



Electoral Support Project (ESP)

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TERMS OF REFERENCE FOR PROJECT REVIEW

Institutional Strengthening and Professional Development Support for the Election Commission of Nepal (2008-2012)

1. National Context

Following 10 years of internal armed conflict, in November 2006 the seven political parties and the Communist Party of Nepal-Maoists reached the “Comprehensive Peace Agreement”.¹ An Interim Constitution replaced the 1990 Constitution and was formally approved by the Parliament in January 2007. An Interim Government was formed in March 2007 and Constituent Assembly elections were held in April 2008 that as a first step proclaimed the country as a Federal Republic and will draft a new constitution and establish the framework for the first post-conflict general elections and, possibly, for local government elections.

The Interim Constitution contains provisions (Part 14) for the establishment of the Election Commission of Nepal (ECN) and the Constituency Assembly Court, as well as provisions for the formation of the Constituent Assembly. The Election Commission - as the body legally entrusted by the Interim Constitution of Nepal with the mandate of preparing, administering and supervising the CA election - is generally perceived as an independent body and most electoral stakeholders recognise its integrity and competence.

In addition to having the crucial responsibility to organise and deliver a credible CA election, the ECN is also mandated by the Interim Constitution to organise the various elections at different levels that will follow once the current transitional phase in the Nepal’s peace and democratisation process has been completed. The latest deadline for promulgation of the new constitution is May 2012 and with possible elections to follow as early as the fall of 2012.

2. Project Description

The Electoral Support Project (ESP) Phase I consists of a 4-year technical assistance initiative, commencing upon the completion of the CA electoral process and following

¹ The Comprehensive Peace Agreement (CPA) was signed on 21 November 2006.

until December 2012, with a proposed further extension to 2016, covering support to upcoming set of elections after the promulgation of the new constitution. This extension of the project to 2016 is considered ESP Phase II.

Without the immediate political and operational pressure for the ECN to deliver a specific electoral event and following the 'electoral cycle approach', the support provided by the Project in the inter-elections period (2008-2011) has had a strong emphasis on building a sustainable and enduring institutional and professional capacity within the ECN that could be easily and effectively re-employed in future elections. Through the provision of on-site technical advisory service and specialised electoral support, the Project has sought to enhance and further consolidate the institutional and professional capacities of the ECN, its Secretariat and the its subsidiary district offices to meet the numerous priorities that need to be addressed to further enhance the credibility and the adequacy of Nepal's future electoral processes.

The primary objective of the Electoral Support Project is to significantly strengthen the professional capacities and institutional organisation of the ECN, particularly in view of its next major challenge, which is the preparation of the first legislative and, possibly, local elections to be conducted once the new Constitution of Nepal will be finalized and ratified in 2012.

Following a request from ECN, UNDP has initiated a revision to the project document incorporating support to the upcoming set of elections and continuing its capacity building activities till August 2016. The extension period, ESP Phase II, is intended for direct support to elections with continued emphasis on capacity building support in strategic areas.

A major component of both Phase I and Phase II is support to the ECN's voter registration programme which initiated nationwide registration in September 2010. The project's support in this area is designed to assist ECN in the preparation of Nepal's first biometric photo voter register as well as to establish a system of continuous voter registration that enables ECN to maintain the register through a process of additions, changes, transfers, and removal of voter details.

Financial support for ESP Phase I has been provided by DFID, the Royal Norway Embassy, Embassy of Denmark, AusAID, and JICA. For voter registration financial support has been provided in large part by DFID, the Royal Norway Embassy in Nepal and Embassy of Denmark. This review is designed to provide development partners with an analysis of the project's progress to date and to facilitate further support to ECN. The review will take into particular focus the project's progress and achievements in the area of voter registration.

3. Purpose of the Review

The purpose of the review is to provide Development Partners with a clear analysis of the progress of phase I and lessons learnt and to make strategic recommendations that could enhance support to the Election Commission of Nepal in its efforts to promote a peaceful, credible and transparent electoral environment. While the review will have a particular focus on voter registration, it will also assess progress against the intended results under ESP's other areas of support: (1) Strategic Planning (2) Long-term Professional Development (BRIDGE) (3) GIS and Electoral Mapping System (4) Regional Technical Cooperation and Professional Exchanges (5) Electoral Information and Education Centre (6) Public Outreach and Voter Information/Education (7) Electoral Complaint Resolution.

