

End of Project Evaluation of the Support to Participatory Constitution Making Process

Draft Report submitted to
UNDP - Zimbabwe

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Acronyms

CIDA	Canadian International Development Agency
COPAC	Constitutional Parliamentary Select Committee
CPAP	Country Program Action Plan
CSA	Cost Sharing Agreement
CSOs	Civil Society Organizations
DA	District Administrator
DFID	UK Department for International Development
DIM	Direct Execution Mechanism
DPM	Direct Payment Mechanisms
DPs	Development Partners
EC	European Commission
EISA	Electoral Institute of Southern Africa
GNU	Government of National Unity
GoZ	Government of Zimbabwe
GPA	Global Political Agreement
M&E	Monitoring and Evaluation
MoCPA	Ministry of Constitutional and Parliamentary Affairs
MDC-T	Movement for Democratic Change - Tsvangirai
MDC-M	Movement for Democratic Change - Mutambara
NIM	National Implementation Modality
PD	Project Document
PSC	Parliamentary Select Committee
SADC	Southern Africa Development Community
SPCMZ	Support to Participatory Constitution Making in Zimbabwe
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
ZANU PF	Zimbabwe African National Union Patriotic Front
ZBC	Zimbabwe Broadcasting Corporation
ZESN	Zimbabwe Election Support Network
ZHLR	Zimbabwe Lawyers for Human Rights
ZI	Zimbabwe Institute
ZPP	Zimbabwe Peace Project
ZYC	Zimbabwe Youth Council

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Executive Summary

Introduction

In the aftermath of the June 2008 presidential elections in Zimbabwe that resulted in a political impasse, 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 established 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 peace building, democratic and participatory governance in the country.

Scope of work and methodology: The evaluation assessed, among others, the relevance of the project and the impact of project interventions; the degree of accomplishment of planned outputs and outcomes; efficiency and the management structure and arrangements of the project, lessons learned and proffering recommendation for future similar projects. The evaluation used a wide range of data collection methods and tools, which included but not limited to: document review, entry and exit de-briefing meetings, in-depth interviews, observations and group interviews. Key stakeholders who were consulted included: UNDP, Funding Partners, members of the Parliamentary and Select Committee, members of Management and Project Committees, and Commissioners, Civil Society groups including women and youth and the Media. Data collected was analysed and informed the evaluation results whose highlights are shared in this executive summary.

Relevance: Before the commencement of the constitution making process in Zimbabwe, the country's political history has been marred by violence as was experienced in the aftermath of the 2002, 2005 and 2008 elections. The Lancaster House Constitution of 1979 had outlived its usefulness and the need for an all-inclusive and participatory constitution particularly after the 2008 violent elections was required to weld the polarized Zimbabwean society together to chart a new path toward sustainable development. The priority project areas, which included: the inclusion of all major political parties, the incorporation of civil society groups and the media, the dissemination of information and the capturing of citizens' views, the accommodation of Funding/Development Partners and the utilization of the resources they provided, the critical role of UNDP and the optimum use of international best practices were relevant and strategic in contributing to the project outcome.

Effectiveness: Outcome 1, which focused on ensuring the establishment of a fully functional and capacitated Secretariat, was well executed. It was rated as Well Done.

Table 1 rating

Overarching Objective: Strengthened mechanisms for promoting the rule of law, dialogue, participation in the decision-making process and protection of human rights			
Outcome 1: Fully functional and capacitated Secretariat			
Focus Areas	Well done	Partially done	Not Done
Establishment of head office and procurement of equipment for outreach	X		
Set up of provincial and district offices	X		
Payment of provincial and district coordinators stipend	X		
Payment of staff salaries	X		
Average Rating	Well Done		

Key achievements of this output were: The establishment of a functional Secretariat with a staff complement of 29 at HQ and 10 at provincial level; the decentralization of the Secretariat; recruitment and hiring of 70 technicians and 210 rapporteurs to support COPAC in capturing and recording public views on the outreach process; 54 researchers, 17 data analysts and 9 quality control officers to upload and collate data processes; 17 technical committee members with expertise in each of the 17 thematic areas; and purchase of 5 vehicles and office equipment (computers and furniture) for HQ and the provincial and district offices.

Outcome 2, which focused on adequately informed nation on the new constitution was well executed and is rated "Well Done"

Outcome 2: Adequately informed nation on the new constitution			
Focus Areas	Well Done	Partially Done	Not Done
Conduct radio and TV material development and jingles	X		
Undertake radio and TV adverts		X	
Develop special newsletter in the constitution making process; pamphlets, flyers and serialization of draft	X		

Undertake material development production and distribution of key information on the constitution making process	X		
Electronic advertising on the constitution making process	X		
Develop media strategy and training materials		X	
Conduct training of outreach teams	X		
Facilitate training of rapporteurs and co-team leaders	X		
	Average Rating	Well done	

Highlights of key achievements include: COPAC effectively engaged, informed and received feedback from Zimbabweans ensuring national ownership; COPAC to organized programmes for the youths, especially debates in colleges, secondary schools and universities to inform and solicit views on the constitution making process; COPAC engaged other interest groups such as the disabled and women's groups; UNDP recruited Communication and ICT specialists who helped build COPAC's capacity and assisted with designing the public awareness campaign thereby keeping the nation informed. However, the ZBC debt crisis hampered COPAC's work and COPAC requirement for CSO participation in the process under political parties limited the scope for non-political CSOs to participate.

Outcome 3: People adequately consulted and their views recorded was effectively carried out and rated as "Well Done"

Outcome 3: People adequately consulted and their views recorded			
Focus Areas	Well Done	Partially Done	Not Done
Conduct fieldwork by holding 5 805 meetings during outreach	X		
Engage Diaspora through website consultations	X		
Conduct consultative meetings of the PSC including management meetings	X		
Engage thematic committees in the initial drafting	X		
	Average Rating	Well done	

Key achievements of this outcome include: Compilation of views from children, Diaspora groups, MPs, the disabled and written submissions from institutions was effective; UNDP brought in an expert in data analysis from Kenya with enormous experience working on

constitution making in Kenya and Somalia; the expert helped in breaking the deadlock whether to use the qualitative or quantitative method or both; a data analysis tool was developed and agreed upon by all political parties to the constitution making process; the media and CSOs and other critical voices such as women remained actively involved and engaged throughout the outreach program.

Areas requiring improvement: Public outreach was problematic because of the protracted debates regarding the methodology for data analysis; the process also experienced delays in convening outreach meetings especially in the provinces and districts largely due to dissenting voices from political parties; and negative media publicity, lack of objectivity and bias reporting by some media outlets were unhelpful to the process.

Outcome 4 which focussed on wide and objective media coverage on the new constitution was "Partially Done"

Outcome 4: Wide and Objective media coverage on the new Constitution making process			
Focus Areas	Well Done	Partially Done	Not Done
Conduct monthly sensitization workshops for media houses		X	
Carry out two periodic media briefing sessions per month		X	
Carry out one road show per province on the constitution making process		X	
Engage facilitators on the sensitization workshops		X	
Undertake radio and television discussion forums		X	
Average Rating		Done	

Key Achievements: Zimbabweans were informed and consulted about the constitution making process; cascading of information from top to the grassroots engendered active participation; messages were generated in local languages reaching the greater majority who do not understand English; participation of the media and CSOs in the process of reaching out to the people ensured legitimacy; updating Zimbabweans guaranteed ownership of the constitution making process.

Regardless of the above, the divergent views playing out in the media threatened the credibility of the process. Reporting was at most times not objective and it became difficult to control what some media outlets put out in the public domain regarding the process. Time and resources were expended to clarify, and in most cases, rebut negative stories the media houses published.

Outcome 5 aimed at producing a Draft Constitution. This outcome was well executed and rated "Well Done"

Outcome 5: Draft constitution produced			
Focus Areas	Done	Partially	Not

		Done	Done
Conduct second stakeholder conference	X		
	Average Rating	Well done	

Highlights of key successes of this outcome are: This was clearly a people driven activity which attracted more than one million one hundred thousand people across the country; the process led to lengthy negotiations, which, in themselves, were necessary for the following reasons: the deliberate effort to accommodate divergent views on the constitution, the need to benchmark the draft constitution to international best practice; and the inclusion of the population in the process.

Noted challenges: There were series of contentious issues that were not agreed upon at the conference and that invariably delayed the proceedings, leading to the establishment of the Committee of Seven, consisting of cabinet ministers, one from each of the parties to the GPA, the co-Chairs of the PSC and the Minister of Constitutional Affairs. The delays invariably resulted in budget overruns. Another noted challenge was the negative media publicity that attended the process.

Outcome 6 focussed on high quality technical support to the process was rated very high.

Outcome 6: High quality technical support to the constitution making process			
Focus Areas	Well Done	Partially Done	Not Done
Engage legal experts on constitutional debate in parliament	X		
	Average Rating	Well done	

Key achievements include: UNDP provided technical expertise with experience from the African continent: Kenya, Sudan, South Africa, Uganda, Somalia and Tunisia; some experts used in the process had experience from countries such as Afghanistan and Nepal who provided invaluable input to the process; the PSC engaged 17 legal experts (5 per political party) and two representatives of chiefs; developed 26 constitutional principles from the National Statistical Report to guide the drafting process; the technical experts assisted the PSC to conduct a process of identifying and filling the gaps and produced an agreed Document on Gap Filling; COPAC appointed three drafters selected by the three political parties to determine what should go into the draft constitution.

However, disagreements over the type of methodology to employ during the drafting process emerged causing delays culminating in budget overruns

This outcome has been rated as "Well Done"

Outcome 7: Draft Constitution widely available for public discussion and debate			
Focus Areas	Well Done	Partially Done	Not Done
Carry out legal drafting exercise	X		
Pre-stakeholders meeting	X		
Printing and publication of draft		X	
	Average Rating	Well done	

Highlights of key achievements are: the tripartite extraction of Constitutional Issues as derived from the outreach process; 26 Constitutional Principles was developed from the National Statistical Reports to guide the drafting process; 3 Principal Drafters were selected for their competence and expertise in constitution drafting who provided drafting instructions to guide them in the process; a preliminary draft was produced and a Co-chair's forum was established to interrogate the draft; COPAC printed 500 copies of the Draft Constitution; a total of 100,000 long versions of the English Draft Constitution and 73,000 summaries of the Draft Constitution in English as well as in nine local languages were printed for the purposes of the Public Awareness Campaign; a total of 200 copies were produced in Braille; and 15 copies allocated to each province.

Noted challenges: Drafting took much longer than anticipated largely due to disagreements, which resulted in budget overruns; the printed draft copies of the Draft Constitution in the various languages were not enough, and this presented a huge challenge for the Select Committee; the delay in reaching a consensus created an avenue for inaccurate information to be released to the public resulting in negative reporting in both the public and private media; and the negative publicity restricted COPAC to provide information through private radio stations whose reach was limited to urban areas.

Outcome 8 which focussed on key preparatory activities on the referendum supported was well executed. This outcome is rated as "Well Done"

Outcome 8: Key preparatory activities on the referendum supported			
Focus Areas	Well Done	Partially Done	Not Done
Conduct preparatory work on the referendum	X		

	Average Rating	Well done
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Some of the noted achievements include: COPAC engaged and informed the people about the new constitution resulting in the massive turnout for the referendum. A total of 3,079, 966 voted “yes”, 179,489 voted “no” and 56,627 were spoilt votes. The total number of people who voted was 3,316,082. These meetings were strategic in providing a critical platform to COPAC to interact with the views of the broader community who did not participate in the second all stakeholders meeting.

