**Terms of Reference**

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**Terms Of Reference For A Consultancy for the Project Evaluation of Support to Participatory Constitution Making in Zimbabwe**

 **Project Evaluation: Support to Participatory Constitution Making in Zimbabwe**

**UNDP PROJECT IDs 00070004-Act 3 and 00076719**

1. **Background**

Following the June 2008 presidential elections, inter-party negotiations facilitated by former South African president, Thabo Mbeki, led to the signing of the Global Political Agreement (GPA) in September 2008. An inclusive Government was formed in February 2009. With the GPA, the three major political parties in Zimbabwe committed to undertake a transparent, impartial, inclusive and participatory constitution making process leading to the development of a new constitution for the country. This was in recognition of the fact that development of a new constitution based on broad consensus building on the core socio-economic and political issues facing the country would constitute a firm foundation for peacebuilding, democratic and participatory governance in the country.

It was recognised that support to the new democratic constitution for the country would be fully in line with the UNDP Country Programme Action Plan (CPAP), which included strengthening institutions, systems and mechanisms to promote democratic governance, constructive dialogue, gender equality, and the rule of law.

A project - “***Support to Participatory Constitution Making in Zimbabwe***” (SPCMZ) - was developed by the Government of Zimbabwe (GoZ) in consultation with the UNDP Country Office. Under this project, support was provided to a national institutional and participatory network to direct and manage a democratic constitution making process where public participation was to be as broad-based and inclusive as possible. Views of the general public were to be recorded and reflected in a new democratic constitution for the country.

The project document was signed on 13 April 2010. The project was implemented over a period of 3 years with financial and technical support from UNDP and ten international development partners: Australia, Canadian International Development Agency (CIDA), Denmark, UK Department for International Development (DFID), European Commission (EC), France, Netherlands, Swedish International Development Cooperation Agency (Sida), the United States Agency for International Development (USAID), and Norway. The project was nationally implemented; with a project board established for the purposes of providing strategic direction during implementation, and monitoring and evaluation of the project activities. Because of the political importance of the process, and the sensitivity of external support for it, the board comprised the Management Committee (consisting of politically inclusive high level representation: the negotiators to the GPA representing each of the three political parties, the Minister of Constitutional and Parliamentary Affairs and the 3 co-chairs of the Parliamentary Select Committee), the UNDP Resident Representative, Ambassadors from select funding partner and two appointed co-chairs of the All Stakeholders Conferences.

The original project deadline was set for June 2011. However, due to the extended constitution making process, the deadline was correspondingly extended to 31 December 2011 and finally to 30 June 2013.

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| **Goal and objectives of The Project**The overall goal of the project was to support the Government of Zimbabwe to prepare for and conduct a participatory, inclusive and transparent constitution making process. It was hoped that the constitution making process and the adoption of a new democratic constitution would lead to the following outcomes;* Strengthening the rule of law;
* Advancing commitment to principles of popular participation in governance; and
* Entrenching principles of constitutionalism.

The key objectives of the project included: **Objective 1: Capacity enhancement:** To support and strengthen the organisational management and operational capacities of the national constitutional making bodies to enable them to effectively manage implementation of the constitution making process, including their capacities to conduct a credible and transparent referendum on the draft constitution.**Expected output:** Strengthened Capacity of institutions/mechanisms mandated with constitutional reform management to enable them to effectively plan, manage and coordinate a participatory and inclusive process resulting in a credible and people-driven constitution;**Objective 2: Outreach programme:** To support, promote and ensure that national constitution making bodies undertake wide-spread, balanced and meaningful consultations with the general public and civic society. (The Management Committee shall get appropriate policy guidance and directives to create a conducive environment for public consultations.)**Expected output:** Public outreach conducted in all sections of the population to ensure awareness of and participation in the constitution making process by all groups in society especially women, young people and other marginalized groups;**Objective 3: Media Strategy:** To enhance transparency and facilitate consultative outreach programmes that provide objective information for the public to enable them to participate meaningfully in the constitution making process.**Expected output:** Effective media and communication strategy developed and implemented to strengthen the capacities of the media to enhance transparency of the process and to provide objective information for the public to make informed choices during the constitution making process. |

