**TERMS OF REFERENCE**

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|  **Job title:**  | **International Consultant Democratic Governance Outcome Evaluation**  |
| **Duty station:**  | Home-based with travel to Ukraine  |
| **Reference to the project:**  | n/a  |
| **Contract type:**  | Individual Contract (IC)  |
| **Expected duration of the assignment:**  | 30 days (10 in country, 20 home based)  |
| **Starting date:**  | 1 April 2016 |

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1. **Introduction**

In line with the Evaluation Plan of UNDP in Ukraine, an outcome evaluation will be conducted to assess the impact of UNDP’s development assistance in the area of democratic governance implemented under Country Programme Document 2012-2016 (which was extended until the end of 2017, in the framework of UNDP’s Executive Board session of January 2016).

1. **Background**

Ukraine is a middle-income country with a strong industrial base and has traditionally been a source of agriculture and food products. However, its economy took a deep dive after the break-up of the Soviet Union, from which it has barely recovered in recent years. In the past two decades its population has shrunk by around 8 million since its 1990 peak. Ukraine’s GDP fell sharply over the first 10 years of its independence from the Soviet Union. The economy experienced a deep recession during the 1990s, including hyperinflation and a drastic fall in economic output. In 1999, Ukraine’s per capita GDP was less than half of that achieved before independence. Its share of global GDP has more than halved since the 1980s. In comparative terms, it has performed worse than practically all of its peers among the former Soviet Republics. Its infrastructure remains largely as it was inherited from the Soviet era and suffers from a lack of maintenance and investments. A period of rapid growth took place between 2000 until 2008, but a 15-20% decrease in GDP took place over 2008 and 2009, as a result of the effects of the global financial crisis. After a period of slight recovery, the country has been experiencing a period of instability and insecurity, marked by a steep economic downturn and political tensions.

The refusal by President Yanukovych to sign the EU-Ukraine Association Agreement in December 2013 triggered popular protests, known as Euromaidan. After security forces brutally broke up the initially small student-led demonstrations, the protests swelled into an ever-growing movement against poor governance, lack of accountability and the pervasiveness of corruption. Following an escalation of violence in February 2014 in Kyiv’s city centre, during which more than 100 protesters and several security officers lost their lives, President Yanukovych was ousted from power. The Euromaidan movement in Kiev's Independence Square was also emulated by protests in other regions. An interim government was installed on 27 February 2014; and Parliament, which had previously supported the government of President Yanukovych, endorsed the changes, restored the 2004 constitutional amendments and moved towards early presidential and parliamentary elections.

Following a contested ‘referendum,’ Russia took control of Crimea, including Sevastopol, in a move rejected on 27 March 2014 by UN General Assembly Resolution 68/262, which re-affirmed Ukrainian territorial integrity. Subsequently, conflict erupted in the eastern regions of Donetsk and Luhansk (known as Donbas) as pro-Russian separatists took control of local government offices in Donetsk, Kharkiv, Kramatorsk and Sloviansk and blocked off some of the territory. Separatist forces succeeded in taking over much of the two oblasts’ territory, until the government of Ukraine launched an Anti-Terrorist Operation (ATO) in May 2014. Ukrainian forces regained control of much of the territory until the summer, when separatist forces stopped their advance.

Despite a ceasefire and outline political peace agreement (the Minsk Protocol of September 2014) and the renewal of its cease-fire provisions in February 2015, the outcome prospects for a peaceful settlement of the conflict on the basis of the territorial integrity of Ukraine remains uncertain.[[1]](#footnote-1) The economic and social decline as well as poor governance have significantly contributed to the conditions that allowed agents of conflict to take advantage of structural weaknesses and exacerbated the vulnerability of those affected by the conflicts.

“The ongoing conflict in eastern Ukraine has had a direct and highly negative impact on social cohesion, resilience, livelihoods, community security, and the rule of law”, as identified through the 2015 “*Recovery and Peacebuilding Assessment (RPA)*” that was conducted jointly by the European Union, the United Nations and the World Bank and has been endorsed by the Government of Ukraine. Displacement, fear, and diminishing levels of trust are acute social problems, and conflict-related distress across communities is widespread. While social fragmentation, prejudices, regional divides, and low levels of trust in local authorities and institutions existed prior to the crisis, these have been exacerbated as a result of the conflict, in particular in the Donbas region itself. A recent survey commissioned by UNDP in the Donbas region provided evidence for a very low level of trust in institutions of governance. In many ways, the conflict and resulting displacement from Donetsk and Luhansk oblasts has magnified Ukraine’s pre-conflict fragility.

