

SPECIFIC TERMS OF REFERENCE

Request for services, 2015/358789/1 Mid-Term Review of the Deepening Decentralisation and Non State Actors Programme (DDNSA) - 2010/021-445

FWC BENEFICIARIES 2013 - LOT 7: Governance and Home Affairs EuropeAid/132633/C/SER/multi

1. BACKGROUND

The Government of Lesotho is faced with multiple and interconnected development challenges including the core issues of poverty reduction and anchoring a still fragile democratic process more firmly at both central and local level. To address these challenges decentralisation was increasingly viewed as a means by which public service delivery can be improved through more robust and intimate accountability linkages between providers and beneficiaries. Moreover, by empowering locally elected bodies and encouraging bottom-up popular participation it was expected that local level governance will further entrench democratic values and principles at sub-national level; in itself a valuable outcome, but also potentially reinforcing accountability and hence improving public service delivery.

Lesotho's development partners have been supporting the decentralisation process both at central and local level. In the case of the former, donors who have provided general budget support (GBS) have made support conditional upon a number of measurements that the government must meet, as stipulated in the Performance Assessment Framework (PAF). Decentralisation was part of the PAF targets and hence there was a considerable momentum building towards pushing the issue to the forefront of the dialogue between the partners. This probably also helped concentrate government minds on drafting the Decentralisation Action Plan (DAP), as this was one of the PAF indicators. In February 2014, the Decentralisation Policy, drafted with technical assistance from the EU-funded Deepening Decentralisation Programme and from GIZ was adopted by the Cabinet.

The key defining decentralisation legislation is the Local Government Act of 1997, which provide the legal basis for the subsequent establishment in 2005 of 128 community councils, 10 district councils and a municipal council (Maseru). The key objectives of the Local Government Act and the accompanying decentralisation process are:

- i. To deepen and widen public access to the structures of government.
- ii. To bring services closer to the people thereby improving service delivery.
- iii. To promote people's participation in decision-making, planning and implementation of development programmes.
- iv. To promote equitable development in all parts of the country through the distribution of human, institutional and infrastructural resources.

The specific objectives of the Decentralisation Policy of 2014 are to:

- i. increase citizens' access to public services;
- ii. ensure quality and accountable service delivery at local levels;

- iii. increase participation of citizens and non-state organisations in governance and service
- iv. delivery;
- v. promote equitable economic development;

The motivations for promoting the decentralisation process are both political (e.g. more inclusive and participatory democracy as well as more equitable development) as well as based on efficiency concerns (e.g. assuming service delivery will improve which is again based on the principle of subsidiarity). The Local Government Act also delineates the key responsibilities of district and community councils in what is known as Schedule 1 and 2 of the Act. This include natural resource management, land allocation, water supply, minor roads, grazing rights, promotion of local economic development etc. However, the exact roles and responsibilities of local authorities vis-à-vis national authorities are unfortunately ambiguously defined in the Schedules causing confusion, lack of clarity and allow high levels of arbitrary decision making to especially central government (as represented by e.g. the District Administration Office) in the execution of key functions related to service delivery. Going forward there is thus a need to further define the division of labour between local and national authorities including Ministry of Local Government, Chieftainship and Parliamentary Affairs (MoLGCPA), line ministries and Ministry of Finance (MoF) and Ministry of Development Planning (MoDP) and unpacking the functions at local level.

Under EDF 10, the European Union with co-financing from the German Government supports Lesotho's efforts in deepening the decentralisation process through a **€14 million** programme (out of which **€3.5 million** are co-financed by the German Government through a Transfer Agreement and **€800,000** by UNCDF) to support the government and civil society organisations in reducing poverty, promoting inclusive economic growth and entrenching democratic principles in Lesotho. DDNSA includes three components as follows:

A) The **Deepening Decentralisation Project (€8,800,000)** implemented by the Ministry of Local Government, Chieftainship and Parliamentary Affairs (MoLGCPA), in coordination with Ministry of Finance and Ministry of Public Services, with technical support from UNDP and UNCDF, is expected to achieve the following results:

- 1) Improved development funding through local authorities
- 2) Decentralisation and accountability systems at local level are promoted
- 3) Capacities of line Ministries and local authorities enhanced to decentralise functions

B) **ALAFA**, Apparel Lesotho Alliance to Fight AIDS, (**€2,000,000** financed under the German co-financing) objective was to provide a sustainable comprehensive, professional and effective response to the disease in the apparel industry. The component ended in June 2014.