**Resources Required to Support the Project**

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| **Partners:** DFID/UK, SIDA/Sweden, Netherlands, Norway, Denmark, France, Australia, USAID, CIDA/Canada, EC, and UNDP**Implementing Partner:** Ministry of Constitutional and Parliamentary Affairs **Project title and numbers:** Support to Participatory Constitution Making in Zimbabwe Project: 00070004 and 00076719 **Original Estimated Budget (April 2010-June 2011)** USD : 21,808,740(For both Govt. And Funding partner Contribution )**Total Contribution (April 2010-June 2013)**: USD : 22,679,828(Funding Partner Contribution only)**Government Contribution** **(April 2010- June 2013)** USD: 28,730,769**Total Approved Budget (April 2010- June 2013 )**: USD : 51,410,597(For both Govt. And Funding Partner Contribution )\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
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**B. Evaluation purpose**

This project evaluation will be conducted in fulfillment of UNDP regulations and rules guiding project evaluations. It must be noted, however, that the constitution making process was a national process undertaken by national institutions. As such, this evaluation will be limited to UNDP support to this national process and is not meant to be an evaluation of the national process itself.

In order to assess the contribution and added value that the project provided to the conduct of a transparent, impartial, inclusive and participatory constitution making process, the evaluation will review and assess project implementation and results against the expected objectives, outputs and final outcome of the project as outlined in the project document. In this regard, changes to the process and other challenges affecting the implementation and timelines should be taken into account. It is anticipated that the evaluation will outline lessons learned and recommendations which will be useful in contributing to the growing body of knowledge on current and future projects in support of constitutional reforms across the world. In cases where constitution making projects have been successfully implemented, they provide a crucial platform for mobilising polarized communities to explore and find common ground through constructive dialogue as they negotiate during the process.

**C. Objectives and scope of the Evaluation**

The overall purpose of the evaluation is to assess UNDP’s support to the national constitution making process and is not meant to be an evaluation of the national process itself. More specifically, the evaluation will;

* Evaluate the relevance of the project, its objectives, and overall impact in adding value to the conduct of a transparent, impartial, participatory and people-driven constitution making process in Zimbabwe;
* Assess to what extent the outputs and outcome were achieved given the activities supported by the project;
* Assess the appropriateness and relevance of the project strategies and activities in addressing the identified challenges and hence contributing to the achievement of the stated outputs and outcome;
* Review how the interventions succeeded to strengthen application of a rights-based approach, gender mainstreaming and participation of other socially vulnerable groups such as children and the disabled in the constitution making process;
* Identify gaps/weaknesses in the project design and implementation;
* Review and assess the efficiency of implementation and management arrangements of the project, particularly as they evolved over time;
* Assess appropriateness and effectiveness of UNDP partnership strategy for this support;
* Provide and document lessons learned, best practices, challenges and recommendations on the project design, institutional arrangements, and implementation processes for the benefit of future exercises in similar contexts.

**D. Expected outputs and deliverables**

The following deliverables will be expected from the evaluation team:

* An Inception report to be prepared and submitted before going on a full-fledged data collation exercise. The Inception report should contain in detail the evaluators’ understanding of the task, including approach to the evaluation process, methodology, data collation methods, a detailed work plan with timelines for agreed milestones detailing evaluation scope and methodology;
* The Draft Evaluation Report to UNDP which will be shared with the Implementing Partner and funding partners for comments and input;
* The Final Evaluation Report, incorporating comments from stakeholders (UNDP, funding partners, Ministry of Constitutional and Parliamentary Affairs and COPAC)
* Prepare a presentation of the findings based on the reports prepared for presentation to UNDP.

**E. Scope of the Evaluation**

The evaluation will cover the entire project under the period from the inception of the project to its envisaged end-that is, April 2010 to 30 June 2013.

**F. Questions guiding the evaluation**

***Relevance***

Was the initial design of the project adequate to properly address the issues envisaged in formulation of the project and provide the best possible support to the GoZ?