Early parliamentary elections were held on 26 October 2014. Parties which have a pro-European orientation and which had supported the protests and subsequent ouster of the previous government won 288 seats in the 450 member unicameral Verkhovna Rada (Parliament).[[2]](#footnote-2) The 73-page Coalition Agreement between the Petro Poroshenko Block, the People’s Front, Samopomich, the Radical Party and the Fatherland Party contains a detailed plan of joint work in 17 policy spheres. Among the top priorities are national security and defense reform, fight against corruption, constitutional reform, justice reform, reform of law-enforcement agencies, and decentralization. Although the coalition has seen a number of crises, with unpredictable voting patterns and doubts over its longevity increasing throughout 2015, the coalition government has survived its first year and has so far pressed on with the reform agenda. The October 2015 local government elections resulted in a scattering of political support across the spectrum and did not affect the overall cohesion of the reform government. In February 2016, the coalition fractured following several high-profile resignations but the government survived a non-confidence vote, ushering Ukraine into its biggest political crisis since the Maidan events two years earlier.

The National Reforms Council (NRC) was established as a platform to discuss and implement vital steps in ‘building the new Ukraine’. NRC members are key national decision makers: the President, the Prime Minister, the Chairman of the Parliament, Ministers, Chairs of Parliamentary committees, and four representatives of civil society.

The call for good governance was a major demand of the Euromaidan protests. It was also overwhelmingly featured in responses to the “World We Want” survey as the key expectation of Ukrainian citizens of their government. Governance also features prominently among the priorities to be addressed as part of the EU-Ukraine Association Agreement. In July 2014, the Office of the High Commissioner for Human Rights commented on the need for the government of Ukraine “to address the wider systemic problems facing the country with respect to good governance, rule of law and human rights. This requires deep and badly needed reforms, especially as Ukraine seeks to fulfil its EU aspirations and establish a democratic and pluralistic society”.

A number of important international stakeholders have pledged support for governance reform in Ukraine, and while the political will to implement them remains strong, the practical ability to do so appears challenged at the moment, in part because of the significant level of uncertainty created by the fluidity of the political, economic, and strategic situation currently experienced by Ukraine; in part also due to the presence of a stagnant and ill-performing bureaucracy that remains an obstacle to change. Meaningful participation, in particular by disadvantaged groups in society, is weak due to the deep and widespread problem of ordinary people not demanding their rights, as well as the absence of an enabling environment (formal and informal mechanisms of participation, civic education, etc.) that allows ordinary citizens to claim their right(s).[[3]](#footnote-3)

The Maidan protest clearly marked the start of a new wave of civic enthusiasm for change, but also a demand for more meaningful participation and accountability. Civil society activism has re-emerged as a strong contributing force to the reform agenda. The election of a new President also strengthened the momentum for reforms. But in seeking to move rapidly on the implementation of the reform agenda, the government faces a paradox, as speed does not necessarily mesh well with consultation and participation. This is especially so in a country where citizens’ trust in state institutions and the level of demand for good governance is compromised by years of limited communication and interaction between state and people. Despite the exigency of the situation, the process turns out to be as important as the content of reforms.

**UNDP’s response to the new challenges**

In this context, since 2014, the international community scaled up its assistance to support Ukraine’s reform and recovery process with political support, investments, financial resources, access to markets, advice, capacity building, etc. The strategy adopted for the **Democratic Governance and Reform and Recovery and Peacebuilding Programme** **for Donbas** builds on earlier rapid interventions such as the Governance and Recovery Rapid Intervention Project (GRRIP) and the ‘Early Recovery Programme’ of 2014. GRRIP resulted from a jointly-organized mission and exchange from UNDP office in Kiev, RBEC, BDP and BCPR. The resultant ‘theory of change’ indicated a severe crisis in the social contract binding state and society, a crisis that has historical roots in the Soviet and immediate post-Soviet times, but was also amplified by the highly extractive nature of the former leadership. This continues to inform the new longer term Reform and Recovery Programmes. It also aligns to the overall efforts in and recommendations of the United Nations in Ukraine, in particular the Rights Up Front Initiative and the Human Rights Monitoring Mission conducted by the Office of the High Commissioner for Human Rights.

