

Draft Terms of Reference

EVALUATION OF SUPPORT TO ELECTORAL REFORM AND PROCESSES IN KENYA (SERP)

1. Background

Independent Electoral and Boundaries Commission (IEBC)

In November 2011, the IEBC was established as per the requirements under the Constitution of Kenya, 2010. The IEBC has a wide Constitutional mandate to conduct or supervise referenda and elections in Kenya. More specifically, the mandate includes:

- The continuous registration of voters and revision of the voter's roll;
- The delimitation of constituencies and wards;
- The regulation of political parties process;
- The settlement of electoral disputes;
- The registration of candidates for elections;
- Voter education;
- The facilitation of the observation, monitoring and evaluation of elections;
- The regulation of money spent by a candidate or party in respect of any election;
- The development of a code of conduct for candidates and parties;
- The monitoring of compliance with legislation on nomination of candidates by parties

In March 2013, Kenya held its sixth general elections since the re-introduction of multi-party politics in 1991. These were transitional elections in the sense that they were the first elections under a new constitutional dispensation; and also held against the backdrop of disputed 2007 presidential elections outcome and ensuing violence.

The 2013 historical elections were marked by challenges which included delays in the registration of voters, six simultaneous elections in one day, security threats, introduction of major technology and political pressure on the IEBC.

While the elections were conducted in a largely peaceful environment, the conduct of the elections presented certain difficulties leading to legal disputes over the outcome of the presidential results. Unlike the 2007 case, the aggrieved parties sought redress in the Supreme Court. The judgment of the Supreme Court was positive to the IEBC and the elections were considered free and fair. The fact that those challenging the outcome of the election went to court was a major milestone in the search for stronger democratic institutions that have the confidence of the public. This trajectory needs to be sustained for stability and progress of the nation.

Support of UNDP and Other Development Partners

Under the UNDP Country Programme Action Plan 2009-2013, UNDP has been working towards fostering democratic governance in Kenya. In this case, UNDP has supported and continues to support constitutional, institutional and legal reforms in Kenya, including the electoral reforms. The UNDP together with other development partners provided electoral

assistance to the Interim Independent Electoral Commission (IIEC) from 2009-2011, aimed at strengthening the IIEC's capacity to spearhead electoral reforms and manage a free and fair referendum in 2010. The current phase of assistance (2012-2013) provides support to the IEBC Embedded in the electoral cycle principle, the assistance focuses mainly on the capacity of the IEBC to deliver free, fair and credible elections during the 2013 general elections. Through the basket fund modality, a total of US\$ 33 million was committed by several development partners to support the IEBC. Although UNDP manages the basket fund, the project itself is implemented by the national institution, in this case IEBC.

2012-2013 Project Components

The overall aim of the project was to “enhance the capacity of the IEBC to deliver free, fair and credible elections.” The project focuses on providing capacity to the IEBC with the following outputs:

- IEBC institutional capacity strengthened
- legal framework strengthened
- new electoral unit boundaries established as per the Constitution
- a credible voter register established
- an effective and efficient elections/polling operation plan implemented
- an elections dispute resolution and conflict prevention strategy implemented
- an inclusive national civic and voter education programme successfully implemented
- opportunities for women, youth, minorities and persons with disabilities participation in the electoral process enhanced
- effective monitoring and observation mechanisms implemented and
- leadership and coordination of the electoral process enhanced.

2. Project Management

UNDP adopted the National Implementation Modality in the management of the Project. This modality allows the beneficiary institution, in this case IEBC, to use the national rules and regulations when it comes to financial management, procurement and reporting. In order to provide the required technical and operations support to the Project, UNDP established a Project Support Team (PST) at the IEBC comprising of a Senior Electoral Advisor, Project Manager, Procurement Officer, Finance Officer, Monitoring and Evaluation Officer, Conflict Prevention Officer and a Programme Analyst. The officers worked closely with IEBC designated officials in the implementation of the Project.

