

**Terms of Reference
For
The Capacity Assessment of the Electoral Institute and SIECs**

I. Background

Nigeria returned to democracy in 1999 after almost 30 years of intermittent military rule and has since gone through three General Elections. A critical concern since the beginning of the new dispensation has been the organisation of broadly credible elections to ensure a peaceful and legitimate transfer of power from one civilian government to another. International assistance over the past eight years has, therefore, focused primarily on the electoral system and, specifically, the conduct of elections. Nevertheless, assistance for the 1999 and 2003 General Elections was considered to have been insufficiently resourced and poorly coordinated whilst the elections themselves inspired little confidence within Nigeria and in the international community. This experience led, among other things, to the establishment of a Joint Donor Basket Fund (JDBF) in 2006, managed by UNDP, with a total budget of USD 30 million contributed by CIDA, DFID, the EU and UNDP. The JDBF proved, in fact, to be the leading source of international assistance for the General Elections in 2007.

Soon after his inauguration as President in May 2007, President Umaru Yar’adua made a commitment to reform Nigeria’s electoral system and strengthen democratic governance. The President also requested UN support for the reform of the electoral process by directly appealing to the UN Secretary-General after his inauguration in line with the 7-point Agenda. The President further demonstrated this commitment by setting up a 22-person Electoral Reform Committee (ERC) whose report has been deliberated upon by the Executive which issued a White Paper rejecting and accepting some of the recommendations. Public debate on electoral reform is presently underway and the committees within the National Assembly that are tasked with the review of the constitution have been engaging in public consultations with the expectation that the reform agenda will be concluded in mid-June 2010, in time for the 2011 elections.

The JDBF partners not only supported the electoral reform process during the ‘no-cost’ extension phase of JDBF 1, but they agreed to harmonise their assistance culminating in a project document in support of Electoral Cycle and Deepening Democracy in Nigeria, for the period 2010 – 2015. In anticipation of the finalisation and approval by the Federal Republic of Nigeria of the project document, an Initiation Plan (IP) was put in place to cover the period October 2009 to March 2010. The IP was conceived to contribute to the achievement of the broad objective of a strengthened system of democratic governance in Nigeria, through the two CP outcomes: “National and State Independent Electoral Commissions (IECs) able to perform key functions for the conduct of free and fair elections; and, “More Open and responsive public institutions and greater citizen engagement in the political process and decision-making for a successful democracy”. Given the time constraints imposed by the upcoming elections in April 2011, the IP focuses on the launch of a limited set of activities which include capacity development support to Nigeria’s Election Management Bodies (EMBs), namely: the Independent National Electoral

Commission (INEC), the Electoral Institute (EI) and the State Independent Electoral Commissions (SIECs). A critical prerequisite for this capacity development support is an assessment of the range of capacity gaps and strengths that exist in these institutions. The assessment will help target and prioritise the required capacity development support in order that the EMBs have the capacity to administer and deliver free, fair, transparent and inclusive elections in Nigeria in 2011 and beyond. The capacity assessment will cover the EI, selected line departments of the INEC and selected SIECs in the six geo-political zones of the country.

The INEC was established in accordance of section 153 (f) of the 1999 Constitution of Nigeria with a mission to organize and undertake all elections into the offices of the President and Vice-President, the Governor and Deputy Governor and to the Senate, the House of Representatives and the House of Assembly of each of the Federation.

The SIEC was established by section 197 of the 1999 Constitution of the Federal Republic of Nigeria. The Commission has power to organise and monitor all local government elections and provide advice to the INEC on the compilation and registration of voters.

The Electoral Institute was conceived at an INEC retreat in Port-Harcourt in October 2004 and established in June 2005 to coordinate INEC's human resources and capacity building efforts, in addition to conducting electoral research, voter education and documentation. In specific terms, it was established as a professional electoral service for the country and as a catalyst for: streamlining and harmonising all trainings in the Commission and achieving capacity building and professionalization. The five departments of the EI, namely: Voter Education, Training, Research and Documentation, Civil Society and Gender Desk, and Alternative Dispute Resolution Centre reflect the wide mandate of the EI within the framework of delivering free and credible elections.