Therefore, the UNDP programme responds to immediate needs of the Ukrainian government and wider society in addressing some of the drivers of political instability, human rights violations and social discontent across the country, and conflict in the Donbas region. It enables UNDP in Ukraine to respond to requests emanating since the Maidan revolt from government, local authorities, civil society and communities. Specifically, the new programme supports governance and rule of law reforms, as well as the stabilization and early recovery needs of the conflict-affected areas.

Given the rapidly evolving environment, UNDP in Ukraine assessed its current governance portfolio, in order to identify the priority areas where UNDP could provide immediate and longer-term - on demand - support to the Government and other stakeholders in order to address the critical governance challenges and related conflict dynamics the country is facing. From 7 to 18 July 2014, a UNDP Governance and Recovery Assessment Mission[[4]](#footnote-4) therefore took place and developed recommendations to restructure UNDP’s programmatic approach in Ukraine.[[5]](#footnote-5) Following this mission, an interim programme was established that set out a series of (necessarily flexible) initial intervention proposals, which complemented and in some cases built on pre-existing programmes and projects implemented or supported by the Country Office. The main thrust of the Governance and Recovery Rapid Intervention Project for Ukraine (GRRIP) were for the CO to refocus its efforts on two broad priorities:

1. Facilitate **governance reform processes** in a manner that increases coherence, effectiveness, and representativeness of the different political, social and regional aspirations within Ukrainian society and aligns with Ukraine’s human rights obligations.
2. Establish a **strategic framework and initial presence on the ground** to guide and support the **multi-dimensional recovery of conflict-affected areas** restored to national authority.

These areas have become the two broad pillars of UNDP’s response to the recent crisis:

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| **Democratic Governance and Reform** | **Recovery and Peacebuilding** |
| *Facilitate governance reform processes in a manner that increases coherence, effectiveness, and representativeness.* | *Strategic framework and initial presence on the ground to guide and support the multi-dimensional recovery of conflict-affected areas restored to national authority.* |
| * Delivery of high-level advisory services on different aspects of reform management and reinforcing civil society’s capacity to channel the voices of different constituencies with a focus on those that traditionally marginalized from policy reforms.
* Align with the right to participation and engagement with civil society, and addressing corruption and social rights, particularly in the context of decentralization reform.
* Align with Ukraine’s human rights obligations.
* Take account of different political, social and regional aspirations within Ukrainian society.
* Some substantive technical expertise in selective areas of reform such as decentralisation, rule of law and human rights, voice and participation, and anti-corruption, where UNDP has a strong comparative advantage or niche, provided.
 | * Supporting the design of national recovery strategies and the establishment of appropriate coordination mechanisms that ensure both a more coherent response from different actors in government but also a more effective utilisation of donor technical and financial support.
* Context-specific practices in area-based recovery of conflict-affected communities, addressing their multi-dimensional needs and rights in terms of local governance, service delivery, livelihoods, civic engagement, infrastructure and energy, legal, justice, security, transitional justice and reconciliation.
* Package of integrated support offered to a selected number of areas restored to government control, drawing upon the project delivery infrastructure and some available community project funding provided by the CBA programme.
* Establish a key role in supporting the stabilisation and post-conflict recovery in the country that spans the downstream-to-upstream spectrum and therefore guarantees a more effective feedback loop and effective response to the needs and rights of affected populations, both those directly affected or displaced by violent conflict, or those facing potential risks for destabilization.
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The GRRIP provided much needed resources necessary to the Country Office to immediately deploy the proposed advisory capacity. It was important for UNDP to position itself at the most strategic level (at the centre of government) rapidly in order to show responsiveness to government’s requests and to build a strong basis for subsequent long-term programmes in democratic governance and reform and recovery and peacebuilding.

As with any rapid intervention focused on mitigating risk and responding in a volatile crisis, it was anticipated that project activities may undergo modification during the course of the project. The intention of the GRIPP was to provide the UNDP Country Office with a credible, immediate, and technically-sound response framework to support emerging needs of the Ukrainian citizens and their government. Hence, emphasis was placed on activity sets and related capacity enhancements that were tailored to the present context and developing needs and opportunities.