Areas requiring improvement: There were challenges in terms of getting information on the draft constitution to the rural population; there were also limited available copies of the constitution and limited time to engage the public largely due to the delays experienced during the drafting process; and the challenges with ZBC led to news blackout of COPAC sponsored programmes and adverts.

Outcome 9 was effectively carried out. It is rated “Well Done”

Outcome 9: Monitoring, Learning, Adaptive feedback and Evaluation			
Focus Areas	Well Done	Partially Done	Not Done
Project management	X		
	Average Rating	Well done	

Key achievements: COPAC effectively directed and engaged in the following activities: management of the country-wide public outreach programme; arrangement and implementation of data uploading process; meetings of the thematic committees; directing and managing the drafting process; organizing and hosting of the Second All Stakeholder Conference; facilitating negotiations to finalize the draft constitution; engaging and supporting the negotiations leading to final resolution of the remaining contentious issues on the draft constitution; and convening a full PSC meeting to adopt the draft as a final act to fulfil the mandate given to them by Parliament. There was no noted challenge.

Efficiency: Overall, the project was efficiently executed with the project outputs demonstrating, beyond doubt, evidence of good use of resources. Resources were targeted to planned activities. Good project governance structures ensured efficient use of resources.

Lessons Learned: Key among the lessons of this project points to the Significant to note was how UNDP facilitated the relationship with funding partners during the entire constitution making process. Strategically, UNDP would convene two meetings with funding partners before Project Board meetings to ensure that thorny and contentious issues are clarified. In this way, UNDP succeeded in promoting an understanding of such strategic issues between national authorities and funding partners. The constitution making process brought antagonistic groups and individuals from different political shades, understanding and

tolerating their different political thinking and working together for a common national purpose. The positive spinoff of the impasse that characterized the process has been the ability of the three political parties to actively engage and reach a compromise to allow the process to move forward. This lesson is crucial for other engagements in future national processes.

Conclusion and Recommendations: Overall project performance on a sliding scale, Well Done, Done and Partially Done, is rated "Well Done".

Table 10: Overall Performance of Project Outcomes

Project Overarching Outcome: <i>Strengthened mechanisms for promoting the rule of law, dialogue, participation in the decision-making process and protection of human rights</i>			
Outcomes	Well done	Done	Partially Done
1. Fully functional and capacitated secretariat	X		
2. Adequately informed nation on the new constitution	X		
3. People adequately consulted and their views recorded	X		
4. Wide and objective media coverage of the new constitution making process		X	
5. Draft constitution produced	X		
6. High quality technical support to constitution making process	X		
7. Draft constitution widely available for public discussion	X		
8. Key preparatory activities on the referendum supported	X		
9. Monitoring, learning and evaluation	X		
Average Rating of Project Performance	Very well done		

Eight out of nine outcomes were rated as very well executed. While all other outcomes recorded outstanding achievements, the evaluation noted that the media coverage on the entire process was problematic and quite challenging posing difficulties for the implementers. The constitution making process in Zimbabwe was one of the most effective projects in Zimbabwe's political history. Although it lasted longer, it was very critical in bringing people together to focus on a single goal and objective. The outreach programme showcased a high level of participation, which was the hallmark of the process throughout. Everybody had the opportunity of being consulted and having their voices heard and recorded which spoke to the inclusivity of the process. The management of the process by COPAC, especially managing the debates, nursing the controversies and supervising the deliberations was exemplary, remarkable and highly commendable

Introduction

1.1 Background Country and Project Context

Globally, interest in participatory constitution making has increased dramatically over the last few decades, in large part because citizen involvement is thought to enhance constitutional legitimacy.¹ Many practitioners leading constitution-making projects have designed them to be broadly participatory with the specific goal of developing widespread public support for the new constitution (Moehler 2008; Odoki 2001). A participatory constitution-making process brings together citizens to draft a constitution that addresses critical issues facing their nation. If successful, the result will be a constitution that is owned by the people, enhances unity among citizens and deepens the relationship between the government and the governed.

But constitution making is a politically charged process as it attempts to balance the needs, interests and aspirations of political players and stakeholders from different sectors of society. The constitution is the most fundamental legal document in a country, which makes the constitution making process a legitimate platform for debating and solving the critical problems facing a country. As such, there will always be contested issues/positions which the various players have to negotiate to reach consensus. In the process, this may also contribute to fostering a climate of political tolerance and dialogue which will benefit the country in the long run.

At independence in 1980, Zimbabwe adopted the Lancaster House constitution put together in 1979, which was largely a compromise document that was intended to take the country to independence. To many Zimbabweans, the Lancaster House constitution was not a home-grown constitution and therefore had failed to address the critical political and socio-economic issues facing the people. It became increasingly important, especially after the violent and disputed elections of 2002, 2005 and 2008 that left the country polarized, that Zimbabwe must muster the courage to draft a people-driven and participatory constitution to address the instability caused by political polarization, the intense suspicion and mistrust characterizing the citizenry.

Following the June 2008 presidential elections in Zimbabwe that resulted in a political impasse, 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

¹ Moehler D.C. & Marchant E (undated) A Multi-Dimensional Model of Participatory Constitution Making and Legitimacy

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 peace building, democratic and participatory governance in the country.

Support to the new democratic constitution for Zimbabwe was 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 constitution making process was conceptualized and launched at a time when the nation was coming to terms with the political polarization and tensions following the contested 2008 harmonized elections in the country. The political tensions among the three political parties mirrored the situation in the society at large and remained part of this process through each stage of implementation. Conceptualization and implementation of the project recognized these realities and created national structures to manage the constitution making process providing for spaces for political engagement, negotiation and consensus reaching. In terms of the GPA, the constitution making process was to be led by a Parliamentary Committee. To this end, COPAC, which was made up of representatives from the three main political parties provided direction and implementation of the process as well as providing a platform for dispute resolution, negotiation and consensus building?

1.2 Purpose and Scope of Work

The overall goal of the project was to support the GoZ to prepare for and conduct a participatory, inclusive and transparent constitution making process with the anticipation that the process and the adoption of a new democratic constitution would lead to Strengthening of the rule of law, advancing commitment to the principles of popular participation and entrenching constitutionalism. The TOR required the evaluation team to cover the entire project period from the inception of the project in April 2010 to its termination in June 2013. **The overall purpose of the evaluation was to assess UNDP’s support to the national constitution making process and was not meant to be an evaluation of the national process itself.** More specifically, the evaluation covered the following:

- 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.

1.3 Methodology

The consultants employed a wide variety of methods to undertake this end of project evaluation. Highlights of the methodological approaches are outlined below:

- Debriefing Meetings:* Debriefing meetings were held with key stakeholders at UNDP (The Resident Coordinator, Country Director, Deputy Country Director-Programmes and Assistant Resident Representative-Governance) and the Ministry of Constitutional Affairs (The Permanent Secretary and Directors). The meetings provided a broad overview of the project and helped the consultants to chart a road map in conducting the evaluation within the scope of UNDP's support to the process and not the process itself. At the end of the first week, the consultants were provided with a list of stakeholders to be interviewed. The categories included: Funding Partners, COPAC Management Committee, PSC, Project Management Team, UNDP Senior Management, COPAC Co-Chairs, CSOs including youths, women and the disabled) and the Media.
- Content review and analysis of pertinent documents:* Relevant documents were reviewed and analyzed including but not limited to project document, annual and quarterly reports, quarterly/annual work plans, draft three-year report, COPAC end of

project reports, UNDP evaluation procedures and policies, CPAP mid-term review report; progress reports and Log Frame; minutes of the project board meetings and quarterly and yearly financial reports, project audit documents and other constitution making academic literature. The review exercise provided insights into the project as well as background data that informed the drafting of this report.

- c. *In-Depth Key Informant Interviews and Observations:* Key informant interviews were conducted with stakeholders from UNDP-COPAC project staff, the Co-Chairs representing the three Political Parties, the Permanent Secretary in the Ministry of Constitutional and Parliamentary Affairs, COPAC Management Committee, the Parliamentary Select Committee, the current and former Speakers of Parliament, Development Partners, former Minister of Constitutional and Parliamentary Affairs, the Acting National Coordinator, select members of civil society and the media. Individual interviews were carried out for all other stakeholders save the development partners, members of the media and CSOs. For the CSOs and the media, Focus Group Discussions were held to solicit views on the design, implementation and the evaluation elements as prescribed in the scope of work. Development partners and consultant had a Round-table Discussion around the interventions and issues relating to the process. In total, 51 key stakeholders were interviewed all in Harare where UNDP support to the project was concentrated.
- d. *Data collation, Analysis and Report Writing:* Data from the content reviews, in-depth interviews conducted, observations and field notes were collated. Data analysis was guided by the overarching objective and the key outcome areas, which include analysis to inform: relevance, effectiveness, efficiency, resources, partnership and management analysis, lessons learned and recommendations. The findings inform this draft report.

Key Findings and Description of Interventions

2. Project Relevance

This section details the context of the intervention, appropriateness, relevance and impact of the intervention on the constitution making process in Zimbabwe. It is critical to quickly situate the political conditions of Zimbabwe prior to the UNDP support to the project.

The political environment prior to the project: Prior to the UNDP support to the constitution making process, the country was facing a plethora of political and socio-economic challenges. Some of these challenges are identified below:

- Zimbabwe's post-independence Lancaster House constitution put together in 1979 and amended 19 times had been seen to have outlived its usefulness;

- There has always been the need especially after 2000, to draft a constitution that would be people-driven and participatory;
- Attempts at constitutional reform that subsequently culminated in drafting a constitution in 2000 failed because the citizenry rejected the document in a referendum;
- The violence that attended the elections in 2002, 2005 and 2008 further aggravated the already polarized nation reinforcing mistrust and suspicion;
- The political impasse following the 2008 disputed elections prompted the intervention of SADC that culminated in brokering the Global Political Agreement (GPA) agreed upon by the three major political parties;
- The GPA proposed an Inclusive Government, which laid the foundation for drafting a new constitution with timelines;
- Economically, the government of Zimbabwe was cash-strapped to fund any major project such as the constitution making process;
- Major development partners had disengaged from direct budgetary support to the government;;
- It was in this environment of great political uncertainties and financial constraints that UNDP, seen as an impartial partner, was called upon to mobilize the required financial resources and to provide technical assistance to support the constitution making process.

Constitution making is a complex, complicated and costly process. The case of Zimbabwe was not any different. The evaluation established that UNDP's support to the process was appropriate, timely and adequate in providing the required technical and financial support that enabled COPAC to draft a new constitution for Zimbabwe. The project was nationally designed by the Government and implemented by COPAC as prescribed by the GPA.

UNDP was able to mobilize resources by bringing together 10 development partners who contributed to the Basket Fund thus making up close to half the financial resources required for the process. Further, UNDP provided technical assistance by calling on support from the Regional Service Centre and bringing in technical experts from countries that have gone through similar processes to share experiences with Zimbabwe in its quest to draft a new constitution. It made a deliberate effort to give space where this was required to ensure that the outcome was mutually reinforcing and complementary.

The constitution introduces some very innovative and progressive provisions (for women, youths and the disabled), which if supported by a strong implementation framework, sufficient resources and political will, can provide the foundation for deepening democracy, participation and representation, good governance, national healing and peace-building.

The project was very relevant because it made resources available in areas where the government could not finance. UNDP provided us technical assistance in areas where we lacked the expertise and knowledge. It also made it possible for us to cover most of the activities that we had planned.

Response from one of the Co-Chairs

The process was a political process in terms of the GPA. We had hostile political environment after the disputed 2008 elections. The political process created a platform where parliament would facilitate the process. But we had no resources to actualize our objective and the only trusted partner we could rely on was UNDP. And UNDP came in handy to support most of our activities.