***Effectiveness***

*Were* the project outputs appropriate, sufficient, effective and sustainable for the desired outcome?

*Output analysis*

* Were the project outputs relevant to the outcome?
* What are the quantities and qualities of the outputs, and their timeliness? What
* factors impeded or facilitated the delivery of the outputs?
* Were the indicators appropriate to link the outputs to the outcome?
* What key challenges hampered/delayed the delivery of intended outputs?
* How can the effectiveness of support to similar future projects in similar contexts be enhanced?
* What mechanisms were put in place by the project for knowledge development and management?

***Efficiency***

* Was UNDP support to the project appropriate to achieving the desired objectives and intended results? If not, what were the key weaknesses?
* Were the results delivered in reasonable proportion to the operational and other costs? Could a different type of intervention lead to similar results at a lower cost? How?
* Were the funds utilized as planned? If not, why?

***Sustainability***

The constitution making process was a finite process with specific timelines and a draft constitution being the final deliverable. The structures established to lead the process were themselves given a finite mandate, to be de-activated upon conclusion of the process. As such, the sustainability of the structures supported is not the object of this evaluation.

***Resources, partnerships, and management analysis***

* Were project partners, stakeholders and/or beneficiaries involved in the design of interventions? If yes, what was the nature and extent of their participation? If not, why not?
* Was the structure and management of the project appropriate to achieving the desired objectives and intended results of the project? If not, what were the key weaknesses?
* Has the intervention contributed to development of national capacities (both human and institutional)?
* Were the financial resources sufficient to sustain project outputs leading to the outcome?

***Recommendations***

* If supported by the above analysis, how should UNDP have adjusted its programming, partnership arrangements, resource mobilization strategies, working methods and/or management structures to ensure that the proposed outcome was fully achieved?
* If supported by the evidence from the evaluation, what corrective actions are recommended for new, ongoing or future UNDP work in the same area and similar contexts?

***Evaluation report format***

The key product expected from this project evaluation is an analytical report that includes, but is not limited to, the following components:

* Title
* Table of Contents
* List of Acronyms and Abbreviations
* Executive summary
* Introduction
* Description of the evaluation Scope and methodology
* Analysis of the situation with regard to outcomes, outputs, resources, partnerships, management and working methods
* Key findings and Conclusions
* Recommendations
* Lessons Learned
* Annexes

***Audience***

The evaluation findings are intended mainly for the Ministry of Constitutional and Parliamentary Affairs as the Government Implementing Partner, COPAC, the UNDP and funding partners.

**G. Methodology**

The evaluation exercise will be wide-ranging, consultative, and participatory, entailing a combination of comprehensive desk reviews, analysis and interviews. While interviews are a key instrument, all analysis must be based on observed facts to ensure that the evaluation is sound and objective.

The UNDP Guidelines for project evaluation will be shared with the evaluators and is expected to be adhered to.

Based on the guiding documents, and in consultation with UNDP Zimbabwe, the evaluators should develop a suitable methodology for this specific project evaluation.

During the project evaluation, the evaluators are expected to apply the following approaches for data collection and analysis:

* Desk review of relevant documents (list and documents provided see attached)
* Discussions with UNDP Zimbabwe senior management, Ministry of Constitutional and Parliamentary Affairs;
* Consultation meetings and interviews:
* Interviews with relevant project staff
* Interviews with members of COPAC, and COPAC Secretariat staff, and UNDP Project Management team;
* Interviews with funding partners and other stakeholders such as civil society.

**H. Evaluation Team**

Under the overall guidance of the UNDP Country Director and the Deputy Country Director for Programmes, and the direct supervision of the UNDP Assistant Resident Representative/Governance and Gender Mainstreaming, the Evaluation Team will consist of two consultants - an international consultant (team leader) and a national consultant.