In this context, UNDP will provide its share of contribution to Ukraine through three pillars:

* **Pillar 1** will support **democratic governance and reforms** for sustainable, inclusive growth and is laid out in this programme document.
* **Pillar 2** will focus on **recovery and peacebuilding** and will help overcome consequences of the conflict in eastern Ukraine through restoring social services; rehabilitating social and economic infrastructure; boosting economic recovery; rebuilding governance and administrative capacities in the affected areas; providing social support; generating employment and spurring entrepreneurship among internally displaced persons and local communities.
* **Pillar 3** will continue UNDP’s longstanding work on **energy innovations and environmental policies** and will help Ukraine to become a “green and clean” and energy-efficient country, moving forward on its environmentally sustainable development path and successfully addressing climate change mitigation on the policy level through advocacy and policy advice, and through practical initiatives, and will support local energy efficiency initiatives and community organizations protecting the environment.

**Building on UNDP’s past achievements and recent refocus on current challenges**

UNDP has been active in Ukraine since 1993 and is one of the largest international development organizations on the ground, with 183 national and international staff working all around Ukraine and 40 staff in its Kyiv office. UNDP Ukraine has established a programming presence in each administrative district of Ukraine and has a strong experience of implementing projects to strengthen democratic governance. It has practical and context-specific experience in implementing governance reform in jurisdictions both nationally, as well as those dealing with conflict, and transitioning to more democratic governance and the rule of law, and adjusted its programme and structure in order to respond to the government’s call for support.

Through partnerships with national, regional, and local government, civil society and the private sector, UNDP has been supporting Ukraine in its efforts to eliminate poverty, reform social policy, develop people’s capacity, promote energy-efficiency, sustain the environment, and advance democratic governance. More recently, the focus has been on supporting Ukraine in meeting the twin challenges of recovery and peacebuilding, as well as carrying out a comprehensive governance reform process.

In recent years, the core democratic governance portfolio of UNDP Ukraine comprised various initiatives with respective focus on strengthening public administration (anti-corruption/improving administrative services and e-governance), civic engagement and human rights, and local governance/community empowerment.

1. **Purpose of the Evaluation**

The purpose of this outcome evaluation is to assess whether and to what extent the planned outcomes have been or are being achieved as a result of UNDP’s work in the areas of democratic governance in the 2012-2016 period. Specifically, the outcome evaluation will assist UNDP in gaining a better understanding of the following aspects of its interventions:

1. the extent to which the planned outcomes and the related outputs have been or are being achieved;
2. the mechanisms by which outputs led to the achievement of the specified outcomes;
3. concrete evidence of the UNDP contribution to outcomes;
4. if and which programme processes e.g. strategic partnerships and linkages are critical in producing the intended outcome;
5. factors that facilitate and/or hinder the progress in achieving the outcome, both in terms of the external environment and those internal to the portfolio interventions including: design, management, human resource skills, and resources;
6. lessons learned from the implementation of the interventions, as also evidenced ;
7. coordination and mutual reinforcement of the inputs, results and outputs of the projects, their integration into larger governance objective of UNDP Ukraine , their alignment and synergies
8. sustainability: whether there is ownership and capacity to maintain and manage development in the Outcome.

To the extent possible, answers to the above questions shall address the implications for women and men, their participation in design and implementation of the outcome and particular programmes and projects in the outcome area, whether the latter had addressed the issues of gender inclusion, equality and empowerment and contributed to strengthening the application of these principles to various development efforts in the country, and how gender issues had been mainstreamed across the outcome area by UNDP. Evaluation shall also address the extent to which UNDP had advocated for the principle of equality and inclusive development, and has contributed to empowering and addressing the needs of the disadvantaged and vulnerable population.

The recommendations and lessons from this outcome evaluation will feed into the planning process of the next UNDP Country Programme cycle 2018-2022.

1. **Evaluation Scope and Objectives**

The following Outputs falling under this Outcome, as stated in UNDP CPD 2012 – 2016, are to be part of this evaluation:

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| CPD outcome | Outputs | UNDP projects |
| 1. More effective and accountable public institutions respond to the needs of all persons within the jurisdiction of Ukraine, especially the most vulnerable.