Statement by a member of the PSC

Since independence, we did not have a people-driven constitution. As a member of the Select Committee who was part of the process that brought about a home-grown constitution acceptable to all in Zimbabwe, I feel very proud and fulfilled. We were able to work under difficult circumstances given the hostile political terrain and polarization but we agreed to disagree at the end of the day that we were in the game for the sake of Zimbabwe and not for partisan benefit.

An evaluation respondent in the Select Committee

3. Project Effectiveness

3.1 Assessment of Outcome 1: Fully Functional and Capacitated Secretariat

Thrust of the outcome: The thrust of this outcome was to establish a Secretariat to serve COPAC and the Management Committee in strengthening the organizational management and operational capacities of these institutions. As a key enabler to the other outcomes, the Secretariat was to host technical staff recruited by UNDP to provide much-needed capacity development to local staff. Additionally, the Secretariat was envisioned to provide support to the Ministry of Constitutional and Parliamentary Affairs and COPAC to successfully direct and manage implementation of the constitution making process.

Appropriateness of the outcome: A fully functional and capacitated Secretariat presupposes the establishment of a structure to improve the efficiency and effectiveness of people and institutions with the view to providing quality services to beneficiaries. Outcome 1 was appropriate because there was evidence of establishing a secretariat (a team of 29 officials at HQ and 10 support staff in each of the provinces) charged with the responsibility to guide the

process and provide support to the Management Committee, COPAC and the thematic committees composing ministers in some cases, members of parliament and civil society. Apart from providing support to the coordination of outreach meetings, provincial offices served as repositories of the raw data during the outreach programme and beyond. The secretariat continued to provide day to day support to the process throughout the project span.

Activities and how they contributed to the outcome:

Office space, provision of equipment and consumables provided: The evaluation found that the establishment of a functional secretariat contributed to the successful management and implementation of the constitution making process until its adoption in 2013. The provision of office space both at HQ and in the provinces and districts also contributed to the successful hosting of 4943 public outreach meetings to record peoples' views on the constitution making process. The raw data collected also enhanced the Secretariat's capacity in providing material later used in drafting the constitution. The support provided equally enhanced the capacity of the Ministry of Constitutional and Parliamentary Affairs and the Management Committee to successfully direct and manage implementation of the constitution making process from its design to its adoption in February 2013. The support ensured that implementing partners held 11 project board meetings between April 2010 and March 2013. These meetings, in no small measure, created a platform for the government, donors and UNDP to monitor project implementation and to create a platform for resolving critical challenges arising from implementation.

The Secretariat worked with UNDP staff who ensured adherence to project management and monitoring arrangements leading to capacity building of national staff. Because of its capacity, the secretariat supported the successful preparation and holding of 11 quarterly Project Board meetings.

Payment of staff salaries and staff capacity building: Staff salaries were regularly and promptly paid guaranteeing increased output and effectiveness of staff in the discharge of their responsibilities. COPAC staff's capacity was built in areas such as how to put out tenders, procurement processes, HR especially in terms how to put out adverts, interview and select based on best practices. There were no noted challenges.

Table 1 lists the key activities undertaken for outcome 1. A rating of degree of accomplishment for the intervention and performance of the output is provided. Highlights of key achievements and areas for improvement are noted. Overall rating for the outcome is "Well Done".

Outcome 1

Overarching Objective: <i>Strengthened mechanisms for promoting the rule of law, dialogue, participation in the decision-making process and protection of human rights</i> <i>Outcome 1: Fully functional and capacitated Secretariat</i>			
Focus Areas	Well done	Partially done	Not done
Establishment of head office and procurement of equipment for outreach	X		
Set up of provincial and district offices	X		
Payment of provincial and district coordinators stipend	X		
Payment of staff salaries	X		
Average Rating		Well Done	

Key achievements

The evaluation noted that a functional Secretariat was established and fully capacitated with a staff complement of 29 at HQ and 10 at provincial level; the Secretariat was decentralized to reach the people in the rural areas; the district and provincial offices provided logistical support to COPAC including disseminating information on venues, timetables for meetings and other information on COPAC groups visiting each area; 70 technicians and 210 rapporteurs were hired to support COPAC in capturing and recording public views on the outreach process; 54 researchers, 17 data analysts and 9 quality control officers were hired to upload and collate data processes; recruitment of 17 technical committee members with expertise in each of the 17 thematic areas; and 5 vehicles and office equipment (computers and furniture) were purchased to service HQ and the provincial and district offices.

Efficiency. Payment of staff salaries and stipends to provincial and district coordinators were carried out as planned.

Partnership. UNDP, Donors and COPAC coordinated and partnered in supporting this activity as designed in the quarterly work plan.

Impact. The prompt payment of salaries and stipends, and capacitating of the Secretariat improved the effectiveness and efficiency of staff to deliver on their responsibilities.

3.2 Assessment of Outcome 2: Adequately informed nation on the new constitution

Thrust: This outcome is clearly an enabler to the constitution making process with the fundamental objective to strengthen popular participation of the citizens in the constitution making process. The Constitution Select Committee, through its publicity and information sub-committee, rolled out a publicity exercise, *albeit* challenges until private radio stations came on board, for the process, which took the form of a campaign. Such campaigns took the form radio and TV discussions, production of key information on the process, advertizing,

development of media strategy, production of flyers, newspapers to name a few. These were some of the outlets COPAC used to get the nation informed on the process.

Appropriateness: A Communications Strategy for the constitution making process was developed and adopted soon after COPAC began work in early 2009. The overarching strategy took cognizance of the fact that the process would be people driven and owned, that it would be done in phases, and was, therefore, customized to effectively support it right from the beginning. It also provided for important considerations such as producing materials in local languages.

Table 2 lists the key activities undertaken for outcome 2. A rating of degree of accomplishment for the intervention and performance of the output is provided. Highlights of key achievements and areas for improvement are shared. Overall rating for the outcome is "Well Done".

Outcome 2

Outcome 2: Adequately informed nation on the new constitution			
Focus Areas	Well Done	Partially Done	Not Done
Conduct radio and TV material development and jingles	X		
Undertake radio and TV adverts		X	
Develop special newsletter in the constitution making process; pamphlets, flyers and serialization of draft	X		
Undertake material development production and distribution of key information on the constitution making process	X		
Electronic advertising on the constitution making process	X		
Develop media strategy and training materials		X	
Conduct training of outreach teams	X		
Facilitate training of rapporteurs and co-team leaders	X		
	Average Rating	Well done	

Key activities and how they contributed towards the outcome

Conduct radio and TV material development and jingles: This activity was well carried out. The evaluation noted that COPAC co-chairs hosted radio discussion programs and weekly programs (which posed a challenge largely due to ZBC's exorbitant conditions and rates) during prime time on TV to update the nation particularly on the ongoing drafting process. This program was strategic in keeping the Zimbabwean population informed about the stages of the constitution making process and also helped to counter some of the negative publicity aired on both TV and the radio outlets. It was interactive and contributed to keeping the public informed throughout the process.

Reaching out and informing the nation on the process was critical to developing a legitimate document that all Zimbabweans will own and protect. And the UNDP supported us to do just that. A member of PSC noted

Develop special Newsletter, pamphlets, flyers and serialization of draft: To ensure that it carried out its mandate of keeping the nation adequately informed, COPAC produced 300,000 copies of FAQs brochure, 100,000 copies of milestones brochure, 250,000 copies of Constitutional Principles flyers and 300,000 copies of COPAC newsletter. However, the newsletter was not produced as frequently as had been originally anticipated. They were supposed to be produced quarterly but only three issues were produced throughout the entire duration of the project. The materials were distributed at national, provincial and district levels to ensure that everyone had access to information regarding the constitution making process. 71 billboards were also mounted in strategic areas throughout the country to provide information and sustain momentum on the drafting process.

Conduct training of outreach teams: COPAC facilitated the training of over 700 outreach teams including three quarters of Members of Parliament. The objective of the training was to ensure that delegates would understand the methodology for conducting the outreach program. Talking points were also developed and produced from the 17 thematic areas.

Impact: The talking points, which were later fine tuned by legal experts, were critical in eliciting responses from participants that fed into the constitution making process. They were also translated into various local languages including the Braille thus providing avenues for people to be informed on the process and increasing their participation.

Facilitating training of rapporteurs and co-team leaders: The evaluation found that COPAC trained 210 rapporteurs with three rapporteurs (according to the 3 political parties represented in COPAC) attached to each outreach team. The three rapporteurs produced a report which was adopted by teams as reflecting a true record of what had transpired during

each meeting. Because of the lack of trust within the coalition partners in the GNU, each of the parties insisted on having a rapporteur per team as the report which was to be produced during the outreach process was to form the basis of what would eventually go into the new Constitution and a co-produced report would reduce cases of manipulation of what the people had said.

Advertising in newspapers, including community papers on pre- and post-drafting activities: The evaluation noted that COPAC ran adverts in the private and print media as well as in 30 community papers during the various stages of the constitution making process. This was complemented by pull out supplements to inform and update the public on progress with the constitution making process. In addition, three newsletters were produced in English with a total print run of 300,000 for distribution. Through print media, COPAC reached about one million people across the country. Print media became even more important for COPAC to communicate with the public following an impasse with ZBC linked to the uncompetitive rates offered by the public broadcaster.

The constitution making process was the single most important project in the last five years of the Unity Government. It took longer than it should have done but it was very effective in bringing people together and the outreach program managed to showcase this throughout the process. Everybody had the opportunity to witness first hand...COPAC kept the nation informed and this was key to our success.
Evaluation response from a PSC member

Key Achievements: The evaluation discovered that COPAC was able to effectively engage, inform and to receive feedback from Zimbabweans ensuring national ownership and establishing the development of a home-grown constitution thereby laying a firm foundation of constitutionalism. The outlined activities also engendered COPAC to organize programmes for the youths, especially debates in colleges, secondary schools and universities to inform and solicit views on the constitution making process. COPAC engaged other interest groups such as the disabled and women's groups that allowed for 70% civil society and 30% political party participation in the outreach. Recruitment of Communication and ICT specialists by UNDP who were based at COPAC helped build COPAC's capacity and assisted with designing the public awareness campaign thereby keeping the nation informed.

Efficiency of the outcome: This process was jointly funded by the Government and Development partners to ensure that the population was adequately informed and updated on drafting the new constitution. Funds were disbursed as planned. The major challenge of this outcome was the debt owed to ZBC which resulted in news blackout on the process.

Impact: The impact of this outcome was the positive feedback COPAC got from its engagement of the population. People were able to air their views on the constitution making process, which were noted by COPAC

Areas requiring improvement: A major challenge in the dissemination of information through TV was the debt COPAC owed to ZBC (with monopoly over television) prior to the signing of the Project Document. As a result of the debt, most of the relevant media materials that had been produced were not aired to the public. Disagreements and political polarization continued to slow down the process causing budget overruns in some cases. The COPAC requirement for CSO participation in the process under political parties limited the scope for non-political CSOs to participate.

3.3 Assessment of Outcome 3: People adequately consulted on the constitution making process and their views recorded

Table 3 Downloads from the COPAC website	
Description	Quantity
Total Number of Downloads from COPAC Website for the July 2012 draft	100,196
31 Jan 2013, COPAC Draft Constitution Downloaded	30,318
Abridged Draft Constitution of Zimbabwe (Shona)	1052
Abridged Draft Constitution Summary of Zimbabwe (Chichewa)	207
Abridged Draft Constitution Summary of Zimbabwe (Ndebele)	215
Abridged Draft Constitution Summary of Zimbabwe (Xhosa)	136
Abridged Draft Constitution Summary of Zimbabwe (Sotho)	119

Thrust: A participatory constitution making process should aim not only at raising awareness but also at enabling people to contribute to the outcome of the process. As such UNDP support provided an opportunity to the people to dialogue on important national issues that are central

to democratization and sustainable development. The support also provided avenues for the parties involved to accept and respect views that were different from their own. This resulted and contributed somewhat to peace-building , which was needed in the very polarized society.