ALAFA's specific objective was to reduce absenteeism, morbidity and mortality among the workforce of Lesotho's apparel industry by ensuring a sustainable and comprehensive

prevention, treatment, care and support programme within the workplace, especially for HIV positive employees and their dependents with the following expected results:

- 1) reducing the rate of new HIV and TB infections amongst industry workers;
- 2) keeping the economically active poor healthy and at work in the industry by providing access to quality care & treatment services for those who are infected;
- 3) reducing the effects of the disease on the global competitiveness of the industry;
- 4) developing sustainable cost effective delivery, follow up and monitoring methodologies that can be replicated in other sectors; and
- 5) assisting the then Ministry of Health and Social Welfare in the roll out of its response to the disease.

C) **Four grants** (total of about **€3,090,000** co-financed by EU and the German Government) were signed as follows:

Send a Cow Lesotho, EUR 1,271,145.27 (90% of total eligible cost of the action)

"Capacity building of local Non State Actors to deliver social services, alleviate poverty and promote local economic development".

The action aims at building the capacity of local NSAs to advocate for provision of improved social service delivery and accountability by local authorities in Berea, Leribe, and Butha-Buthe by: i) enhancing partnerships between and among civil society organisations, private sector and local government ; ii) promoting HIV/AIDS awareness/mitigation strategies; iii) promoting gender equality for participation in local development; iv) improving food security through integrated sustainable agriculture.

Lesotho National Federation of the Organisations of the Disabled, EUR 228,369 (76.78% of total eligible cost of the action)

"Empowering Rural Persons with Disabilities for Seeking their Entitlements" in the 5 councils of Berea, Butha-Buthe and Mohale's Hoek and at least 6 councils in Maseru

The project aims to promote inclusion of persons with disabilities (PWDs) in community decision making structure and target their families and communities as well as local government structures including area chiefs, and councillors. Direct beneficiaries will be PWD living in rural areas, their families and the communities in which they live.

Lesotho Council of NGOs, EUR 1,293,329.34 (90% of total eligible cost of the action)

"Building capacity of NSAs for constructive engagement in local government" in Leribe, Maseru, Botha Buthe, Mohale's Hoek, Mafeteng and Mokhotlong

The overall objective is to enhance participation of NSAs in contributing to poverty reduction at community level. The specific objectives are: i) To build organisational and institutional capacity of local CSOs and local authorities to influence inclusive development agenda at community level ; ii) To facilitate a more productive interaction between NSAs and the local government structures through policy dialogue ; iii) To promote gender equality in local governance processes

Catholic Commission for Justice and Peace, EUR 296,792 (86.08% of total eligible cost of the action)

"Strengthening Civil Society in Lesotho (SCIL3)" in Thaba Tseka and Qacha's Neq

Under specific objective 1, SCIL3 aims at generating long-term sustainable capacity building for CBOs. Activities will be targeted in key areas to establish a strong base for effective engagement with CSO networks, local government structures and community based constituencies. Under Specific objective 2, spaces for dialogue and planning are to be promoted between local authorities and strengthened civil society groups, with special emphasis on women's inclusion.

This assignment will carry out the mid-term review of the "Deepening Decentralisation and Non State Actors Programme" (DDNSA) in its totality. Its main component, DDP, started in October 2012 and is planned to end in October 2016. The mission will provide analysis and recommendations for the last period of the programme.

The analysis will focus on three aspects:

- i) the capacity building at national and local level;
- ii) the fiduciary aspects of the implementation of the Local Development Grant (LDG) and
- iii) the efficiency and effectiveness of the civil society component of the programme and its complementarity and synergies with the Deepening Decentralisation Programme. It will also evaluate the ALAFA component that ended in June 2014.

2. DESCRIPTION OF THE ASSIGNMENT

Global objective

The objective of the mid-term review mission is to assess the relevance and implementation of programme activities in terms of:

- a) The results anticipated in the original programme concept and as indicated in the logical framework annexed to the Financing Agreement; and
- b) the internal management system and processes

The purpose of the mid-term review of the programme is to provide decision makers in the Office of the National Authorising Officer, the European Commission, GiZ, the Ministry of Local Government, Chieftainship and Parliamentary Affairs (MoLGCOPA), the Ministry of Finance and the Ministry of Public Services, civil society and other interested stakeholders with sufficient information to make an informed judgment about the past performance of the project (its relevance, efficiency, effectiveness and impact), to document lessons learnt and to recommend possible adjustments or re-orientation for the last period of project implementation.

Specific objectives

The main focus of the mission will be:

- ✓ To make an independent assessment of the performance of the programme, paying special attention to relevance, efficiency and effectiveness and to the potential impact of the programme against its objectives;
- ✓ To assess the delivery of the programme against its logframe, its accountability especially regarding the component linked to the Lesotho Development Grant, and potential achievement of the programme impact at project end;
- ✓ To identify key lessons and propose practical recommendations for the remaining years of the programme and possible re-orientations and adjustments.