**Outcome indicator:** Ukraine’s rating in the Global Integrity Index. **Related Strategic Plan focus area:** Democratic governance. | Capacity of national and local authorities and CSOs to increase transparency and accountability developed**Indicator:** Local policy/legal frameworks and processes enacted. **Baseline:** Not enacted. **Target:** Enacted.**Indicator:** Ukraine border management commitments implemented. **Baseline:** To be determined by May 2011. **Target:** Approximated with EU. |  |
|  [**Citizen expectations for voice, development, the rule of law and accountability are met by stronger systems of democratic governance**](https://intranet.undp.org/sites/UKR/sitepages/IrrfIndicatorApplication.aspx?&outcome_id=DEV_OUTCOME_2)Indicator.1   Extent to which there is open access to data on government budgets, expenditures, and public procurement [HQ DATA]Indicator   2.  Percentage of women in national Parliaments [HQ DATA] | Output 1.  National and sub-national systems and institutions enabled to achieve structural transformation of productive capacities that are sustainable and employment - and livelihoods-intensiveOutput 2.  Parliaments, constitution making bodies and electoral institutions enabled to perform core functions for improved accountability, participation and representation, including for peaceful transitionsOutput 3  Institutions and systems enabled to address awareness, prevention and enforcement of anti-corruption measures across sectors and stakeholdersOutput 4. Enhanced capacity of local communities and local authorities to initiate and maintain participatory process on local sustainable development and public service delivery | * *Democratization and Human Rights Programme in Ukraine Project (DHRP) 2013-2016*
* *Smart Practices for Oversight by Non-State Actors on Administrative Service Provision*

*(2013-2015)** *Enhanced Public Sector Transparency and Integrity Project (ETI) 2015-2018*
* *Strengthening Capacities of the Office Ombudsperson (OO) 2015-2018*
* *Community-based Approach (CBA)* ***Note: Given the wide coverage and the fact that the CBA programme will have a separate evaluation, this evaluation will only cover a review of the overall philosophy and approach of the governance aspects of the CBA.***
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1. **Deliverables**

The key product expected is a comprehensive evaluation report that includes, but is not limited to the following components: (see UNDP *Handbook on Planning, Monitoring and Evaluating for Development Results for more guidance on outcome evaluations).*

 Executive summary

 Introduction

 Description of the interventions

 Evaluation scope and objectives

 Evaluation approach and method

 Development context

 Data analysis and key findings and conclusions

 Recommendations and lessons learnt for the future (including viable project ideas and other recommendations for the development of the new CPD 2018-2020)

 Annexes: TORs, field visits, people interviewed, documents reviewed, etc.

The Evaluation team will determine the specific design and methods for the evaluation during the initial inception period.

The evaluator should provide a proposed report structure to UNDP prior to the start of fieldwork. The report should be prepared in English. It should take into account the opinion/voices of people from Ukraine, government representatives, donors and NGOs.

An outline for the future UNDP interventions in the area of democratic governance based on the recommendations of the mission is to be produced. The format of the outline will be agreed between UNDP and the evaluator prior to the start of the evaluation. The evaluator is required to discuss the full draft of the evaluation report prior to departure from Ukraine. Both products shall be submitted in electronic form.

***Evaluation ethics***

The evaluation shall be conducted in accordance with the principles outlined in the UNEG ‘Ethical Guidelines for Evaluation’. The Evaluation team will take every measure to safeguard the rights and confidentiality of key information providers in the collection of data.

***Dissemination mechanisms***

The results shall be presented at a roundtable to all key stakeholders (representatives of Government, projects beneficiaries and NGOs etc.). The final evaluation report will be placed on the UNDP website and distributed through regular Government channels to interested parties.

1. **Requirements for experience and qualification**

1. Academic Qualifications

 Advanced University degree in Public Administration, International development or related fields.

 Trainings in project management and monitoring and evaluation is an advantage.

2. Years of experience

 At least 7 years of work experience in the field of democratic governance, public administration, and international development, including participatory planning, monitoring and evaluation.

 At least 3 years of experience in conducting complex evaluations, especially in Democratic Governance field.

 Working experience in Eastern Europe region and with international organizations.

3. Competencies

 Good understanding of Democratic Governance issues, including gender and human rights aspects.