Key activities and how they contributed:

Field work by holding 5805 meetings during outreach conducted: The evaluation noted that the outreach was effectively launched by the three principals to give them an opportunity to reiterate their commitment to the process and to assure the citizens that their views would be respected; the activity resulted in COPAC carrying out 4821 meetings representing about 85% of the meetings originally planned; A total of 1, 118, 760 people participated in the outreach meetings that were held in 1 960 wards countrywide. Of this number 416, 202 were men (37%), 441,238 (39.44%) were women, 253,240 (22.64%) were youths, and 8,020 (.72%) were disabled persons. Special sessions were also held for children, women and the disabled to reach as many people as possible nationally. UNDP financial support made it possible for

COPAC to achieve the broad consultations during the outreach; representatives from the donor community, civil society groups and other interested parties were accredited to observe the process.

Efficiency: The activities were jointly funded by UNDP Basket Fund and funds from the GoZ. The evaluation noted from the quarterly financial reports that funds were spent as planned.

Impact: The fact that COPAC reached and consulted the citizens particularly women and other vulnerable groups in Zimbabwe meant that the constitution making process was sensitive to gender mainstreaming and cross-cutting issues required for national legitimacy and ownership. The outcome also motivated the people to pay attention to and to become involved in the process.

The outreach was gender sensitive and provided people the opportunity to express their views on what they wanted included in the constitution. That is why the new constitution is different from the Lancaster House constitution because in the new one, we addressed social and economic rights, empowerment of women and youths, inclusion of the disabled and a preamble that relates to our history as a nation.

Evaluation response from a Minister of State

Establishment of Outreach Teams: With UNDP support and in collaboration with COPAC, outreach teams were established comprising of co-Chairs as overall supervisors, members of the Select Committee as Provincial supervisors, core team leaders, rapporteurs recruited by UNDP, one technician, drivers and ordinary team members. Of these teams, 70% were drawn from civil society and 30% from political parties; it also contributed to the distribution of COPAC publicity and education materials such as outreach manuals, talking Points Booklets, Meeting Points Booklets, the Frequently Asked Questions Brochure, the Newsletter (COPAC News), posters and flyers to inform and educate the people.

It was a phenomena seeing different political parties going on outreach programs together. This was unique given the hostile political environment existing in the country. The process provided space for parties to interact, which made us familiar with one another leading to reconciliation and national healing which is much required in Zimbabwe. A Parliamentary Select Committee respondent

Engage Diaspora through website consultations: The evaluation found that UNDP support contributed to the launching of the COPAC website which encouraged groups in the Diaspora to contribute to the process; one key achievement was the good response from

groups in the Diaspora, with 51 written submissions and 2397 electronic submissions, which were included as part of the raw field data used to produce material for the writing of the constitution.

Engage Thematic Committees in the initial drafting: The project established 17 thematic committees based on the thematic areas developed during the outreach process to assist COPAC extend its reach nationwide and also for management purposes at the COPAC Secretariat; the UNDP support enabled COPAC to put together 270 members drawn from across the country including quality control teams, data analysts, researchers, special interest groups such as women, the disabled, youths and rapportuers; they thoroughly cleaned and audited the data available and analyzed and categorized what the people had said into the specific Thematic Areas.

Special outreach programs conducted: Special outreach programs were organized for Members of Parliament to air their views for possible inclusion in the Draft Constitution; It was revealed during the evaluation exercise that the special outreach activities had also been carried out for the disabled, which were coordinated by the umbrella bodies for the disabled at selected meeting places in each province; additionally, COPAC also received 52 written submissions from institutions (schools, colleges, universities) and other organized groups; the views from the above groups, which constitute the critical mass, were invaluable to the drafting of the new Constitution that was home grown.

UNDP support enabled the different political parties to see the need for collaboration, dialogue and consultation as the only means to achieving a national goal of producing a home-grown constitution. The assistance paved way for conflict resolution and peace-building. COPAC Management Team Member

Table 4 Special Outreach programs nation-wide

Province	No. of meetings	Total No. of participants	No. of males	No. of females	No. of youths	No. of special needs	Average attendance
Mash East	567	129 891	60 158	69 733	50 400	1 465	321
Mash West	509	99 182	55 034	44 148	22 119	346	239
Manicaland	677	125 588	57 828	67 760	24 911	1 631	225
Mat South	477	40 850	19 248	21 602	7 142	219	101
Mash Central	652	149 249	71 965	77 284	63 482	1 292	328
Mat North	614	41 510	20 905	20 605	11 246	321	86

Masvingo	622	141 227	64 960	76 267	41 053	1 928	296
Midlands	672	86 532	43 842	42 690	15 515	406	152
Harare	96	34 733	17 541	17 192	14 761	215	518
Bulawayo	57	8 748	4 791	3 957	2 611	197	203
Totals	4 943	857 510	416 272	441 238	253 240	8 020	226
Source: COPAC Report 2013							

The table shows gender sensitivity and inclusion of vulnerable groups in the outreach program.

Table 3 lists the key activities undertaken for outcome 3. A rating of degree of accomplishment for the intervention and performance of the output is provided. Highlights of key achievements and areas for improvement are shared. Overall rating for the outcome is "Well Done".

Outcome 3: People adequately consulted and their views recorded			
Focus Areas	Well Done	Partially Done	Not Done
Conduct fieldwork by holding 5 805 meetings during outreach	X		
Engage Diaspora through website consultations	X		
Conduct consultative meetings of the PSC including management meetings	X		
Engage thematic committees in the initial drafting	X		
	Average Rating	Well done	

Key achievements: The evaluation noted that the Select Committee effectively compiled data from the outreach, views from children, Diaspora groups, written submissions from institutions, views from Members of Parliament and from the disabled that were incorporated into the new constitution. There was also collaboration between and among political parties to reach a consensus in handling critical national issues was cascaded down to other sectors thereby engendering respect and acceptance of different views and contributed to national healing; the activity contributed to the peaceful outcome of the referendum and

subsequently the 2013 July elections; the process further increased public awareness about the constitution making process; at the request of the COPAC, UNDP brought in an expert in data analysis from Kenya with enormous experience working on constitution making in Kenya and Somalia; the expert helped in breaking the deadlock whether to use the qualitative or quantitative method or both; a data analysis tool was developed and agreed upon by all political parties to the constitution making process; the media and CSOs and other critical voices such as women remained actively involved and engaged throughout the outreach program.

Impact: The technical assistance UNDP provided positively impacted the process. It brought in best practices and experiences from outside which enriched the process.

Efficiency: There was efficient utilization of funds as planned.

Partnership: The UNDP support provided space for greater collaboration and partnership between the political parties to dialogue and reach consensus on thorny issues. Partnership building was also experienced with the Donors who readily funded the activities.

Women served as co-chairs in the select committee, chaired stakeholders committee, were involved in the thematic groups and some served as team leaders during the outreach. It was quality and not quantity that was at play here. This is critical to popular participation especially of critical voices from vulnerable groups.

A Female Evaluation Respondent

Areas requiring improvement: Public outreach was problematic because of the protracted debates regarding the methodology for data analysis. A stalemate ensued as a result of long disagreements whether to use the quantitative or qualitative methodology or both. This caused delays resulting in budget overruns. The process also experienced delays in convening outreach meetings especially in the provinces and districts largely due to dissenting voices from political parties, which, invariably, caused increased budget expenditure. Negative media publicity, lack of objectivity and bias reporting by some media outlets were unhelpful to the process.

3.4 Assessment of Outcome 4: Wide and objective media coverage on the new constitution making process

Appropriateness: The outcome served as an enabler and was, therefore, key as it was designed to facilitate a process where people would become more informed on the content of the constitution to enable them make informed decisions on the constitution during referendum. It was also crucial to strengthen people's participation in the constitution making process thereby ensuring its legitimacy and ownership. The outcome was the most

elaborate and lengthy because it spanned the entire implementation of the constitution making process. At every stage of the process, it was required to keep the nation informed and the people's views captured.

Activities and how they contributed to the outcome

Monthly sensitization workshops with media houses conducted: COPAC conducted regular meetings and sensitisation meetings with editors, journalists and news agencies to explain the activities that would be carried out under the constitution making process; COPAC engaged the media to help publicize the exercise by giving meaningful coverage of the process; the evaluation also found that COPAC extended their network with editors and journalists from community newspapers to publicize the process; meetings with civil society were also regularly held to update participants and get their feedback on the process; these meetings and workshops with the media houses and CSOs helped keep the nation on the constitution making process and motivated the population to fully participate in the process.

Periodic media briefing sessions carried out: Press conferences and media briefings were regularly held most times every week to provide information to the people thereby help to curb speculations and clarify controversial issues; press statements were subsequently issued and carried in the media; the three COPAC Co-chairs travelled nation-wide to urge the media on the need for accurate reporting on the draft constitution and asked for help in the dissemination of the provisions of the draft constitution especially in rural areas; in the process, civic society groups, women, the disabled and the general public were addressed and concerns clarified;

Production of radio and TV materials and jingles: COPAC used radio and television, which has a much wider reach especially to isolated communities, to inform the public on progress with the constitution making process; the national broadcaster ZBCTV, which is the sole provider of television broadcasting in the country, was utilized amidst the challenges it posed in relation to its conditions and exorbitant rates; COPAC also worked with private radio stations such as STAR FM and ZiFM to take messages on the constitution to the public; STAR FM, a new private radio station and estimated to reach about one million people mostly rural dwellers, was engaged to air adverts on a daily basis to inform the public on sections of the draft constitution, what the constitution means to the people, dates for the referendum, and venues for the dialogue sessions on the constitution; specifically, 44 thirty seconds adverts were aired in preparation for the referendum; COPAC members engaged the public through radio discussions on various sections of the constitution mainly in English, Shona and Ndebele; with ZiFM COPAC ran 35 slots a day for COPAC adverts as well as weekly programmes on the station's popular programmes "Ask the Minister and Head On".

Development of Communication Strategy: COPAC developed a Communications Strategy, which was customized and materials produced in local languages to effectively engage the population; the strategy helped in the design of a robust publicity campaign that was spear-

headed by COPAC's Information and Publicity Sub-committee and was supported by both the Government and Development partners

Print and electronic advertising and Website development: Print and electronic advertising for the process was done, which took the form of COPAC advertorials, radio and television adverts and jingles, placing of COPAC information, such as names of outreach personnel and lists of meeting points in the newspapers, as well as placing of print adverts urging people to participate in the process; COPAC website was created to provide an interactive platform for disseminating information and getting feedback on the process both at national level and with Zimbabweans in the Diaspora; COPAC also distributed publicity and education materials such as the Outreach Manual, Talking Points booklet, Meeting Points booklet, the Frequently Asked Questions Brochure, the newsletter (COPAC News), posters and flyers to inform and educate the people.

Table 4 lists the key activities undertaken for outcome 4. A rating of degree of accomplishment for the intervention and performance of the output is provided. Highlights of key achievements and areas for improvement are shared. Overall rating for the outcome is "Done".