The review will focus primarily on progress against the output indicators since the last Mid Term Review conducted in December 2010 and will build on existing progress reports. Given the strong focus of Phase I on **capacity building**, it will focus strongly on capacity of the ECN, including providing recommendations, if necessary, on where capacity may need further strengthening in Phase II. As training on electoral issues through BRIDGE methodology has been a key pillar of the capacity building to the ECN, the review will assess the actual impact of these trainings in terms of institution building achieved in spite of the ECN staff rotation. Also given that a major component of Phase I was support to a **new electronic voter roll and GIS mapping** which will continue into Phase II, the review team will also review the effectiveness and inclusiveness of the EVR system and electoral mapping, highlighting areas for focus and/or possible risks in its roll out during Phase II. The review will give recommendations on how to move forward to institutionalize a **continuous** voter registration system and how to link the voter roll data base with other national data base, namely the database that the Ministry of Home Affairs will use to issue the National ID (NID) card for Nepal.

As a crosscutting issue the review will assess how the project has promoted the participation of stakeholders and inclusiveness of vulnerable and marginalized groups.

The analysis and recommendations presented by the review mission will feed into the implementation of ESP Phase II, informing the draft Project Document for Phase II and guiding development partners and UNDP in the design of future interventions in electoral cycle management in Nepal.

4. Objectives of the Review

The objective of the review is to assess the progress of the ESP project against relevant log-frame outputs, the achievements of the project and the validity of its overall approach; and based on which, to produce lessons learnt and recommendations that would feed into ESP Phase II.

The objective is also to assess and provide recommendations on sustainability of the reform initiatives undertaken in increasing the management capacity of the ECN in the future.

5. Scope of the Review

The mission will be required to assess performance and establish to what extent project interventions have contributed towards the realisation of the project's objectives and make recommendations for adjustments and lessons derived from the experience of the project.

The results framework for this project and its link with UNDP country program is as follows:

Intended country program outcome	Increased access to and participation in constitution building and free and fair electoral processes
Intended country program output	Election Commission supported to strengthen its capacities to conduct free and fair elections.
Project outputs	1) Strengthened capacity of the ECN to function as a permanent, independent, credible and professional institution of governance
	2) Enhanced professional capacities of the ECN officials at headquarters and at the ECN subsidiary offices at the local level
	3) Expanded democratic participation in the next cycle of elections, particularly for under-represented and disadvantaged segments of the Nepali society

This review team has the following principal tasks:

- Assess the performance of the ESP project in achieving the expected outputs and outcomes as per the approved Project Document;
- Assess the lasting change brought about by the project, at central and district election offices across the country;
- Assess relevance and effectiveness of the project's strategy and approaches for the achievement of the project objectives;
- Assess performance of the project in terms of effectiveness, efficiency, and timeliness of producing the expected outputs;
- Assess relevance of the project's management arrangements; identify advantages, bottlenecks and lessons learned with regard to the management arrangements;

- Analyze underlying factors beyond UNDP control that affect the achievement of the project results;
- Provide recommendations to key project stakeholders for follow-up activities;

6. Methodology of the Review

During the review, the team is expected to apply the following approaches for data collection and analysis.

- Desk review of relevant documents (project document with amendments made, review reports-midterm, annual, ECN strategic plan, etc);
- Briefing and debriefing sessions with Development Partners, UNDP and the Election Commission, as well as with other partners;
- Interviews with partners and stakeholders (including gathering the information on what the partners have achieved with regard to the outcome and what strategies they have used); donors, etc.
- Field visits to selected project sites and discussions with project teams, project beneficiaries and major stakeholders (as deemed necessary);
- Consultation meetings.

