

TERMS OF REFERENCE

For the review of the International Electoral Assistance provided through 2008-2012 to the Central Electoral Commission of Moldova

Background

The Central Electoral Commission of the Republic of Moldova (hereinafter called CEC) is a permanent and independent state body, managing the electoral process in Moldova, consisting of nine members. One member is appointed by the President of Moldova, the other 8 members are appointed by Parliament, considering the principle of the proportional representation of elected majority and its opposition. The CEC is assisted and supported by an Apparatus (secretariat).

While Moldova has been holding multi-party elections for almost twenty years, there were clear indications that the quality of the electoral process was deteriorating and that there were serious deficiencies in the area of voter registration. In 2005 OSCE-ODIHR concluded that the elections did not meet some essential standards, in particular regarding the electoral code; partisan and non-transparent electoral management bodies; poor planning, guidance and training from the CEC; inaccurate voter lists; little voter information and education and sub-standard out of country voting arrangements.

In April 2009, both the conduct of Parliamentary elections and their subsequent results were highly controversial and sparked civil unrest, during which the premises of the Parliament and the office of the President were substantially damaged. After the July 2009 election a coalition was created, called the Alliance for European Integration, composed of the Liberal Democratic Party, the Liberal Party, the Democratic Party and the Alliance "Moldova Noastră", controlling 53 seats. The Party of Communists took 48 seats. The new ruling majority did not have the 61 seats needed to elect a President of the Republic. After a constitutional referendum that aimed to re-introduce direct elections for the President failed in September 2010, the Parliament was dissolved and a third Parliamentary election in less than two years was held on 28 November 2010. In the new Parliament the Party of Communists won 42 seats, the Liberal Democratic Party 32 seats, the Democratic Party 15 seats and the Liberal Party 12 seats. The Liberal Democrats, Democrats and Liberals agreed on a new three party coalition - Alliance for European Integration II.

As the new coalition did not itself have the majority to elect a President (only 59 from the necessary 61 seats), the deadlock regarding the presidential election continued. Only in March 2012, the Alliance nominated a non-partisan candidate for the Presidency, Mr. Nicolae Timofti, the president of the Supreme Council of Magistrates,

who was elected on March 16, with the support of unaffiliated Members of Parliament, who had left the Party of Communists a few months earlier.

On 5 March 2013 the Parliament of Moldova adopted a motion of no confidence against the current Government. The motion was submitted by the Party of Communists (in opposition since 2009), and got the support of the unaffiliated Members of Parliament and the members of the Democratic Party of Moldova headed by the Speaker of the Parliament.

Following the adoption of the motion of no-confidence the Government resigned and a process of negotiations started. The opposition demanded early parliamentary elections, but on 7 May 2013 the Parliament elected a new Government with support of the Liberal Democratic Party, the Democratic Party, part of the Liberal Party and 4 unaffiliated Members of Parliament. With this early parliamentary elections were avoided. The next regular parliamentary elections are scheduled for early 2015.

Despite the political instability, the electoral process itself has been upgraded and the CEC has improved and modernized itself as an institution, with continuous support from outside. The OSCE-ODIHR report on the 2010 parliamentary elections found that “these elections met most OSCE and Council of Europe commitments. The elections were administered in a transparent and impartial manner by the Central Election Commission (CEC), which enjoyed the trust of most contenders.”

Assistance provided

UNDP

The aim of the Electoral Support to Moldova (ESM) Project was to support the CEC in designing and delivering electoral services that can increase citizens’ trust in the electoral system and in electoral outcomes. In 2008-2010 ESM provided technical assistance to the Central Electoral Commission (CEC) and other stakeholders (NGOs, Ministry of Foreign Affairs and the former Parliamentary Commission on amendment of the Electoral Code); 2011 and 2012 the Project focused on CEC only. Key results from that period included:

1. Successful support to the unforeseen parliamentary elections in 2009 and 2010, the referendum in 2010,
2. Improvements in the voter register and development of an automated electoral management system,
3. Provision of out of country voting services,
4. Institutional and capacity development, and
5. Extensive media and public relations support.

The ESM Project was during its first years financed by the European Union, the Moldovan Government, the UN Trust Fund for Electoral Assistance and UNDP and implemented by UNDP. The activities related to Out of Country Voting component were coordinated and financed by ESM Project and implemented by the International Organization for Migration.

In June 2012 a new Project, Improving the Quality of Moldovan Democracy through electoral and parliamentary support ('the Democracy Programme') commenced, combining support to both the CEC and the Parliament of Moldova. The programme focuses on strengthening the institutional capacity of the CEC, entrenching gender and human rights considerations in the formal political process, further development of an enabling environment for the delivery of modern and inclusive electoral services. The electoral component of the Democracy Programme is funded by the Government of Sweden.

