TERMS OF REFERENCE

EVALUATION OF THE PROJECT CONSOLIDATING GAINS FROM THE KENYA NATIONAL DIALOGUE AND RECONCILIATION PROCESS

1. Background

Kenya experienced the greatest threat to its stability since its independence with the violence that escalated into a political crisis that engulfed the country following the 2007 general elections. In response to the crisis a Panel of Eminent African Personalities was established to assist Kenyans in finding a peaceful solution to the crisis. It was composed of former UN Secretary-General, Mr. Kofi Annan (Chairman), former President of Tanzania, Mr. Benjamin Mkapa and former South African First Lady, Mrs. Graca Machel. This resulted in the signing of the National Accord and Reconciliation Act (NARA) in February, 2008. Effective implementation of the agreement is critical as part of the consolidation of the peace process. Due to the need for continued engagement a Coordination and Liaison (CLO) with the overall objective of supporting and facilitating the timely and effective implementation of the KNDR agreements was established through the project, Consolidating Gains from the Kenya National Dialogue and Reconciliation Process. The CLO’s overall objectives are the maintenance of political dialogue between the coalition partners and the Panel; processing and analysis of the findings of a comprehensive and coordinated monitoring and evaluation system for the implementation of the KNDR agreements; and the preservation for historical and lessons-learned purposes of the records and documents of the KNDR process, including the commissions, in consultation with the Kenyan authorities and in accordance with international standards and practices. The processing and analysis of the findings from the comprehensive and coordinated monitoring and evaluation mechanism has been undertaken by a private research firm.

Specific support from the CLO included provision of political analysis, advice, drafting support and strategy options to the members of the AU Panel of Eminent African Personalities. The CLO has also successfully sourced international experts for the Coalition Government various needs including the Committee of Experts on the Constitutional Review Process, the Truth, Justice and Reconciliation Commission (TJRC), the Police Reform Task Force and the Constitutional Dispute Resolution Court. Technical assistance has also been provided to the new commissions in terms of financial and administrative planning. In addition, the CLO have facilitated meetings with civil society representatives, members of the Coalition Government, donors and other stakeholders to exchange views on the implementation process and on the way forward, including discussion on the Panel’s options for action in assisting implementation of the agreements. This critical support provided through the project contributes towards addressing the long term issues, including: constitutional, legal and institutional reforms; land reforms; consolidating national unity and cohesion, and addressing impunity, transparency and accountability, which are essential components of consolidating peace and stability in Kenya.

In 2009 the initial project was expanded to also include support to the Interim Independent Electoral Commission (IIEC) and the Committee of Experts on Constitutional Review (CoE). Separate reviews are being undertaken for each of these components.

2. Project Components
The long-term outcomes that this project aims at contributing to are: strengthened capacity of key institutions for enhanced efficiency, effectiveness, transparency and accountability in the formulation and delivery of pro-poor planning and policies; a culture of constitutionalism; and enhanced capacity for the promotion and administration of justice and human rights. The specific outputs are:

(a) Political dialogue maintained between the coalition partners and the Panel of Eminent African Personalities.
(b) Findings from a comprehensive and coordinated monitoring and evaluation mechanism for the implementation of the KNDR agreements are processed and analyzed.
(c) Records of the KNDR and the Commissions emanating from the KNDR are properly stored, archived and preserved (Information repository established).

3. Objective of the Evaluation

The overall objective of the evaluation is to assess the impact of the support provided to the CLO and identify lessons learned from the process.

3.1. Specific Objectives

Specifically, the Evaluation aims to accomplish the following:

a) Assess the Project and its contribution to national reform priorities on democratic governance and its impact on various stakeholders;

b) Review the performance of the Project in achieving the expected outcomes and outputs as per the Project Document;

c) Identify factors, which facilitated or hindered the achieving the outcomes, both in terms of the external environment and those internal to the Project and document lessons learned in the development and implementation stages. This should include but not be limited to assessing the strengths and weaknesses in design, management, coordination, human resource, and financial resources;

d) Assess the appropriateness of the programme strategy including the programme institutional/management arrangements and the basket fund modality to reach the intended outputs and outcome;

e) Assess the effectiveness of risk mitigation strategies in the implementation of the project, particularly in the context of the CoE not being a permanent entity;

f) Make clear and focused recommendations that may be required for enhancing effectiveness of similar projects.

3.2. Scope of the Evaluation

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

a) the project’s concept and design;

b) whether the problem (s) the Project was supposed to solve was clear, objectives were achievable, and whether the relationship between the objectives, the outputs, the activities and the inputs was clear, logical, and commensurate, given the time capacity and resources available;

c) to what extent the immediate objectives of the project have been attained and how effective it has been in assisting the Government of Kenya in implementing the KNDR;
d) project implementation and operational performance. Particular attention will be
given to the mobilization of inputs in terms of quality, quantity and timeliness;
and the impact of these external factors on the project workplan schedule; and the
overall management arrangements;
e) the quality and timeliness of the implementation and responsiveness of the
Project in light of the objectives, outputs, activities and risks;
f) the achievement of planned outcomes and outputs as per the project document and
budget;
g) significant lessons that can be drawn from the experience of the project and its
results, in particular, anything that should be or should not be applied to the other
projects.

