives);

The evaluation will have a total of four team members (including a team leader). Each team member will be in charge of one of the windows of support mentioned above. The Team Leader (sourced from the EAD roster) will look at the first window of support relating to the institutional capacity building of MEC.

Efficiency: Evaluate the efficiency of the projects vis-à-vis the quality of the results achieved and the time/political constraints underlying the implementation of the project activities envisaged;

Effectiveness: Conduct an assessment of how assumptions have affected project achievements and the subsequent management decisions vis-à-vis the cost effectiveness;

Impact: Evaluate the effect of the projects on the wider environment and its contribution to sectoral objectives summarized in the project’s overall objectives which was to contribute towards enhancement of good governance, gender equity and a rights based approach to development;

Sustainability: Assess the sustainability of the results achieved with particular reference to national institutional capacity, socio-cultural, legal, economical and financial factors, gender and geographical factors vis-à-vis the appropriateness of technology used.

The evaluation team will use the following methodology:
1) Desk review of existing documents and materials such as support documents, evaluations, assessments, and a variety of temporal and technical reports. In particular it will review mission, programme/project reports (APRs), the annual reports and the consultants’ technical assessment reports;

2) Hold consultative discussions and interviews with partners and stakeholders (including gathering the information on what the partners have achieved with regard to the outcome and assessing strategies they have used);

3) Visits to sampled project field sites;

4) Briefing and debriefing sessions with UNDP and the Government, as well as with other donors and partners.

EVALUATION PRODUCTS/DELIVERABLES
- **Evaluation Inception Report.** The evaluation team will produce an inception report detailing the evaluators’ understanding of what is being evaluated and why, showing how each evaluation question will be answered by way of: a) proposed methods, b) proposed sources of data, and c) data collection procedures. The inception report will include a proposed schedule of tasks/activities and deliverables, designating a team member with the lead responsibility for each task or product.

- **Draft evaluation report.** The evaluation team will produce a draft report to be reviewed by Elections Task Force.

- **Final Evaluation report:** The evaluation team will produce a final report incorporating comments made by the Elections task Force on the draft report.

EVALUATION TEAM COMPOSITION AND REQUIRED COMPETENCIES
The evaluation team will comprise one independent international consultant with in-depth knowledge on electoral processes sourced from the roster of the UN Electoral Assistance Division roster (Team Leader – who will be in charge of the component relating to the institutional capacity development of MEC and support to actual conduct of the 2009 elections. The three team members will respectively assess the 50:50 programme; the support provided to the Trust Fund component of the civic and voter education, and the media. The experts should have relevant experience in evaluation of electoral projects. None of the consultants will have been engaged in the design and implementation of the projects being evaluated.

EVALUATION ETHICS
The evaluation will be conducted in accordance with the principles outlined in the Ethical Guidelines for Evaluation (UNEG 2007). Evaluation ethics and procedures will be strictly upheld to safeguard the rights and confidentiality of information providers.
IMPLEMENTATION ARRANGEMENTS/TIMEFRAME FOR THE EVALUATION PROCESS

The United Nations Development programme in close collaboration with the Malawi Electoral Commission and the development partners will be primarily responsible for organising and managing the evaluation through the Election Task Force. The estimated duration of the evaluation is 21 working days and consultants will work five days in each week as per the following timetable:

(a) Briefing of evaluators by UNDP and MEC (2 days)
(b) Desk review of relevant documentation and production of inception report (2 days).
(c) Produce an inception report for discussion by the ETF (3 days)
(d) Conduct interviews with relevant stakeholders (7 days).
(e) Preparation of draft report (3 days)
(f) ETF meeting to validate/critique the report (1 day)
(g) Preparation of final report (4 days) (including debriefing session).

At the end of the above evaluation period, the team leader along with at least one other consultant will be expected to return to Malawi after a period of 4 weeks to host a one day debriefing workshop based on the formal report that is produced.

UNDP will be responsible for preparing the full program of the evaluation process, in consultation with the Malawi Electoral Commission and the Elections task force, and to organize transportation and logistics in support of the evaluation. The Elections Task Force will serve as a Steering Committee for the evaluation process. It is anticipated that, among others, the evaluation team will meet key partners who include:

- Chairperson and Commissioners of MEC;
- Technical assistants at MEC;
- Senior management of MEC;
- Representatives of other relevant implementing partners including IFES and civil society organizations;
- Representatives of development partners;
- Representatives of political parties;
- A selection of newly elected women Members of Parliament
- A selection of women aspirants who did not make it to Parliament
- Representatives of domestic observer groups;
- Representatives of relevant ministries including Ministry of Finance and the Office of the President and Cabinet;
- UNDP management and staff.

FEES

Fees for both the local and international consultants will be negotiable, and will be paid on the basis of each day worked. UNDP will pay for the fees, and all travel costs during the course of the evaluation.