Outcome 4: Wide and Objective media coverage on the new Constitution making process			
Focus Areas	Well Done	Partially Done	Not Done
Conduct monthly sensitization workshops for media houses		X	
Carry out two periodic media briefing sessions per month		X	
Carry out one road show per province on the constitution making process		X	
Engage facilitators on the sensitization workshops		X	
Undertake radio and television discussion forums		X	
Average Rating		Done	

Key Achievements: Zimbabweans were informed and consulted about the constitution making process; cascading of information from top to the grassroots engendered active participation; messages generated in local languages reaching the greater majority who do not understand English; participation of the media and CSOs in the process of reaching out to the people ensured legitimacy; updating Zimbabweans guaranteed ownership of the constitution making process.

Noted challenges

While this outcome can be rated as "Done", it was clear during the constitution making process that the divergent views playing out in the media threatened the credibility of the

process. Reporting was at most times not objective and it became difficult to control what some media outlets put out in the public domain regarding the process. Time and resources were expended to clarify, and in most cases, rebut negative stories the media houses published.

The media coverage most time became troubling for the process. Negative publicity especially against some of our technical experts was not very helpful to the process and tended to incite the population against a national process such as the constitution making process. COPAC Co-Chairs had to reengage the media when they clarified issues negatively reported to the public. It was just frustrating and very embarrassing. **Comments from a member of the Management Committee**

Another noted challenge was the ZBC debt incurred by COPAC well before the signing of the Project Document. Prior to signing the Project Document, COPAC put out adverts on ZBC. COPAC expected UNDP to pay off this debt, which UNDP was unable to pay because the expenses had been incurred before the Project Document (which is the legal basis for any payments) was signed. It was also felt that the rates being charged by ZBC were prohibitive and should have been reduced as the constitution making was a national exercise. As such, the only national TV station stopped airing adverts from COPAC on the constitution making process. This caused a major news blackout that negatively impacted on the process.

3.5 Assessment of Outcome 5: Draft Constitution produced

Appropriateness: This outcome marked the climax of the constitution making process. In other words, it was the final product of the entire constitution making exercise. All other outcomes and related activities were enablers to achieving the production of a constitution set in motion from April 2010 to February 2013. In terms of the efficient carrying out of this outcome, UNDP support provided the funds in a timely manner to undertake all of the activities mentioned below. The impact was a home-grown and participatory constitution produced for the people of Zimbabwe.

Key Activities and how they contributed

Drafting process: 3 drafters were chosen for their competence and experience in drafting; to support the drafters a drafting committee was established comprising 5 nominees each from the political parties represented in parliament and 2 from the Chief's Council; drafting instruction were produced to guide the process; the drafting lasted for 102 days instead of

the 35 days as initially planned; January 2012, a draft was produced and a Co-chairperson's Forum was established to interrogate the draft; the Co-chairperson's Forum produced a report that was adopted by the Select Committee which formed the basis for fresh instructions to the Drafters; a draft was produced and after receiving comments from political

This was one of the most hotly debated and contentious issues in the entire constitution making process. It presented a difficult moment nearly bringing the whole process to a standstill. Yet, a platform was created for a deep national dialogue which helped in reducing tension amongst Zimbabweans. A silent revolution was taking place during the process as key stakeholders tried to find each other after a period of hostility. When the full story of COPAC is told, it shall reveal a deep sense of patriotism, patience and the need to listen to one another. In subsequent discourses that follow, Zimbabweans must be guided by the spirit of service to the nation first. Zimbabweans must draw lessons from the process and understand that nothing is impossible if people put the country first and appreciate the diversity we have as a source of strength and nationhood. **Comments from a member of COPAC Management Committee**

parties, the Select Committee referred the document to Management Committee; in the Management Committee, a COPAC Draft was produced that was taken to the Second All Stakeholders conference.

Second All Stakeholders Conference: Supported by UNDP, the conference was convened to receive the report on the constitution receive comments and recommendations and to bring these to the attention of the Select Committee; 1247 delegates, 100 journalists, 92 local and international observers, and 52 diplomats, and members of the media were accredited to observe the process; the Conference allowed 1400 delegates from the three political parties to make comments and recommendations on the various sections of the draft constitution; Select Committee held 9 meetings leading to the validation of the work of the drafting team; After several discussions and debates and with the involvement of the Principals, the Draft Constitution was adopted and tabled before Parliament.

Table 5 lists the key activities undertaken for outcome 5. A rating of degree of accomplishment for the intervention and performance of the output is provided. Highlights of key achievements and areas for improvement are shared. Overall rating for the outcome is "Well Done".

Outcome 5: Draft constitution produced

Focus Areas		Done	Partially Done	Not Done
Conduct second stakeholder conference		X		
Average Rating		Well done		

Key Achievements: This was clearly a people driven activity which attracted more than one million one hundred thousand people across the country; the process led to lengthy negotiations, which, in themselves, were necessary for the following reasons: the deliberate effort to accommodate divergent views on the constitution, the need to benchmark the draft constitution to international best practice; and the inclusion of the population in the process.

Impact: The support provided opportunity for the political parties to negotiate and dialogue the critical issues that were to be included in the constitution. It brought about consensus-building required in a democratic setting. The outcome also attracted many people to the process.

Efficiency: This outcome was jointly funded. However, delays in reaching agreements resulted in budget overruns.

Partnership: UNDP manifested enormous patience with COPAC by providing space for the political actors to reach agreement and move the process forward.

Noted challenges: There were series of contentious issues that were not agreed upon at the conference and that invariably delayed the proceedings, leading to the establishment of the Committee of Seven, consisting of cabinet ministers, one from each of the parties to the GPA, the co-Chairs of the PSC and the Minister of Constitutional Affairs. The delays invariably resulted in budget overruns. Another noted challenge was the negative media publicity that attended the process.

UNDP was very understanding. They gave us space to reach consensus and paid for the longer time frame that the project took. Comments by an Evaluation Respondent

3.6 Assessment of Outcome 6: High quality technical support to constitution making process

Appropriateness: Constitution making the world over is a complicated political and legal exercise. It is important to take cognizance of the need to share international best practices and experiences in a constitution building process. Experiences and lessons from countries that have gone through similar process provide useful lessons to countries that are

embarking on same process. It must be noted, however, that while these experiences and lessons can enhance the constitution process and the final product, it is critical especially in a politically sensitive context to carefully negotiate how such experiences can be drawn upon. Otherwise such attempts may be deemed as imposing “alien ideas”.

Key activities and how they contribute: UNDP provided national actors technical expertise upon request during the different phases of the process; experts from the African continent with experiences in countries such as Kenya, Sudan, South Africa, Uganda, Somalia and Tunisia were provided.; some experts used in the process had experience from countries such as Afghanistan and Nepal who provided invaluable input to the process; lessons and experiences gained from these experts enriched the process; further, PSC engaged 17 legal experts (5 per political party) and two representatives of chiefs; developed 26 constitutional principles from the National Statistical Report to guide the drafting process; a Strategic Advisor with wide regional and international experience in constitution making process to provide strategic advice and share regional and international best practice; the technical experts assisted the PSC to conduct a process of identifying and filling the gaps and produced an agreed Document on Gap Filling; UNDP assisted this process by availing a comparative analysis that reviewed constitutions from other countries; COPAC appointed three drafters selected by the three political parties by consensus to determine what should go into the draft constitution. In all instances, the expert advice, knowledge and skills were well received with the experts engaging directly with the national actors and with their recommendations being taken on board.

Impact: Technical assistance clearly helped to enrich the process when experiences were shared and best practices incorporated in the process.

Efficiency: The evaluation noted that this outcome was jointly funded and funds were utilized as planned

Table 6 lists the key activities undertaken for outcome 6. A rating of degree of accomplishment for the intervention and performance of the output is provided. Highlights of key achievements and areas for improvement are shared. Overall rating for the outcome is “Well Done”.

Outcome 6: High quality technical support to the constitution making process			
Focus Areas	Well Done	Partially Done	Not Done
Engage legal experts on constitutional debate in parliament	X		

	Average Rating	Well done
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Noted Challenges

Disagreements emerged during the process relating both to the process and the methodology. This caused delays culminating in budget overruns.

3.7 Assessment of Outcome 7: Draft Constitution widely available for public discussion and debate

Appropriateness: This outcome was appropriate in that it gave the people of Zimbabwe the opportunity to have a say in the documentation and production of a constitution. It was relevant because the outcome provoked public discussions and debates, which increased people's involvement and interest in the process. A key impact was consensus building around the critical issues that were to be included in the constitution. In terms of partnership, UNDP provided space for parties to the process to come to terms with what was good for the people and to agree on what was to be included in the final constitution.

Key activities and how they contributed

Carry out legal drafting exercise

The Drafting phase, which took two years, was the longest of all the phases of the Constitution making process. Among the key activities carried out were the following: the tripartite extraction of Constitutional Issues as derived from the outreach process; extraction from the list of Constitutional Issues, the list of Agreed Constitutional issues that were to actually go into the Constitution; the development by the PSC of 26 Constitutional Principles from the National Statistical Reports to guide the drafting process; the select committee also appointed three Principal Drafters for their competence and expertise in constitution drafting; the drafters were provided with drafting instructions to guide them in the process; although initially scheduled to take 35 days, the drafting process took a total of 102 days; a preliminary draft was produced and a Co-chair's forum was established to interrogate the draft.

Printing and publication of draft: The evaluation discovered that prior to the Public Awareness Campaigns, COPAC printed 500 copies of the Draft Constitution for Members of Parliament; a total of 100,000 long versions of the English Draft Constitution and 73,000 summaries of the Draft Constitution in English as well as in nine local languages were printed for the purposes of the Public Awareness Campaign; the Herald newspaper printed and published the full version of the Draft Constitution pro bono; a total of 200 copies were produced in Braille; and 15 copies allocated to each province; Select Committee produced abridged versions of the Final Draft in all the major papers and selected community newspapers in the country.

Table 7 lists the key activities undertaken for outcome 7. A rating of degree of accomplishment for the intervention and performance of the output is provided. Highlights of key achievements and areas for improvement are shared. Overall rating for the outcome is “Well Done”.

Outcome 7: Draft Constitution widely available for public discussion and debate			
Focus Areas	Well Done	Partially Done	Not Done
Carry out legal drafting exercise	X		
Pre-stakeholders meeting	X		
Printing and publication of draft		X	
	Average Rating	Well done	

Noted challenges: Drafting of the constitution took much longer than anticipated largely due the need to secure compromises among political parties at various of the process, which resulted in budget overruns; the printed draft copies of the Draft Constitution in the various languages were not enough, and this presented a huge challenge for the Select Committee; the delay in reaching a consensus created an avenue for inaccurate information to be released to the public, which was exploited by the media, resulting in negative reporting in both the public and private media; and the negative publicity restricted COPAC to provide information through private radio stations whose reach was limited to urban areas impacting negatively on the number of people COPAC could reach, particularly in the rural areas.

3.8 Assessment of Outcome 8: Key preparatory activities on the referendum supported

Appropriateness: The appropriateness of this activity cannot be overstated. Planned activities focused on preparations to market the Draft Constitution in all of the ten provinces. This was effectively carried out by all of the partners involved in the process. UNDP and the GoZ provided the resources to carry out this outcome, which was done as planned. The impact, therefore, was the large turnout of people for the referendum as noted below.

Key Activities: The evaluation noted that the UNDP project supported the following activities: Members of the Select Committee held a total of 146 meetings across the country during the Public Awareness Campaigns; the Co-chairs and members of the Management Committee engaged the media, civic Society, students at the National University of Science and Technology, Solusi University; Midlands State University, Great Zimbabwe University, Chinhoyi University and Bindura University all in the bid to popularize the draft constitution; outdoor Youth Campaign to directly engage the electorate on the new constitution in preparation for the referendum were carried out; a total of 10 000 posters were produced and placed on streets poles, trees and walls in strategic places in Harare; a total of 200 000 one page A4 flyers were produced and distributed over two days prior to the referendum by 180 young people (60 from each political party); COPAC organized a youth campaign in partnership with the Zimbabwe Youth Council, Star FM, ZIFM and JOMIC to deepen public awareness on the new constitution.