**I. Requirements**

Qualification requirements for the International Consultant/Team Leader:

* Minimum Master’s degree in public administration, political science, development planning, law or other relevant qualifications;
* Extensive experience in conducting evaluations, with a strong working knowledge on institutional capacity building/development and state building;
* Extensive knowledge of result-based management (RBM) evaluation, UNDP policies, procedures and participatory monitoring and evaluation methodologies and approaches;
* Minimum of 7-10 years professional expertise in international development co-operation, governance issues, programme/project evaluation, impact assessment/development of programming/strategies;
* Minimum of 7 – 10 years experience in leading multi-disciplinary multi-national teams;
* Good professional knowledge of the Africa region; and
* Demonstrated analytical, communication and report writing skills.

The **Team Leader** will have overall responsibility for the quality and timely submission of the final evaluation report. Specifically, the Team Leader will perform the following tasks:

* Lead and manage the evaluation mission;
* Design the detailed evaluation scope and methodology and approach;
* Ensure efficient division of tasks between the mission members;
* Conduct the project evaluation in accordance with the proposed objective and scope of the evaluation and UNDP evaluation guidelines;
* Draft and present the Inception Report, and the draft and final evaluation reports;
* Finalize the evaluation report and submit it to UNDP and the Ministry of Constitutional and Parliamentary Affairs.

**Qualification requirements for the National Consultant**

National consultant – Capacity development

* Minimum Master’s degree in social studies or related discipline. A Ph.D. will be a distinct advantage;
* At least 3 years of professional experience in the area of capacity development and governance issues;
* Sound knowledge of governance issues in Zimbabwe; and
* Experience in conducting evaluations.

The National Expert will, *inter alia*, perform the following tasks:

* Review documents;
* Participate in the design of the evaluation methodology;
* Conduct the project evaluation in accordance with the proposed objectives and scope of the evaluation;
* Draft related parts of the evaluation report as agreed with the Team Leader; and
* Assist the Team Leader in finalizing the draft and final evaluation report.

**J. Timeline and schedule (tentative)**

The evaluation assignment will commence in June 2013. The duration of the assignment is up to a maximum of 35 working days, including writing of the report.

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| **Activity** | **Timeframe** | **Place** | **Responsible Party** |
| Inception meeting with UNDP and Ministry of Constitutional and Parliamentary Affairs, Desk review, Evaluation design, methodology and detailed work plan (inception report).  | 5 days | Harare | UNDP, Ministry of Constitutional Affairs, and evaluation team |
| Present and refine Inception report | 1 day | Harare | UNDP Ministry of Constitutional Affairs and Evaluation team |
| Consultations, meetings, interviews related to the Programme with Stakeholders and funding partners  | 15 days | Harare  | Evaluation team |
| Analysis, synthesis and preparation of draft evaluation report  | 7 days | Harare | Evaluation team |
| Debriefing and presentation of draft report to UNDP, the funding partners and Ministry of Constitutional and Parliamentary Affairs and COPAC | 2 days | Harare | Evaluation team |
| Finalization of evaluation report incorporating comments provided  | 4 days | Harare | Evaluation team |
| Presentation of the final evaluation report to UNDP, Ministry of Constitutional Affairs and funding partners | 1 day | Harare | Lead consultant |

1. **Documents for desk review**

UNDP Corporate Policy Documents:

1. Handbook on Monitoring and Evaluation for results
2. UNDP Guidelines for Outcome Evaluators
3. UNDP Result-Based Management: Technical Note

UN/UNDP Zimbabwe Country Office Documents:

1. Zimbabwe United Nations Development Assistance Framework (ZUNDAF) 2007-2011;
2. ZUNDAF 2007-2011 mid-term review
3. ZUNDAF 2012-2015
4. UNDP Country Program Document for Zimbabwe2007-2011
5. UNDP Country Programme Document (CPD) 2012-2015
6. UNDP Country Program Action Plan (CPAP) for Zimbabwe 2012-2015
7. CPAP Mid-term review report;
8. Project Document including, Annual Work Plans, Progress Reports and Log Frame
9. Minutes of the Project Board meetings

1. **Cost and financing**

The following anticipated costs of the evaluation will be financed by the UNDP –SPCMZ Project. Breakdown of the resources required for:

* National/regional consultants – professional fees
* International Consultant – professional fees, international travel costs and DSA costs
* Local travel costs and DSA