The DDP management team (UNDP-UNCDF) as well as the civil society partners will prepare a comprehensive literature pack to be shared with the consultants prior to the commencement of the mid-term review mission (hard copy and electronically).

Requested services

The consultants shall verify, analyse and assess in detail the issues referring to the five evaluation criteria endorsed by the OECD-DAC (relevance, effectiveness, efficiency, sustainability and impact), and to the EU-specific evaluation criteria (EU added value and coherence). The consultants are also requested to verify, analyse and assess, where relevant, the integration and impact of cross cutting issue in the project, notably gender, environment and HIV/AIDS.

The evaluation will follow the structure outlined below as per the EU guide for evaluations:

http://ec.europa.eu/europeaid/evaluation/methodology/guidelines/gbb_det_en.htm

Programme Preparation and Design	Assess the planning and design phases of the programme from the initial programme idea to the final financing proposal. The logic, coherence, completeness and realism of the planning and design of the programme, as articulated in the programme's logical framework should be evaluated together with the identification of appropriate up-dating for aspects that may have been inadequate
Relevance of the Programme	Relevance refers to the design of the programme and appropriateness of the actions and capacity building (including the input of the technical assistance) for the beneficiaries.
Efficiency	Efficiency refers to whether the same goal could have been achieved through other means at the same cost or at a lower cost <ul style="list-style-type: none"> • Were the different activities proposed under the programme the best to achieve the stated objectives? • How did coordination, consultation and participation arrangements work within the programme and between the latter and stakeholders such as the Ministries, civil society, other institutions and development partners, especially GiZ and UNDP?

Effectiveness	<p>This is the analysis of whether the set objectives have been achieved as intended by the stakeholders.</p> <ul style="list-style-type: none"> • Were the intervention points correctly selected to meet the set objectives? • Were the set objectives realistic and implementable? • Were these objectives adapted, where necessary, during the course of the programme implementation? • What was the extent to which beneficiaries actually benefit from the programme?
Impact	<p>This criterion examines the extent to which the benefits received by the intended beneficiaries brought about change in their performance.</p> <ul style="list-style-type: none"> • What is the contribution of the programme to the overall objective? • What impact has the implementation of the programme brought about in terms of strengthening of institutional and human resources capacity of the beneficiaries? • What is the level of achievement of results within the set time frame? • Were there unanticipated results (positive/negative) yielded by the programme and what were the consequences on the achievement of the purpose? • Are there data available to measure this impact? • Did indicators to measure impact exist, and if so, were they appropriate?
Overall quality & sustainability	<p>This criterion refers to the ability and capacity of beneficiaries to implement the outcome of an activity once the core support is stopped and verifies whether the design and orientation of programme activities are based on the principle of building sustained capacities in beneficiaries. The analysis should focus on:</p> <ul style="list-style-type: none"> • Ownership of the objectives and achievements. • To what extent has the programme improved the institutional capacity of the local authorities (financial and administrative).
Coherence/ Complementarity	<p>This criterion may have several dimensions:</p> <ol style="list-style-type: none"> 1) Coherence within the Commission's development programme 2) Coherence/complementarity with the partner country's policies and with other donors' interventions 3) Coherence/complementarity with the other Community policies
Community Value Added	<p>The extent to which the project/programme adds benefits to what would have resulted from Member States' interventions in the same context.</p>

Conclusions and recommendations

Drawing on the findings above and the lessons to be learned this aspect of the review would examine whether or not the Programme should be re-oriented and in particular whether all activities should continue. Should the findings of the Review support a re-orientation then the consultant should draw up recommendations for the future direction of the Programme, with specific emphasis on the activities to be carried out during the final years of the programme. The proposals drawn up should be summarised in a revised Logical Framework. The recommendations made should address (but not necessarily be limited to) the following aspects:

- ✓ Recommendations for institutional strengthening and capacity building (including the enhancement of the regulatory framework and enforcement capacities);
- ✓ Recommendations for reinforcing the accountability towards the Lesotho Development Grant and
- ✓ Proposals for the strengthening the coordination and complementarity between the Deepening Decentralisation Project and the Civil Society component of the Programme.