Table: 11 Summary of Awareness Campaign by Province

Province	No. of Meetings	Attendance	Drafts Distributed	T-Shirts Distributed	Caps Distributed
Manicaland	14	4 515	4 200	300	180
Mashonaland Central	15	7 656	5 140	400	210
Mashonaland East	11	11 386	3 400	450	225
Mashonaland West	17	6 030	1 055	414	217
Matabeleland North	17	5 900	6 600	350	209
Matabeleland South	14	4 245	5 370	3 600	216
Masvingo Province	16	13 129	5 565	377	200
Bulawayo	11	2 511	5 050	270	140
Harare	15	13, 250	9 230	310	155
Midlands	16	6, 295	4375	400	240
Total	146	143 827	49 985	6 871	1992
Source: COPAC Report 2013					

Table 8 lists the key activity undertaken for outcome 8. A rating of degree of accomplishment for the intervention and performance of the output is provided. Highlights of key achievements and areas for improvement are shared. Overall rating for the outcome is "Well Done".

Outcome 8: Key preparatory activities on the referendum supported			
Focus Areas	Well Done	Partially Done	Not Done

Conduct preparatory work on the referendum	X		
	Average Rating	Well done	

Key achievements: UNDP support enabled COPAC to engage and inform the people about the new constitution resulting in the massive turnout for the referendum. A total of 3,079, 966 voted “yes”, 179,489 voted “no” and 56,627 were spoilt votes. The total number of people who voted was 3,316,082. These meetings were strategic in providing a critical platform to COPAC to interact with the views of the broader community who did not participate in the second all stakeholders meeting.

Areas requiring improvement: There were challenges in terms of getting information on the draft constitution to the rural population; there were also limited available copies of the constitution and limited time to engage the public largely due to the delays experienced during the drafting process; and the challenges with ZBC led to news blackout of COPAC sponsored programmes and adverts.

3.9 Assessment of Outcome 9: Monitoring, Learning, Adaptive Feedback and Evaluation

Appropriateness: The Project was designed to build specific capacities of the constitution making bodies that were critical to the achievement of a credible and people driven constitution making process. The Project built on strategic, multi-stakeholder partnerships and aimed to add and strengthen capacities for widespread consultative outreach programs.

Key Activities:

Management Structure: The key management structures that drove the COPAC process included the Project Board, which met on a quarterly basis and was responsible for approving budgets and work plans in respect of the usage of donor funds for the process. The Project Board comprised of the entire Management Committee, three representatives of the donors, UNDP and two representatives of civil society.

Coming from a polarised environment, I was initially not interested in the constitution making process. But having participated at every stage of the process, I am very knowledgeable in compiling and analyzing draft constitutions. I have come out of this process capacitated, appreciating divergent views, accepting other people’s political ideologies and standpoints and the belief in collective outcome as the only way of getting our country back to stability and sustainable development. My interaction with colleagues from other political parties have been very fulfilling and enriching.

Evaluation respondent from the Select Committee

At the national level, the Principals to the Global Political Agreement established a structure known as the Management Committee whose main role was to give policy and strategic direction to the process as well as to serve as a deadlock breaking mechanism. The Management Committee comprised of the two negotiators from each of the three parties that were signatories to the GPA, the Minister of Constitutional and Parliamentary Affairs and the Co-chairs of the Select Committee; the Parliamentary Select Committee (PSC), Thematic Sub Committees, Steering Committee and the Independent Secretariat also existed with a total of 29 staff. Under the overall direction of the Management Committee, technical, financial and other relevant support was provided to the various committees in the national structure and the Independent Secretariat and other relevant bodies to build their capacity as key drivers of the process.

Table 9 lists the key activity undertaken for outcome 9. A rating of degree of accomplishment for the intervention and performance of the output is provided. Highlights of key achievements and areas for improvement are shared. Overall rating for the outcome is “Well Done”.

Outcome 9: Monitoring, Learning, Adaptive feedback and Evaluation					
Focus Areas			Well Done	Partially Done	Not Done
Project management			X		
			Average Rating	Well done	

Key achievements: With support from the Secretariat, COPAC effectively directed and engaged in the following activities: management of the country-wide public outreach programme; arrangement and implementation of data uploading process; meetings of the thematic committees; directing and managing the drafting process; organizing and hosting of the Second All Stakeholder Conference; facilitating negotiations to finalize the draft constitution; engaging and supporting the negotiations leading to final resolution of the remaining contentious issues on the draft constitution; and convening a full PSC meeting to adopt the draft as a final act to fulfil the mandate given to them by Parliament.

Some thoughts captured during the interviews on the entire process:

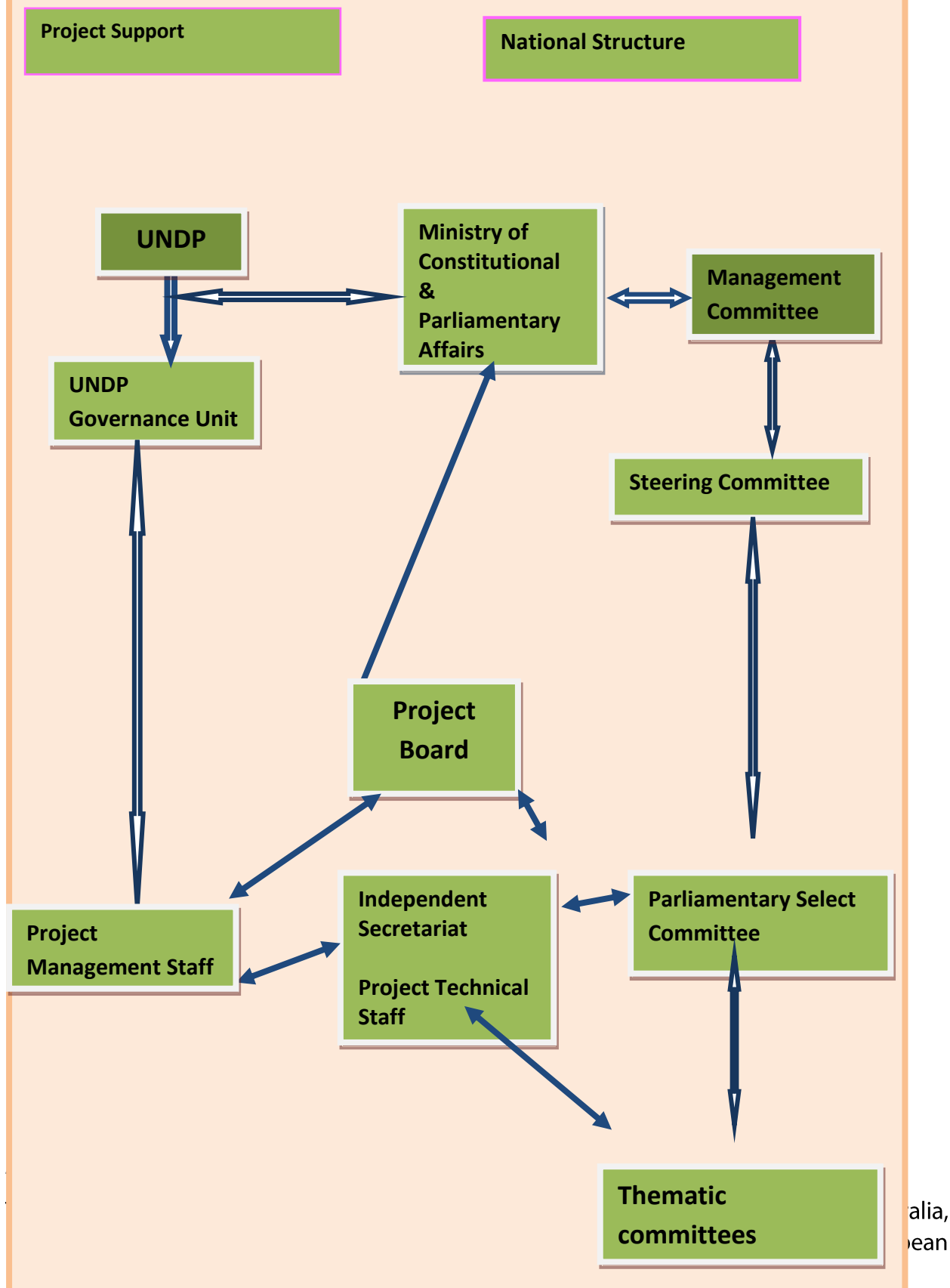
It is not the many things that divide us that are important but the little things that bring us together. UNDP support facilitated the process by bringing us together around the little things that got us

to a common goal.” Statement from a PSC member

UNDP acted as a buffer between the government and donors and ensured that antagonism did not manifest itself largely because there was no direct contact between the two. Statement by one of the Co-Chairs

It was a very important project because it managed to bring three political parties which up to then were mostly competing. But they managed to create consensus within their competition. To me, this was critical and key to the outcome.
UNDP Senior Management

Project Management Structure



Commission (EC), France, Netherlands, Swedish International Development Aid (SIDA) and the United States Agency for International Development (USAID), through a basket fund managed by UNDP and the GoZ. A total of USD51.9m was used for the process with the GoZ contributing USD28.7m and the donors weighing in with USD23.2m.

Efficiency looks at the degree to which project results justify resource injection and whether resources were used as planned. To a large extent the project resources were efficiently utilized in ensuring that the nine outcomes were achieved. Key elements of efficiency include a robust project governance structure in place; transparent and accountable disbursement processes, a tight project with clear limited interventions; and fiscal control and discipline.

Table 11: Contribution and Expenditure Overview per Donor

Sl. #	Donor	Commitments		USD Equivalent	Funds			
					Received	Utilized	Balance Available	To be received
		Curr	Amount		In USD			
1	SIDA	SEK	32,000,000	4,664,790	4,664,790	4,645,137	19,653	0
2	Norway	USD	3,200,000	3,200,000	3,200,000	2,728,314	471,686	0
3	CIDA	CAD \$	2,000,000	2,059,732	2,059,732	2,036,162	23,570	0
4	Denmark	DKK	11,400,000	1,991,178	1,991,178	1,797,361	193,817	0
5	DFID	GBP	1,180,000	1,810,574	1,810,574	1,792,472	18,102	0
6	Australia	AUD	2,000,000	1,677,852	1,677,852	1,677,840	12	0
7 (a)	EC	EUR	1,000,000	1,270,647	1,143,583	1,143,583	0	127,064
7 (b)	EC	EUR	500,000	643,501	610,583	376,501	234,082	32,918
8	Netherlands	USD	1,173,951	1,173,951	1,173,951	1,140,269	33,682	0
9	USAID	USD	1,000,000	1,000,000	1,000,000	999,274	726	0
10	France	EUR	140,000	150,602	150,602	150,601	1	0
11	UNDP	USD	2,496,195	2,496,195	2,496,195	2,496,195	0	0
Total				22,139,02	21,979,04	20,983,70	995,331	159,98