The Project was managed through the Project Steering Committee composed of IEBC, UNDP and all basket-funding donors. The Project Steering Committee was chaired by the IEBC. In addition, UNDP is an active member of the Election Donor Group (EDG) and the Development Partners Group (DPG), mechanisms for enhancing coordination in the provision of electoral assistance and management of political risks under the Project.

3. Objective of the Evaluation

The overall objective of the evaluation is to (1) assess the impact of the “Support to Electoral Reforms and Processes in Kenya” Project and (2) produce recommendations for future electoral assistance programmes. The Evaluation is expected to improve the effectiveness of electoral assistance programmes supported by UNDP and its partners in strengthening electoral systems and processes in Kenya.

3.1. Specific Objectives

Specifically, the Evaluation aims to accomplish the following:

- a) Review the performance of the Project in achieving the outputs as per the Project Document and their contributions to the outcome;
- b) Assess the preparation and conduct of the March 4th 2013 General Elections in terms of cost-effectiveness, simplicity and efficiency in relation to the project
- c) Identify factors, which facilitated or hindered the achievement of results, both in terms of the external environment and those internal to the IEBC and document lessons learned in the implementation stages. This should include but not be limited to assessing the strengths and weaknesses in project design, management, coordination, human resource, and financial resources;
- d) Assess the appropriateness of the programme strategy including the programme institutional/management arrangements and the basket fund modality to reach the intended outputs and outcome;
- e) Establish the extent to which the approach and implementation of the Project contributes to sustainable electoral management in Kenya;
- f) Determine the extent to which the programme addresses crosscutting issues including gender, human rights and conflict prevention and management;
- g) Make clear and focused recommendations that may be required for enhancing effectiveness of the electoral assistance by UNDP and development partners;

3.2. Scope of the Evaluation

In assessing the impact of the Project, the evaluation will take into consideration:

- Relevance
- a) the project’s concept and design within the context of Agenda Four reforms, Vision 2030, UNDP Country Programme Action Plan 2008-2013;
 - b) to what extent the immediate objectives of the Project have been attained and how effective it has been in helping the Government of Kenya in achieving the development objectives;
- Effectiveness

- c) whether the problem (s) the Project was supposed to solve was clear, objectives were achievable, and whether the relationship between the objectives, the outputs, the activities and the inputs was clear, logical, and commensurate, given the time capacity and resources available;
- d) Project implementation and operational performance. Particular attention will be given to the mobilization of the IEBC, UNDP, and donor inputs in terms of quality, quantity and timeliness and the impact of these external factors on the project workplan schedule and the overall management arrangements;
Efficiency
- e) Value for money of some of the huge expenditures from a comparative perspective taking into consideration the context, expected results and available options;
- f) the quality and timeliness of the implementation and responsiveness of the Project in light of the objectives, outputs, activities and risks;
- g) International assistance role in the electoral process including joint planning, funding, and implementation of activities, strategic communication, and overall coordination
- h) whether the benefits accruing from the investments made under the programme enabled the IEBC to enhance its capacity to manage future electoral processes and if enough efforts have been made to ensure that capacities will be maintained in the post-project situation;
Sustainability
- i) the long-term viability and therefore sustainability of the Project in terms of availability of national resources necessary/required to continue the efforts begun by the project, once UNDP assistance terminates;

4. Methodology of the Assignment

Based on UNDP guidelines for evaluations, and in consultations with UNDP Kenya, the Consultants should develop a suitable methodology for this evaluation. The evaluation will be inclusive and participatory, involving all stakeholders into the analysis. The evaluation will consider the social, political and economic context which affects the overall performance of the outcome achievements. During the evaluation, the Consultants are expected to apply the following approaches for data collection and analysis.

- Desk review of relevant documents including reports of the various opinion surveys conducted during the life of the project;
- Key information interviews (KII) with the IEBC and UNDP Kenya Senior Management and programme staff;
- Briefing and debriefing sessions with the IEBC and UNDP, as well as with other donors and partners;
- Interviews with partners and stakeholders government officials, service providers including media houses, CSO partners, political party officials, IEBC commissioners and staff, development partners (within the basket and those outside the basket), strategic partners (those providing electoral support outside the basket), experts on governance reforms in Kenya among others.