II. Key Parameters for the Assessment

The assessment of the Electoral Institute and the SIECs is being carried out based on the following parameters:

- The lessons learnt from the previous JDBF indicate clearly that the institutional weaknesses and technical capacity of the EMBs will need to be addressed to ensure free and fair democratic elections.
- The recognition that the EI was established as a resource outfit for INEC (including its main line departments) and the SIECs, in training and capacity building to improve the administration of elections and thus contribute to deepening democratic governance in Nigeria.
- The IP agreed to by both government and JDBF partners envisages support for the EI and SIECs in the context of the broader electoral cycle and deepening democracy project which will define and guide the outcome of the assessment.

III. Scope of the Capacity Assessment Exercise

The capacity assessment exercise of the EMBs will address each of the following areas:

1. Organisational policies and procedures of the EMBs.
2. Legal framework of the EMBs.
3. Overall management capacity, financial accountability, human resource management, reporting and information and communications technology skills of the staff of the EMBs.
4. The capacity and skills that exists for the full range of technical election administration.
5. The capacity of the EI to conduct training in the various areas articulated as its mandate.
6. The capacity of the EI to train election monitors.
7. The capacity of the EI to train the police and law enforcement officials to prevent and mitigate violence.
8. The capacity of the EI to be the institution of choice to address grievances and disputes.
9. The capacity of the EI to engage with women, civil society, and the youth in all its activities, ensuring their participation in the elections. This will include an assessment of the capacity of the EI to reach out and engage with the marginalised segments of the population ensuring their participation.
10. The capacity of the EI to work with the media to disseminate factual and timely information about the electoral process.
11. The capacity of the EI to conduct public perception surveys about the electoral process in Nigeria and to follow through with appropriate action to address the areas of concern.
12. Capacity of the EI and the other EMBs to advocate for women's participation in elections.
13. Capacity of the EI to mobilise resources and engage in partnerships.
14. The potential of the EI to act as a sub-regional resource on elections administration and know how.

The capacity assessment exercise will cover the above areas and will consult with UNDP and the EI to include any new areas that might arise.

IV. Methodology

Using UNDP's capacity assessment methodology available at (www.capacity.undp.org), the consultants, amongst others are to: (a) review the considerable literature on Nigeria's electoral and democratic system, focusing particularly on the administrative and technical capacities of election management bodies; (b) consult extensively with officials of INEC, EI and SIECs; (c) consult extensively with national governmental and non-governmental stakeholders, including the national coordinating authority (the National Planning Commission) and development partners; and (d) consult stakeholders in the electoral process at state and national levels.

The consultants will prepare a report covering the areas mentioned in Section III above. The diagnostic of each area will be accompanied by a set of proposed solutions or "a plan". A costing and a detailed timeframe of the plan will be part of the final report.

V. Duration and Timing

The consultancy will be executed over 6 working weeks, commencing in March 2010. The final report is expected to be submitted within one week of the completion of the tasks.

VI. Supervision

Strategic guidance for the mission will be provided by the UNDP Resident Representative, in consultation with the Heads of Mission and/or Development Cooperation of the JDBF partners. The consultants' main point of contact for all technical aspects of the mission will be the informal JDBF Steering Committee chaired by the UNDP Country Director.

VII. Required Expertise

The mission will be composed of a Senior Democratic Governance and Elections Expert (acting also as Team Leader) with expertise in election administration and research as well as training and capacity building on election administration and management in Africa and other countries in the South. The rest of the team will be comprised of expert practitioners in gender, civil society, organisational development, capacity development, management and financial accountability.

Generic Experts' Profile

The team leader

- The team leader will be expected to hold a Master's degree in Political Science or a related field, such as human rights law.
- A minimum of 10 - 15 years of functionally related professional experience in a senior advisory or management capacity within a national and/or international organisation.
- Previous experience in designing and/or managing multi-donor democratic governance and electoral assistance projects is essential.
- Knowledge of the gender dimensions of electoral processes and broader democratic development.
- A publications record in the field (such as technical reports, evaluations and research papers).
- Fluency in English, both written and spoken.

Additional assets would be specific prior experience working with one or more of the JDBF partners; comparative international experience in electoral assistance and institution-building for democratic governance.

The rest of the team will be expected each to hold a Master's degree in their respective area of expertise and a minimum of 8-10 years of related professional experience in a senior management or advisory capacity within a national and /or international organisation.