The following documents should serve as reference:

- Result Oriented Monitoring Report, November 2013
- Annual progress reports 1 and 2 of the "Deepening Decentralisation Project"
- Contribution Agreement signed in October 2012 between the European Commission and UNDP
- Financing Agreement for the "Deepening Decentralisation and Non State Actors Programme", signed in December 2011 between the European Commission and the Government of Lesotho
- Grant Agreements of the four civil society projects
- The Local Government Act, 1997 and amendments
- The Decentralisation Policy, 2014
- The Diagnostic Assessment of Decentralisation in Lesotho, October 2013
- The Guidelines for Assessment of Minimum Conditions and Performance Measures of the Lesotho Development Grant for Local Authorities
- The Lesotho Development Grant Operation Manual.
- The Memorandum of Understanding between the Government of Lesotho and the United Nations Capital Development Fund (UNCDF) and United Nations Development Programme (UNDP)
- Minutes of Project Steering Committees
- Minutes of Project Technical meetings

Work Plan

- ✓ In carrying out the assignment, the consultant's experts will work closely with the project management team at UNDP/UNCDF, with the MoLCGPA, with the four grantees and their partners regarding the civil society component and with the Ministries of Health and Trade, textile factories and ALAFA's previous CEO as well as Mrs. Kristina Kurths (Kurths@betterwork.org) from Better Work folks.

Within five days of taking up the assignment the consultant should prepare a work plan for the consultancy and should present it to the NAO, GiZ, the EUD and the MoLCGPA for comment. The work plan should also include a brief on the approach to be taken in the implementation of each component to the consultancy. Inter alia, the work plan should set out the consultant's approach to the following activities.

- ✓ Consultations with the Delegation of the European Union, GiZ, the National Authorising Officer, the MoLCGPA, other Ministries, civil society partners and all relevant beneficiaries/stakeholders;
- ✓ Review of key documents and reports as listed above, the various reports prepared in the context of the project, ROM and evaluation reports; governance literature; policies, legislation and regulation.

On the basis of the outlined work plan and time schedule given in these Terms of Reference, the work plan should be proposed and submitted as part of the Inception Report.

The expected results of the Mid-Term Review of the Deepening Decentralisation and Non State Actors Programme are:

- ✓ A central result of the consultancy will be an assessment of the relevance and applicability of the programme's capacity building interventions;
- ✓ Analysis of the project's coherence with the EU's country strategy and the Government's development policy;
- ✓ Analysis of the design of the project;
- ✓ Assessment of the quality of day-to-day management;
- ✓ Establishment of how far the costs of the project were justified by the results;
- ✓ Analysis on whether planned results have been delivered and received, as perceived by all stakeholders;
- ✓ Analysis on whether assumptions at the result level turned out to be inadequate or whether unforeseen external factors intervened; assess if management was able to adapt to achieve purpose; and how well it was supported in this by key stakeholders including GoL, GiZ and EU;
- ✓ Assessment of stakeholder participation in the preparation, management and implementation of the programme and the level of ownership at institutional level, including for the civil society component;

- ✓ Analysis of sustainability issues – including the financial and economic sustainability of the proposed measure, benefits to both women and men and the use of appropriate technology;
- ✓ Based on the assessment and analyses above, and on the availability of financial resources within the project, the Mid-term Review will result in recommendations for the rest of the programme;

Language of the contract

The working language of the assignment is English

Subcontracting

No subcontracting is envisaged

3. EXPERTISE REQUIRED

- The proposed mission shall be conducted by a team of three experts, including three Category I experts, with 27 working days for each of them.
- The experts should have the following profiles:

The following experience should be adequately covered by the proposed team:

- Relevant working experience in the decentralisation sector;
- Demonstrated experience in undertaking project evaluations and in preparing development programmes notably in the field of governance and in particular in the decentralisation sector;
- Familiarity with European Commission practices on programming, country strategy elaboration, project cycle management, policy mix.
- Familiarity with EDF procedures.

Expert 1: Team leader and capacity building (Category I, 27 working days)

Qualifications and skills

- Consultant with degree in development studies or studies relevant to the assignment;

General professional experience

- At least 12 years' experience in an area relevant to the assignment, of which 5 years should be in capacity building, institutional strengthening;
- Proven experience with the evaluation of projects;
- Fully conversant with the principles of project cycle management and implementation, and EC aid delivery methods;

- Excellent communication and writing skills in English
- Experience in a southern Africa context would be considered an added advantage

Specific professional experience

- Demonstrated experience and track record of working in the field of local authorities capacity building. Excellent understanding of capacity building, organisation development and institutional strengthening interventions required;
- Experience in specific capacity building of local authorities would be an advantage;
- Practical experience in capacity building of local public administrations in developing countries would be an asset.
- Knowledge of gender/vulnerable groups analysis, planning and mainstreaming;

Expert 2: Expert in fiscal decentralisation (Category I, 27 working days)

Qualifications and skills

- Senior economist with relevant post-graduate degree (masters or equivalent) or equivalent experience

General professional experience

- At least 12 years' experience in an area relevant to the assignment, of which 5 years should be in fiscal decentralisation-related field
- Proven experience with evaluation of projects;
- Fully conversant with the principles of project cycle management and implementation and EC aid delivery methods;
- Demonstrated experience in monitoring and evaluation techniques and facilitation;
- Experience in southern Africa context would be an asset.
- Excellent communication and writing skills in English.