USAID

Starting June 2008, International Foundation for Electoral Support (IFES) has been assisting CEC, through an elections administration component of the Strengthening Democratic Political Activism (SDPA) program. IFES was designed to strengthen electoral administration and transparency ahead of the 2009 parliamentary elections. Since 2010, USAID assistance through the Moldovan Electoral Administration Capacity Development Programme focused on support of appropriate authorities and institutions in Moldova in their effort to configure an efficient system for voter registration; building of administrative, operational, management and professional capacity of election bodies at local level; foster of public trust in electoral processes; promotion and supporting reform in financing political parties. The activities of the programme were expected to address the long-term capacity challenges of election administration to contribute as a result to sustainably transparent, efficient and democratic electoral process.

Other actors

At various times, especially in response to the electoral events of 2009 (2 parliamentary elections within 4 months), other international actors supported the CEC. The most notable of these actors were the Council of Europe, IOM, OSCE-ODIHR and the OSCE Mission to Moldova. Where possible, the review should study these activities and interventions as part of the review process.

Context for the Review

Following five years of sustained international assistance to CEC and the electoral process, 2013 is a consolidating year in the Moldovan electoral environment. UNDP continues to implement the Moldova Democracy Programme with activities currently scheduled until June 2014. The USAID funded IFES-implemented Moldovan Electoral Administration Capacity Development Program is closing in June 2013 and at present USAID does not plan follow-on electoral support in 2013.

While the previous UNDP intervention (Electoral Support to Moldova) was the subject of internal European Commission monitoring and audit exercises, it has not been subject to external independent review. Similarly, while the USAID project engaged in an internal reflection exercise in late 2011, it has not been subject to external independent review either. Please note that the review is only foreseen to cover the electoral

component of the current UNDP Democracy Programme, and not the Parliamentary component.

Some issues related to support for information technology have been reviewed by OSCE-ODIHR in 2012 and the Moldovan Court of Accounts in 2013. The review team shall use these reports as a basis for their work and not seek to review the same elements again.

USAID and UNDP have agreed to conduct a joint review of multilateral electoral assistance in Moldova to assess the relevance, effectiveness, efficiency, impact and sustainability of international donor efforts. Aiming to ensure that a review of multilaterally provided assistance to the electoral field is of most use to the Central Electoral Commission and its partners, a single report will be produced.

The review team will work to an review steering group of UNDP, USAID and a representative of the CEC.

Purpose of the Review

The purpose of the review is to assess the overall impact of the international assistance provided to the CEC from 2008 to April 2013 and what contribution was made to the consolidation and modernization of Moldova's democratic processes. The review should evaluate results of elections support programs, identify lessons learned and best practices, and develop recommendations for future support to the area and to the Central Electoral Commission that may be needed from donors beyond the past and current interventions, including a common framework for any further assistance the CEC may require in the future and in the run up to the next Parliamentary election, expected in early 2015.

Review Criteria: The interventions should be reviewed against the following criteria¹:

Relevance: The review team should analyse the extent to which the aid activity was suited to the priorities and policies of the target group, recipient and donor. The team should assess the degree to which international assistance was, and through its adaptations, remained relevant to the needs of the CEC and the Moldova electoral system, especially in response to the developments and electoral events of 2009 and 2010.

Efficiency, management and coordination: The review should look at the qualitative and quantitative outputs measured in relation to the inputs, and should assess whether the most efficient process has been adopted, comparing alternative approaches to achieving the same program outputs, looking for example at whether management structures and expertise provided were appropriate and how assistance was coordinated, both by the CEC and amongst partners.

¹ As per OECD DAC criteria and definitions in evaluating electoral assistance (<http://www.oecd.org/dac/evaluation/49756382.pdf>)

Effectiveness: the review should assess the extent to which project objectives were achieved, adjusted and relevant, taking into account the changing electoral context.

Impact and sustainability: The review team should look at the results produced by donors' interventions, directly or indirectly, intended or unintended, and assess the lasting change brought about by the interventions after donor funding would be withdrawn. The increase in capacity of the CEC and its Moldovan partners should be especially reviewed.

Gender integration and social inclusion sensitivity: The extent to which donor interventions were sensitive to gender differences and social inclusion and their impact.

Review Questions

1. To what degree international assistance electoral support interventions were pertinent to the needs of the CEC and the Moldova electoral system, especially in response to the electoral events of 2009 and 2010?
2. Did the international assistance electoral support interventions make the best use of resources to achieve results? Were the interventions efficient?
3. To what extent were the international assistance electoral support objectives achieved? What were the major factors that influenced the achievement or non-achievement of these objectives?
4. How has technical assistance contributed to a more professional, independent management of electoral processes? What real difference have the international assistance electoral support interventions made to the beneficiary?
5. How has the CEC managed and coordinated the assistance it has received?
6. To what extent have the products of interventions been institutionalised to ensure establishment of durable, cost-effective democratic electoral processes and systems?
7. To what extent will the benefits of the international assistance electoral support interventions continue after donor funding will cease? What were the major factors that influenced the achievement of sustainability of the electoral support programs results?
8. What has been the contribution of electoral technical assistance to the outcome of deepening democracy and ensuring peace and stability in Moldova?
9. Does the CEC Strategic Plan provide a suitable framework for planning future interventions? What could be the potential areas of international engagement in coming years?
10. What were gender mainstreaming challenges and benefits for electoral support interventions in Moldova? How did international donors ensure that women and men are equally enfranchised throughout the electoral process?