7. Deliverables

The review team should provide the following outputs:

- Start of mission debriefing/meeting on proposed methodology, design and workplan
- Mid-term meeting with development partners and the election commission on impressions and initial findings from field work
- An exit presentation on findings and initial recommendations
- The draft review report within 15 days of the start date
- Final report within 21 days of start date of sufficient detail and quality and taking on board comments from , with annexes and working papers as required,

The reports to include, but not be limited to, the following components:

- Executive summary
- Introduction
- Description of the review methodology
- Political and development context
- Key findings
- Lessons learned
- Recommendations for the continuation of Phase I and for the proposed extension period under Phase II with specific focus on capacity needs, completion of the VR and conducting of elections

- Annexes: mission report including field visits, list of interviewees, list of documents reviewed, etc.

The review team is required to discuss the full draft of its report prior to departure from Nepal.

8. Implementation Arrangements

To facilitate the review process, UNDP-ESP will assist in connecting the review team with the ECN officials, development partners and key stakeholders. In addition, ESP will assist in developing a detailed review programme; and organize meetings; and conduct field visits if necessary.

Key project/program material will be sent before the start of the field work and will be reviewed by the team prior to the commencement of the field work. The review team will be briefed by Development Partners/UNDP upon arrival on the objectives, purpose and output of the project review. An oral debriefing in-country by the review team on the proposed workplan and methodology will be done and approved prior to the commencement of the review process. The review team will assess the project based on interviews undertaken, discussions and consultations with all relevant stakeholders or interested parties and review of project documents. As a minimum indication, the review team should consult with implementing partners, other key government stakeholders, development partners and civil society representatives. Development Partner/UNDP will provide guidance in identifying, contacting and arranging for discussions, meetings with the stakeholders.

A mission wrap-up meeting during which comments from participants will be noted for incorporation in the final review report

9. Timing and Duration

Work Plan and Implementation Approach

The review will take place over a period of 21 working days (with at least 2 weeks in Nepal). The tentative schedule follows:

Planned Activities	Tentative Days
Desk review and preparation of design (home based)	1 days
Briefing by Development Partner/UNDP	1 day
Finalizing design, methods & inception report and sharing with reference group for feedback	1 day
Stakeholders meetings and interviews	5 days
Preparation of Draft report, presentation of draft findings	3 days

Stakeholder meeting to present draft findings	1 days
Field visit to District Election Commission outside Kathmandu	4 days
Finalize and submit report (Home Based) and review brief	5 days
Total	21 days

10. Composition, skills and experience of the review team

The mission will consist of one international team leader and electoral expert and one national expert with the following expertise:

Team Leader and electoral expert

Required qualification and skills for the international team leader :

- Advanced university degree in political science, international development or related field
- At least 10 years of experience in the field of elections, including participatory planning, capacity building, monitoring and evaluation of electoral programs
- Sound knowledge of results-based management (especially results-oriented monitoring and evaluation)
- Previous work experience working on elections in post-conflict countries, ideally in the region
- Ability to manage a team and ensure quality of a team output
- Fluency in English and good communication skills

Specifically, the team leader will perform the following tasks:

- Lead and manage the review mission;
- Design the detailed scope and methodology (including the methods for data collection and analysis) for the report;
- Decide the division of labor within the team;
- Conduct an analysis of the outcome, outputs and partnership strategy (as per the scope of the review described above) for the report;
- Contribute to and ensure overall quality of the outputs and final report.

The team leader will take the overall responsibility for the quality and timely submission of the review reports to the Development Partners/UNDP.

National Consultant

Required qualification for the International Consultant:

- Advanced university degree in political science, international development or related field
- At least seven years work experience in the areas related to electoral reform and/or good governance in Nepal
- Sound knowledge and understanding of politics and the specifics and developments in electoral reforms in Nepal
- Previous experience working on democracy-related programmes in Nepal
- Fluency in English and strong ability to write in English

S/he will perform the following tasks:

- Review documents;
- Provide contextual knowledge on Nepal and analysis
- Participate in the design of the review methodology;
- Data collection;
- Assessment of indicators' baselines
- Actively participate in conducting the analysis of the outcomes, outputs and targets (as per the scope of the evaluation described above), as agreed with the team;
- Draft related parts of the review report; and,
- Assist the team leader in finalizing document through incorporating suggestions received on draft related to his/her assigned sections.