The evaluation will be conducted according to the UNDP Handbook on Monitoring and Evaluation for Results (2005), which follows the result-based management methodology.

5. Deliverables

The consultants are expected to deliver the following outputs:

- Inception report on proposed evaluation methodology, workplan and proposed structure of the report
- A draft evaluation report
- Final report, including a 2-3 executive summary, and with evidence-based conclusions on each of the evaluation objectives, as outlined above and lessons learnt. Annexes, including among others the Terms of Reference for the evaluation as well as a list of questions used during interviews
- The evaluators shall present their draft report at a wrap up meeting with UNDP and IEBC representatives, to validate the report. The evaluators shall present their final report following this meeting.

6. Implementation Arrangements

A detailed evaluation programme will be developed by the IEBC together with UNDP. Additionally, IEBC and UNDP shall be responsible for setting up meetings with the various stakeholders including the various officials of the IEBC, UNDP management, donor partners, and other stakeholders as well as arranging for any field visits.

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

7. Composition, skills and experience of the evaluation team

The mission will consist of two international and one national experts with the following expertise:

Required qualifications:

Team Leader:

- Advanced university degree in political science, international development or related field
- At least 10 years work experience in electoral technical assistance
- Sound knowledge and understanding of the specifics and developments in electoral reforms in Kenya, would be an advantage
- Previous experience as a team leader in conducting electoral assistance evaluations, preferably with UNDP
- Fluency in English
- Immediate availability for the indicated period

International electoral expert:

- Advanced university degree in political science, international development or related field
- At least 7 years work experience in electoral technical assistance
- Sound knowledge and understanding of the specifics and developments in electoral reforms in Kenya would be an advantage
- Previous experience in conducting electoral assistance evaluations, preferably with UNDP
- Fluency in English
- Immediate availability for the indicated period

National expert:

- Advanced university degree in political science, international development or related field
- At least 10 years work experience in the governance sector
- Sound knowledge and understanding of the specifics and developments in electoral reforms in Kenya
- Previous experience in conducting governance evaluations, preferably with UNDP
- Fluency in English
- Immediate availability for the indicated period

8. Evaluation Governance Arrangements

The recruitment process will be undertaken by UNDP.

A review group comprised of 3 donor representatives, IEBC and UNDP will review inception and draft report and share their comments with the evaluation team.

9. Timeframe

The detailed schedule of the evaluation and the length of the assignment will be discussed with the Consultants prior to the assignment. The estimated duration of Consultants' assignment is up to 20 work day period. The final report is expected by 20th June 2013.

10. Remuneration

The Consultants will be contracted by UNDP according to the organization remuneration scale.

11. Reporting Relationship

- The Consultants will report to the UNDP Kenya Deputy Country Director of Programmes.
- The Consultants will submit their Final Report to the Chair of IEBC, the Deputy Country Director of Programmes and to a meeting of the Project Steering Committee members respectively.

12. Key documents to be provided to the Consultants

- UNDP CPAP 2008-2013,
- Project document - Annual Work Plan (AWP) and budget
- Progress reports/updates
- Financial audit report (UNDP CO)
- Any service providers' reports
- Electoral Law and regulations
- Any other project related documents in the possession of IEBC or UNDP.

13. Evaluation ethics

The evaluation will be conducted in accordance with the principles outlined in the UNEG 'Ethical Guidelines for Evaluation'⁶⁴ and should describe critical issues evaluators must address in the design and implementation of the evaluation, including evaluation ethics and procedures to safeguard the rights and confidentiality of information providers, for example: measures to ensure compliance with legal codes governing areas such as provisions to collect and report data, particularly permissions needed to interview or obtain information about children and young people; provisions to store and maintain security of collected information; and protocols to ensure anonymity and confidentiality.

The final date of submission of applications/proposal is 20th May 2013.