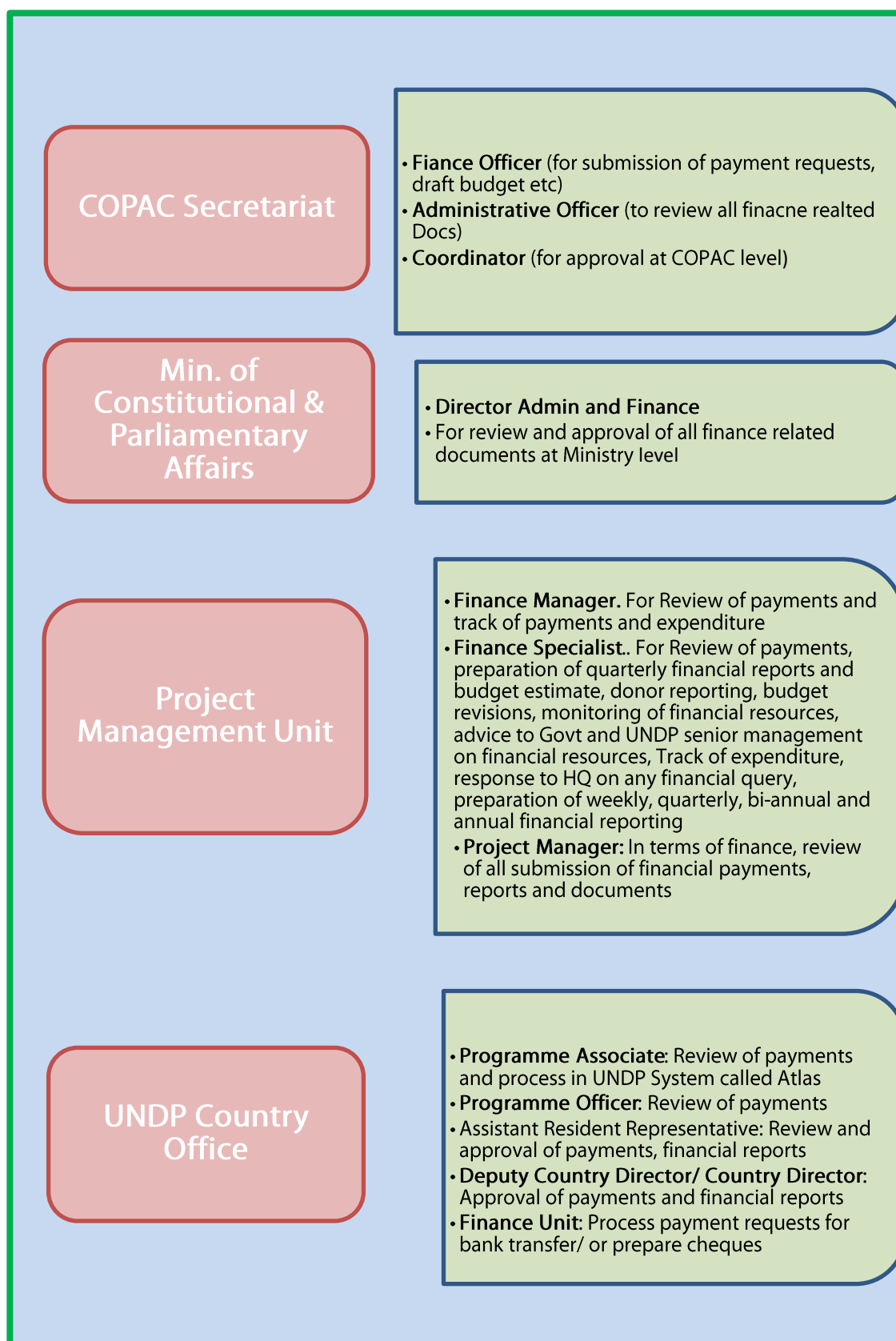
	2	0	9		2
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Source: Final Project Report 2010-2013, UNDP

Resources were targeted to planned activities: The evaluation team found that resources were largely utilized as planned save for some few areas where delays in decision-making at the political level resulted in budget overruns. The project produced quarterly budget statements, which would link expenditure and disbursements.

Good Project Governance Structures: The main layers of checks and balances of the Project Management Board, which was made up of representatives from the donors, UNDP senior management and COPAC and oversaw the management of project funds, brought about transparency. The table below shows how the structure worked.

Financial management structure



Noted challenges: The evaluation noted that UNDP could not disburse funds directly to people but through a formal system such as banks and established vendors as prescribed by its procurement procedures and policies. For instance, UNDP did not have vendor agreements with hotels/guest houses in the rural areas, which invariably created delays when it came to payments for such services.

The evaluation also noted that because the government was facing financial difficulties and could not fund agreed planned activities in the project document, UNDP, adhering to its funding obligations, could not fund such activities leading to delays in implementation of key activities.

5. UNDP Partnership and Coordination strategy

Since 2000, most development partners have not been providing direct budgetary support to the Government of Zimbabwe. This had implications for the support for the constitution making process given the economic challenges that the country was facing. In light of this, the Government requested UNDP to support the constitution making process and to assist with resource mobilization. Development partners namely 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) raised a total of USD 22,679,828, which constituted a Basket Fund that was administered by UNDP.

UNDP was seen as the most appropriate institution and strategically positioned to administer the funds as it was considered by both the government and development partners to be a neutral broker. Over the three year duration of the constitution making process, UNDP played a facilitating role in the partnership between the government, the political parties, civil society and the funding partners. Through UNDP and their participation in Project Board meetings, the funding partners were kept informed about the constitution making process. The funding partners were represented on the Project Board and were responsible for approving quarterly work plans and budgets.

Prior to each Project Board meeting, UNDP convened two meetings with partners contributing to the basket fund. The first meeting was at a technical level, where technical details of work plans and budgets were discussed and clarifications made. The second meeting was at Heads of Agency level where Heads of Development Cooperation of the contributing partners would raise any strategic issues of concern or needing clarification from the national authorities. UNDP thus played a crucial role in brokering understanding of such strategic issues between the national authorities and development partners.

A member of the Management Committee had this to say:

UNDP played a key role in coming up with a basket fund incorporating a number of donors. We also facilitated a number of meetings with donors and as we progressed, it became a permanent item on the COPAC agenda where we came together to discuss common issues. There was constant communication between the Ministry and the donors. The board also met regularly. Cooperation with civil society was achieved through a series of workshops and through their umbrella bodies.

The evaluation also learnt that managing relationships between key stakeholders (government and donors) during the process was very important. UNDP recognized and respected national ownership and leadership of the process, which was vital to winning the trust of national authorities. UNDP ensured that actors and stakeholders had a clear understanding of their roles and responsibilities during the project phases particularly respecting national management and ownership of the process and avoiding attempts to influence the content of the draft.

The constitution making process was both a technical and political process with UNDP support limited to the technical input of the process. The table below outlines the key areas of technical support provided by UNDP in the outreach, data analysis and drafting of the constitution.

Table 12: Technical Support Provided by UNDP

Activity		Technical (UNDP Support)	Political
Outreach		UNDP support was limited to supporting thematic committees leading the outreach process as well as other technical staff supporting the process	Most of the outreach process was political with no UNDP input e.g. mobilisation of people and conduct of outreach meetings
Data analysis		UNDP provided technical support as requested by COPAC. This included support for a data analyst who assisted in the design of a template for data analysis.	The discussion and negotiations around methodological issues were largely a political process
Drafting	Identification of constitutional issues	Identification of technical issues was largely technical, involving technical teams	There was limited political involvement
	Gap filling	Gap filling was largely a technical exercise involving technical teams	There was limited political involvement
	Development of constitutional principles	Development of constitutional principles had a technical component that was supported by UNDP	The development of constitutional principles was largely a political process
	Actual drafting	The actual drafting of the constitution was a technical process	While this was largely a technical process, the COPAC Select Committee was responsible for developing drafting instructions and negotiating the final outcome

6. Lessons Learned

- Significant to note is the established governance structure of the process that was put in place and UNDP support to the project. COPAC and its Management Committee unquestionably assumed national ownership and leadership of the process from its design to the referendum. The Project Board, which brought together key national stakeholders and donors contributed to the UNDP managed Basket Fund and made strategic decisions in respect of project implementation. Project Board meetings became a forum for information and knowledge sharing on strategic and political considerations during project implementation.
- Another important lesson was how UNDP facilitated the relationship with funding partners during the entire constitution making process. Strategically, UNDP would convene two meetings with funding partners before Project Board meetings. In the first, technical issues and budgets were thoroughly discussed and clarifications made. The second was convened for Heads of Agencies where funding partners would raise concerns and needing clarifications from the national authorities. In this way, UNDP succeeded in promoted an understanding of such strategic issues between national authorities and funding partners.
- As mentioned earlier, constitution making the world over is a complex and expensive endeavor requiring huge human, financial and technical investment. It is even more critical in a politically divided nation where acrimony and hostility arise and parties to the process take time to dialogue to reach consensus. In this highly charged political atmosphere, there is always the need to show flexibility to accommodate expenses that were not originally planned and budgeted for. The situation in Zimbabwe highlights the necessity for contingency planning because compromises are time-consuming and require resources going beyond what has been initially planned.
- The constitution making process brought antagonistic groups and individuals from different political shades, understanding and tolerating their different political thinking and working together for a common national purpose.
- The positive spinoff of the impasse that characterized the process has been the ability of the three political parties to actively engage and reach a compromise to allow the process to move forward. This lesson is crucial for other engagements in future national processes.

- Another lesson learned in relation to the technical experts seconded to the project by UNDP was that they enriched the process by sharing their expertise and experiences from different countries.
- For Zimbabwe's constitution making process, UNDP provided technical expertise to COPAC but only on request and this was offered in a non-prescriptive, non-intrusive way. In securing the services of the relevant experts, UNDP ensured that the national implementing partners were fully engaged and involved. This was a lesson to ensure national ownership and guarantee that the outcomes were mutually reinforcing and complementary.

Putting national interest above political considerations

The constitution making process taught us that it is possible for people coming from periods of intense political strife to rise above the narrow political and sectional interests for the common good of the nation driven by values of democracy, good governance and the respect for the Rule of Law. (A COPAC Co-Chair remarked)

7. Conclusion and Recommendations

Constitution making in any part of the world is a politically charged process as it attempts to balance the needs, interests and aspirations of political players and stakeholders from different sectors of the society. As such, there will always be contested issues/positions which the various players have to

negotiate in order to reach consensus.

The constitution making process in Zimbabwe was one of the most effective projects in Zimbabwe's political history. Although it lasted longer, it was very critical in bringing people together to focus on a single goal and objective. The outreach programme showcased a high level of participation, which was the hallmark of the process throughout. Everybody had the opportunity of being consulted and having their voices heard and recorded which spoke to the inclusivity of the process. The management of the process by COPAC, especially managing the debates, nursing the controversies and supervising the deliberations was exemplary, remarkable and highly commendable.

From the technical and financial point of view, UNDP and development partners played a critical role in contributing to the successful drafting of a home-grown and fully participatory constitution since independence in 1980. UNDP managed the national expectations, one of

which was to design a participatory constitution with a buy-in that would ensure legitimacy and ownership of the process. By the same token, UNDP also ensured that COPAC was provided with the technical expertise to assist in sharing experiences and taking into consideration best practices. Technical expertise were recruited and was very critical in assisting COPAC unlock some of the deadlocks and to keep the process moving. Financially, UNDP and Donor support played a key role in the entire process as was summed up by a member of the Select Committee:

It was an honor to work with UNDP and donors at a critical juncture in our country when resources were limited. Thanks to the donors for the support and to Zimbabweans for their contribution to the national process which serves as the basis for enhancing dialogue.