4. Methodology of the Assignment

Based on UNDP guidelines for evaluations, and in consultations with UNDP Kenya, the
Consultants should develop a suitable methodology for this evaluation. The evaluation will
be inclusive and participatory, involving all stakeholders into the analysis. The evaluation
will consider the social, political and economic context which affects the overall performance
of the outcome achievements. During the evaluation, the Consultants are expected to apply
the following approaches for data collection and analysis.

- Desk review of relevant documents;
- Discussions with the CLO and UNDP Kenya Senior Management and programme
  staff;
- Interviews with partners and stakeholders including the AU Panel of Eminent African
  Personalities, government officials, service providers, development partners (within
  the basket and those outside the basket), strategic partners, among others.
- Consultation meetings.

The evaluation will be conducted according to the UNDP Handbook on Monitoring and
Evaluation for Results (2002), which follows the result-based management methodology.

5. Deliverables

The Consultants are expected to provide the following outputs:

- Inception report on proposed evaluation methodology, design, workplan and proposed
  structure of the report;
- Initial findings from field work;
- A draft evaluation report;
- Final evaluation report of sufficient detail and quality, with annexes

6. Implementation Arrangements

The Consultants will be briefed by UNDP upon signing contracts on the objectives, purpose
and output of the evaluation. An oral debriefing by the Consultants on the proposed workplan
and evaluation methodology will be done and approved prior to the commencement of the
evaluation process. A wrap-up meeting during where comments from participants will be
noted for incorporation in the final evaluation report must be held.
7. **Composition, skills and experience of the evaluation team**

The mission will consist of two consultants with the following expertise:

**Team Leader**

**Required qualification and skills for the team leader:**
- Advanced university degree in political science, international development or related field
- At least 7 years of experience in the relevant field
- Sound knowledge about results-based management (especially results-oriented monitoring and evaluation)
- Previous experience on undertaking evaluations of similar scope
- Previous work experience in related areas with UNDP desirable but not mandatory
- Fluency in English
- Excellent writing and communication skills

Specifically, the team leader will perform the following tasks:
- Lead and manage the evaluation mission;
- Design the detailed evaluation scope and methodology (including the methods for data collection and analysis) for the report;
- Decide the division of labor within the evaluation team;
- Conduct an analysis of the outcome, outputs and partnership strategy (as per the scope of the evaluation described above) for the report;
- Draft related parts of the evaluation reports; and
- Finalize the whole evaluation report.

The team leader will take the overall responsibility for the quality and timely submission of the evaluation reports to the UNDP country office.

**Second Consultant**

**Required qualification for the second consultant:**
- Advanced university degree in political science, international development or related field
- At least 5 years work experience in the relevant field.
- Sound knowledge about results-based management (especially results-oriented monitoring and evaluation)
- Previous experience on undertaking evaluations of similar scope
- Previous work experience in related areas with UNDP desirable but not mandatory
- Fluency in English
- Excellent writing and communication skills

The second consultant will perform the following tasks:
- Review documents;
- Participate in the design of the evaluation methodology;
- Data collection;
- Assessment/construction of indicators’ baselines
- Actively participate in conducting the analysis of the outcomes, outputs and targets (as per the scope of the evaluation described above), as agreed with the team;
- Draft related parts of the evaluation report; and,
- Assist the team leader in finalizing document through incorporating suggestions received on draft related to his/her assigned sections.

8. Timeframe

The detailed schedule of the evaluation and the length of the assignment will be discussed with the Consultants prior to the assignment. The final report is expected no later than 14th April, 2011. Based on the above guidelines, the tentative work-plan for the assignment is shown below:

<table>
<thead>
<tr>
<th>Indicative Work plan</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>Inception report</td>
<td>2 days</td>
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<tr>
<td>Desk Review</td>
<td>2 days</td>
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<tr>
<td>Interviews including field visits</td>
<td>7 days</td>
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<tr>
<td>Preparation of main findings and recommendations</td>
<td>3 days</td>
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<tr>
<td>Wrap-up meetings</td>
<td>1 day</td>
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<tr>
<td>Preparation and submission of 1st draft of the evaluation report</td>
<td>3 days</td>
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<tr>
<td>Feedback on draft reports</td>
<td>2 days</td>
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<tr>
<td>Finalization of evaluation report and submission of final report</td>
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9. Remuneration

The Consultants will be contracted by UNDP according to the organization remuneration scale.

10. Duty Station

The consultants shall not be obliged to work from the UNDP-Kenya Country Office. All field travel costs related to the assignment shall be borne by UNDP.

11. Reporting Relationship

The Consultants will report to the UNDP Kenya Deputy Country Director of Programmes.