Review Methodology

The Team will develop a design of the review, which will be presented to UNDP and USAID during the inception phase and adjusted later based on UNDP and USAID comments. The Review Team will suggest the use of various data collection and

analysis methods. It is anticipated that a mix of evaluation methodological approaches will be required to answer review questions. The Review Team will also explain the limitations and weaknesses of the methodology.

Deliverables

1. The review team will submit a clear, informative, and credible report that reflects all relevant review findings, conclusions, and recommendations. The Review Report (RR) must describe in detail the review design and the methods used to collect and process information. It must disclose any limitations to the review and, particularly, those associated with the review. The executive summary should reflect the purpose of the review, review methodology and its limitations, key review findings, conclusions, and recommendations.
2. RR should represent thoughtful and well-organized efforts that include sufficient contextual information so the external validity and relevance of the review can be assessed. Findings should be specific, concise and supported by evidence. Recommendations should be clear, specific, practical, action-oriented, and supported by a specific set of findings and conclusions. The review team shall ensure that conclusions and recommendations are based on data that are accurate, objective, and reliable.
3. In the annexes, RR should include the review description; description of the review team and its member qualifications; the Review Work Plan; conflict of interest statements, either attesting to a lack of conflict of interest or describing existing conflict of interest, signed by all review team members; tools used for conducting the review such as questionnaires, checklists, and discussion guides; in-depth analyses of specific issues; properly identified sources of information; and a statement(s) of differences regarding significant unresolved difference (if any) of opinion reported by the review team members and/or evaluated donors programs leadership.
4. RR will be written in English and submitted in electronic form readable in MS Word 2010 based on MS Word Times New Roman 12 or other legible font of similar size. Any data used to prepare this report (except for data protected by formal agreements between the review team and interviewees and survey/focus group participants) will be presented in MS Office compatible format suitable for re-analysis and submitted either by e-mail or on a CD or a flash drive to UNDP and USAID/Chisinau. The data should be fully documented and well organized for use by those not fully familiar with the reviewed programs. UNDP and USAID will retain co-ownership of all review records including interview transcripts or summaries, survey(s), datasets developed.
5. Review team will present its major findings and preliminary conclusions made in conjunction with the review in writing at pre-departure briefing for UNDP and USAID management and staff. Review team will use MS PowerPoint to present those findings and conclusions. Draft RR will be due in ten working days after the review team pre-departure briefing. RR must include all relevant findings and conclusions made in conjunction with the subject review and preliminary review team recommendations. It may include feedback received at a pre-departure

briefing. UNDP and USAID will have 15 working days to review draft RR and provide comments to the review team.

6. The final RR will be due in ten working days following the receipt of the UNDP and USAID comments on draft RR. The review team will use either a cover memorandum or similar format to explain how comments provided by UNDP and USAID were addressed in the final RR if the final RR differs substantially from the draft one. UNDP, USAID and the review team will have a right to initiate an extension of the report review or preparation/completion time for up to ten working days at no additional cost.

The Review Report will have the following structure:

- Executive Summary;
- Introduction (including context, scope, methodology);
- Findings and Conclusions. Where relevant and possible, specifically outline role and impact of USAID and UNDP assistance separately;
- Recommendations (corrective actions for new, ongoing or future work);
- Lessons learned (main lessons learned from the review that may have generic application);
- Summary review matrix of project achievement by objectives and outputs;
- Annexes.

Review Team Qualifications and Composition

Based on these terms of reference, UNDP will contract a review team consisting of two international review team members, a national team member and a translator/logistical assistant. A USAID representative will be part of the selection process, however formal approval of the team by USAID will not be required. Team members will work together on all aspects of the review, and will produce a single report. The review team will report to and work with a steering group made up of one representative of UNDP, one of USAID, and a representative of the CEC.

International review team members should have substantial knowledge of good governance, electoral and political processes and civil society in Eastern Europe/CIS region, good understanding of gender issues in the region, as well as extensive experience in conducting performance evaluations of large development projects/programs that promote democratic development overseas. Previous work experience in the region is desirable. The team is also expected to use local professional expertise with detailed knowledge of relevant processes in Moldova and local logistics support.

Work Plan and Implementation Approach

The review will take place over a period of approximately four weeks. The tentative schedule follows:

Planned Activities	Indicative number of Working days
Desk review and development of review design and	4 days

methodology	
Briefing of review team by UNDP, USAID, IOM, CO, ESP and ECN	3 days
Finalizing review design, methods & inception report	2 days
Sharing and agreement of inception report with the Review Steering Group; sharing inception report with CEC	1 day
Stakeholders meetings, interviews	12 days
Preparation of Draft report, presentation of draft findings to the Review Steering Group	5 days
Revise and submit report	2 days
Finalize and submit report	2 days
Total	31 days

The assignment is to be finished no later than 30 September 2013

To facilitate the review process, the UNDP Democracy Programme team and the USAID Democracy and Governance team will, at the direction of the Steering Group, assist in connecting the review team with the senior management, development partners and key stakeholders.