 Sound knowledge about results-based management (especially results-oriented monitoring and evaluation).

 Proven knowledge of monitoring and evaluation policies and procedures of international financing agencies.

 Familiarity with the political, economic and social situation in Ukraine.

 Extensive research and analytical skills and report writing abilities

 Availability to work during the indicated /approved period.

 Excellent communication skills.

 Fluency in English. Knowledge of Ukrainian and/or Russian will be an asset

1. **Timeframe**

The detailed schedule of the evaluation and the length of the assignment will be discussed with the evaluator prior to the assignment. The estimated duration of the assignment is up to 30 working days.

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1. **Implementation Arrangements**

The International consultant will work in a team with a local consultant that will help with the analysis and research of the available relevant documentation, with setting up the meetings with the external actors and with the needed ad-hoc translations/ interpretation. To facilitate the Outcome evaluation process an Evaluation Focal Team (EFT) comprising of representatives of UNDP Ukraine (DCD/Programme) and relevant project staff will be set up. The EFT will assist in connecting the evaluation team with the senior management and key stakeholders. In addition, the EFT will assist in developing a detailed evaluation plan and conducting field visits. During the evaluation, EFT will help identify key partners for interviews. Otherwise, the evaluation will be fully independent and the evaluation team will retain enough flexibility to determine the best approach in collecting and analyzing data for the Outcome evaluation.

***Indicative Mission Schedule***

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| **Activity**  | **No of days**  | **Place**  | **Responsible party**  |
| Evaluation design, methodology and detailed work plan  | 2  | On-line  | EFT, Evaluation Team  |
| Desk review  | 4  | On-line  | Evaluation Team  |
| Interviews, consultation, 1st Draft Outline and presentation to the UN  | 14 days  | 8 days in Kiev2 days field visit to Kramatorsk PO4 days on-line  | EFT, Evaluation Team  |
| Preparation and submission of 1st draft of the evaluation report  | 3 days  | On-line  | Evaluation Team  |

1. **Financial arrangements:**

Each candidate will be required to submit an aggregated financial offer (“aggregated financial offer” is the total sum of all financial claims of the candidate for accomplishment of the task), which includes proposed consultancy fee, travel costs, visa costs (if required), per diem (for accommodation, meals and local transport / communication). In general, UNDP shall not accept travel costs exceeding those of an economy class ticket. The consultant will be provided with the necessary administrative and logistical support to enable them deliver on the expected outputs.

Payment will be disbursed in two installments upon submission and approval of deliverables and certification by the UNDP DCD/Programme that the services have been satisfactorily performed.

Documents to be included when submitting the proposals:

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Proposal: explaining why they are the most suitable for the work including past experience in similar evaluations (brief information on each of the required qualifications, item by item);

2. Financial proposal (in USD, specifying a total requested amount per day, including all related costs, e.g. fees, per diems, travel costs, phone calls etc. );

3. Duly completed and signed P11 Form, and at least 3 contacts for references.

1. Minsk Memorandum (Sept. 2014) and Package of Implementation (February 2015), endorsed by UNSC Resolutions 2166 (2014), and 2202 (2015) (“Calls on all parties to fully implement the [Minsk] Package of Measures, including a comprehensive ceasefire as provided for therein.”) [↑](#footnote-ref-1)
2. However, the current Parliament numbers 422 MPs, as elections did not take place in 12 single-seat constituencies in Crimea and Sevastopol, and in 15 constituencies of Donetsk and Luhansk regions. [↑](#footnote-ref-2)
3. Rights Up Front report. [↑](#footnote-ref-3)
4. The mission team, accompanied by UNDP senior management and policy/programme staff met with a large number of stakeholders from government, the parliament, political parties, civil society, foundations, academics and members of think tanks, youth organisations and development partners. Members of the team also conducted field visits (in Dnjepropetrovsk and Khirovograd) to verify assumption on fragility drivers and exchange views on possible solutions. The meetings and field visits were complemented with additional brainstorming sessions in UNDP Ukraine. [↑](#footnote-ref-4)
5. See also: UNDP Ukraine, “Assessment of UNDP’s Governance portfolio in response to Ukraine’s changing national development context and crisis in the Eastern Oblasts ”, Mission Report for distribution, Final, 2 September 2014 [↑](#footnote-ref-5)