Specific professional experience

- Demonstrated experience in Fiscal Decentralisation and in assessing capacity of local authorities in managing funds
- Experience in specific implementation issues of local development funds would be an advantage

Expert 3: Expert in civil society's capacity building (Category I, 27 working days)

Qualifications and skills

- Consultant with degree in development studies or studies relevant to the assignment;

General professional experience

- At least 12 years' experience in an area relevant to the assignment;
- Proven experience with evaluation of projects;
- Fully conversant with the principles of project cycle management and implementation and EC aid delivery methods;
- Demonstrated experience in monitoring and evaluation techniques and facilitation;
- Experience in southern Africa context would be an asset.
- Excellent communication and writing skills in English.

Specific professional experience

- Demonstrated experience and track record of working in the field of civil society capacity building. Excellent understanding of capacity building, service delivery and institutional strengthening interventions required;
- Experience in specific coordination issues within civil society
- Knowledge of gender/vulnerable groups analysis, planning and mainstreaming;

The Framework Contractor must ensure that the experts have **adequate administrative support**, so that their time and expertise can be used optimally for achieving the objectives of the assignment.

4. LOCATION AND DURATION

Starting period

The consultant's experts are expected to be in Maseru for a start-up meeting with the EU Delegation on **14th May 2015**.

Duration

The duration of the assignment is seven calendar weeks. Subject to comments on the draft final report being received within the period specified, the Final Report should indicatively be submitted by **30th June 2015**.

Indicative plan of activities and man-days requirements:

	EXPERT 1 (TL)	EXPERT 2	EXPERT 3
Desk analysis, including briefing in Lesotho	5	5	5
Field phase	15	15	15
Report finalisation (draft)	3	3	3
Debriefing in Lesotho	1	1	1
Final report	3	3	3
Total days	27	27	27

The contract is a global price and therefore the contract amount will cover all fees and reimbursable expenditures related to the services rendered.

5. REPORTING

Many of the issues to be addressed in the various reports should be assessed using existing sources of information and key stakeholder perspectives. The (draft) report should make clear where existing material has been used and duly acknowledge these sources, without exception. A complete list of source materials should be appended to the report. Wherever possible the source materials should be handed over to the EU Delegation for future reference purposes.

The reports should be concise and structured.

The focus of the consultants' work should be on the conclusions and recommendations section with targeted and detailed advice on how to address the issues in the remaining months of implementation. Preliminary recommendations for the activities in the Justice Sector component of the proposed 11th EDF Governance Focal Sector programme shall be included in the report.

All reports should be drafted in English, and prepared with MS Office software. Each report should be presented to all the parties involved in hard copy and electronically.

The team will produce:

- (a) An **Inception report** (3-4 pages maximum) that will summarise the assignment and present the methodology and work plan before the end of the first week;
- (b) A written “**Aide-memoire**” of 8-10 pages maximum (accompanied by a PowerPoint presentation) as a basis for discussion at wrap-up meetings with the NAO, GiZ, the Ministry of Local Government, Chieftainship and Parliamentary Affairs (MoLGCPA), the project management team and the Delegation of the European Union;

- (c) a **Draft Report**, including an executive summary (1-2 pages) and attaching the comments of the wrap-up meeting, shall be submitted to the National Authorising Officer and the EU Delegation by *11 June 2015* at the latest.
- (d) Within 2 weeks of receipt of the draft report, the NAO, GiZ, the Ministry of Local Government, Chieftainship and Parliamentary Affairs (MoLGCPA), and the EU will forward detailed comments to the Team Leader of the Mission. The **Final Report** (maximum 25 pages, excluding appendices) will then be completed taking account these comments and submitted in six hard copies (double-sided printing) and electronic version (Microsoft Word), within 5 working days and transmitted by the Consultant.

6. INCIDENTAL EXPENDITURE

- Provision for in-country travel, if deemed necessary (i.e. rental car to be foreseen)

7. MONITORING AND EVALUATION

- Definition for indicators: timely submission of reports

Important remarks:

During contacts with Lesotho authorities or any other counterparts, the experts will clearly identify themselves as an independent consultant and not as an official representative of the European Commission.