Table 13: Project Overall performance

Project Overarching Outcome: <i>Strengthened mechanisms for promoting the rule of law, dialogue, participation in the decision-making process and protection of human rights</i>			
Outcomes	Well done	Done	Partially Done
10. Fully functional and capacitated secretariat	X		
11. Adequately informed nation on the new constitution	X		
12. People adequately consulted and their views recorded	X		
13. Wide and objective media coverage of the new constitution making process		X	
14. Draft constitution produced	X		
15. High quality technical support to constitution making process	X		
16. Draft constitution widely available for public discussion	X		
17. Key preparatory activities on the referendum supported	X		
18. Monitoring, learning and evaluation	X		
Average Rating of Project Performance	Very well done		

Recommendations to UNDP

- The multi-layered resource management system for the project – comprising of the COPAC Secretariat, UNDP, the COPAC Management Committee and the Project Board – was effective and tight and ensured the efficient utilization of resources. UNDP should use a similar system in managing other project resources. This would go a long way to ensuring that whatever resources are marshaled for projects are utilized with the greatest sense of transparency and accountability.
- Although the support was limited to drafting a constitution which laid the foundation to both the Rule of Law and Constitutionalism, it is recommended that UNDP open its doors to requests for funding to engage in civic education on the contents of the constitution with the view to entrenching constitutionalism and rule of law in Zimbabwe.

Recommendations to Funding Partners

- There is need to continue and increase investments in building democratic institutions in Zimbabwe. Donors should continue to finance democratic initiatives through UNDP Basket Fund because it has proven to be an effective and efficient channel to support development projects/programs in the country
- Now that the constitution has been adopted through a popular referendum, funding partners should fund civic education to ensure the population is adequately educated on the contents of the constitution. This is key to entrenching constitutionalism and Rule of Law in Zimbabwe.

Recommendations to the Government of Zimbabwe

- Government should endeavour to forge and sustain strong linkages constructed during the constitution making process with stakeholders such as political parties, civil society, media, women's and youth groups and the disabled groups. This is important to engaging them in any future civic education exercise on the constitution.
- Government should make every effort to include civic education on the constitution in the educational systems at all levels with the view to deepen understanding of the contents of the constitution
- National funding for future democratic projects should be a priority for the government

Annex 1: Terms of Reference



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Consultancy for the Project Evaluation of Support to Participatory Constitution Making in Zimbabwe

Date: 17 June 2013

Country: Zimbabwe

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.

Period of assignment/services: 35 working days from the day of signing the contract including writing reports

Proposal should be submitted at the following address

Registry
UNDP Office Complex
Arundel Office Park
Block 10
Norfolk Road, Mount Pleasant
Harare
or

by email to:

bidstechnical.zw@undp.org for technical proposals- detailed methodology, workplan and approach
bidsfinancial.zw@undp.org for financial proposals

No later than 28th June 2013 @ 11:30hrs.

Proposals sent by courier must contain two envelopes one marked "Technical Proposal" and a second envelop marked "Financial proposal".

Any request for clarification must be sent by standard electronic communication to the following e-mail: procurement.zw@undp.org. no later than 24th June 2013.

The response will be sent by standard electronic mail and written copies of the response including an explanation of the query without identifying the source of inquiry will be sent to all consultants.

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.

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

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) (For both Govt. And Funding partner Contribution)	USD : 21,808,740
Total Contribution (April 2010-June 2013): (Funding Partner Contribution only)	USD : 22,679,828
Government Contribution (April 2010- June 2013)	USD: 28,730,769
Total Approved Budget (April 2010- June 2013): (For both Govt. And Funding Partner Contribution)	USD : 51,410,597

2. Evaluation purpose and Objectives and scope of the Evaluation

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.

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.

2.1. 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.

3. Requirements For Experience And Qualifications

Minimum Master's degree in Public Relations, Political Science, Development Planning, Law or related field. A PHD qualification will be a distinct advantage.

3.1. Experience and Knowledge for the International Consultant

- 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.

Experience and Knowledge for the National Consultant

- 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.

3.2 Competencies

- Organisational awareness
- Working in Teams
- Communicating Information and Ideas
- Self-management and Emotional Intelligence
- Conflict Management / Negotiating and Resolving Disagreements

- Knowledge Sharing / Continuous Learning
- Appropriate and Transparent Decision Making

4. 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.

5. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

- (i) Letter explaining why the consultant is the most suitable for the work
- (ii) Brief Description of Approach to Work/ Methodology
- (iii) Financial proposal
- (iv) Personal CV and P11

6. FINANCIAL PROPOSAL.

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable deliverables (qualitative and quantitative). The financial proposal must include a breakdown of this lump sum amount (including travel, per diems, and number of anticipated working days).

7. EVALUATION

The award of the contract will be made to the individual consultant whose offer has been evaluated and determined as:

Having received the highest combined score of the technical and financial scores.

** Technical Criteria weight; 70%*

* Financial Criteria weight; 30%

Only candidates obtaining a minimum of 70 points out of 100 points at the technical evaluation will be considered for the Financial Evaluation

Sample: Technical Proposal Evaluation Form		Points obtainable
1.	<i>Experience of the consultants:</i>	<i>Max 40points</i>
Sub criteria	1.1 Demonstrable experience in research and analysis	5
	1.2 Demonstrable knowledge of result-based management (RBM) evaluation in general	10
	1.3 Demonstrates practical knowledge in preparing presentation of findings based on reports	10
	1.4 Displays knowledge of Constitution Making processes, procedures and international best standards	10
	1.5 Demonstrable experience in monitoring and evaluation	5
	<i>Sub total</i>	<i>40</i>
2.	<i>Adequacy of methodology and work plan:</i>	<i>Max 40 points</i>
Sub criteria	2.1 Have the important aspects of the task been addressed in sufficient detail?	10
	2.2 Are the different components of the project adequately weighted relative to one another?	10
	2.3 Is the scope of task well defined and does it correspond to the TOR?	10
	2.4 Work plan - Is the presentation clear and is the sequence of activities and the planning logical, realistic and promise efficient implementation to the project?	10
	<i>Sub total</i>	<i>40</i>
3.	Organization and completeness of the proposal	10
4	Intellectual and technical soundness	10
	<i>Sub total</i>	<i>20</i>

		100
	Total points	

Financial score= $\frac{\text{Lowest Financial proposal} \times 30}{\text{Financial proposal}}$

Approved by:

 Denise Findley-Antonio
 Deputy Country Director Operations

Annex 2: List of people interviewed

Name	Organisation/Position	Contact
Parliamentary Select Committee		
Hon Flora Buka	Parliamentary Select Committee	0712325371
Hon Chief Charumbira	Parliamentary Select Committee	0732 808 555
Hon Gift Chimanikire	Parliamentary Select Committee	077 2675 254
Hon Jessie Majome	Parliamentary Select Committee	0712 320 569
Hon Jacob Mudenda	Parliamentary Select Committee	04 700 181
Hon Amos Chibaya	Parliamentary Select Committee	0772 271 329
Hon Editor Matamisa	Parliamentary Select Committee	0733 411 220
Hon Ian Kaye	Parliamentary Select Committee	0772 245 546
Hon Joram Gumbo	Parliamentary Select Committee	04 700 181`
Hon Walter Chidhakwa	Parliamentary Select Committee	0712 235 346

Management Committee		
Hon Eric Matinenga	COPAC Management Committee	0772 125 541
Hon Priscilla Misihairambwi - Mushonga	COPAC Management Committee	0772 101278
Hon Elton Mangoma	COPAC Management Committee	0772 216 347
COPAC Co Chairpersons		
Hon Douglas Mwonzora	Co-Chair COPAC	0774 148 461
Hon Paul Mangwana	Co-Chair COPAC	0773 261 510
Hon Mukosi	Co-Chair COPAC	0772 254 358
COPAC Secretariat		
Mr Gift Marunda	COPAC Acting National Coordinator	0773 591 022
Mr Alex Masumba	COPAC Administrator	0773 622 930
Civil Society		
Ms Farai Cherera	National Council of Disabled People of Zimbabwe	0772 285 884
Ms B Myangairi	Zimbabwe Election Support Network	04 791 443
Mr Simba Mukanganise	National Council of Disabled People of Zimbabwe	0712 056 990
Ms Noma Masaire	ZIMRIGHTS	0772 388 306
Mr Eric Munyonda	ZIMRIGHTS	0773 804 612
Mr Stanley Nyamanhindi	Law Society of Zimbabwe	0773 622 354
Ms Rebecca Musimwa	Law Society of Zimbabwe	0772 935 808
Ms Memory Kadau	Crisis in Zimbabwe Coalition	0772 985 424
Ms Fadzai Traquino	Zimbabwe Women Lawyers Association	0772 884 942
Ms Merit Rumema	Zimbabwe Women Lawyers Association	0774 138 924
Ms Munyaradzi Mataruse	National Association of NGOs	0772 893 123
Fadzi Garikai	Zi FM Stereo, reporter	0772 168 045
Tatenda Mugwisi	Star FM, Intern	0772 684 632
Barney Mapondera	Star FM, Producer	04 662 689
Ministry of Justice		
Ms Virginia Mabiza	Permanent Secretary	0772125543
Mr Tapiwa Godzi	State Counsel Constitutional and Parliamentary Affairs	04 764127-8
Mr Moses Chikomo	Director Finance	04 764127-8
Mr Maxwell Ranga	Director Human Resources	04 764127-8
UNDP		
Mr. Alain Noudehou	Resident Coordinator	04 338 836
Ms Verity Nyagah	Country Director	04 338 836
Mr Irfan Mahmood	Finance Specialist	04 338 836
Mr Martim Faria e Maya	Deputy Country Director – Programmes	04 338 836
Ms Noria Mashumba	Project Manager	04 338 836
Mr Mfaro Moyo	Assistant Resident Representative	04 338 836
Funding Partners		
Ms Vera Musara	US Agency for International Development	0772 134 102

Ms Jane Rintoul	UK Department for International Development	0772 231 781
Ms Jane Alexander	UK Department for International Development	0772 133 322
Ms Caroline Valetje	European Union Delegation	0772 148 624
Mr Jakob Bigge	1 st Secretary	0772 159 339
Mr Magnus Carlquist	Embassy of Sweden	0772 365 375
Mr Mats Bengtsson	Embassy of Sweden	0772 125 998

Annex 3: Sample Interview Tool

Focus is on UNDP support to the project and in no way an evaluation of the process itself

Relevance

1. What role did you play in the design and implementation of UNDP's support to the participatory constitution making process?
2. In your view, how appropriate was the project design to address the three stated outcomes?
3. How relevant was the project to a) strengthening the rule of law; b) advancing commitment to the principles of popular participation; and c) entrenching the principle of constitutionalism?
4. How involved were the partners and the people of Zimbabwe in deciding the nature of support?

Effectiveness

- 1 What type of leadership did you offer to ensure the process was effectively carried out?
- 2 In your view, to what extent was the objective of the project achieved?
- 3 How did the UNDP support help resolve critical contentious issues you faced on a daily basis?
- 4 How involved were the critical mass (civil society, youths, women, vulnerable groups) in the process?
- 5 How did the UNDP support help these groups to actively participate in the process?
- 6 What challenges did the process face?
- 7 Any noted achievements and challenges?

Efficiency

1. How well were resources used?
Probe: Timely disbursement of funds; adequacy of funds; did the results justify the level of resource injection?
2. Were funds utilized as planned? How did you manage delays in carrying out certain activities?
3. Any noted challenges?

UNDP Partnership Strategy

1. How appropriate and effective was the UNDP partnership strategy during project implementation?
2. Was the project management structure appropriate to achieving the desired objectives?
3. What relationship did you develop with UNDP and the contributing partners?
4. Did the support develop the necessary human and institutional capacity?

Lessons Learned

1. What lessons have you drawn from this experience? Elaborate?
2. If given another chance, how differently would you undertake this project?

Recommendations: What are your recommendations for future similar projects?