



### TERMS OF REFERENCE

#### EVALUATION OF THE UNDP DEMOCRATIC GOVERNANCE AND RULE OF LAW PORTFOLIO IN MYANMAR

Title	Evaluation of the UNDP Democratic Governance and Rule of Law portfolio in Myanmar
Type of Contract	Individual Contracts (International and National)
Start/End Dates	29 <sup>th</sup> August- 1 <sup>st</sup> November 2016
Supervisor	Team Leader
Location	Home-based with travel to Yangon, Nay Pyi Taw and other locations in Myanmar
Country	Myanmar

#### A. BACKGROUND AND CONTEXT

UNDP's Democratic Governance and Rule of Law Programme started in 2013, with the UNDP Executive Board's approval of a new, more governance focused Country Programme for Myanmar- a country still emerging from long isolation and military rule, and still facing international sanctions. The new Country Programme marked a significant departure from previous UNDP interventions (since 1993) that focused on grass-roots livelihoods and microfinance support. It required UNDP to forge new partnerships with state institutions.

UNDP's Democratic Governance and Rule of Law Programme supports more open and responsive governance so that the state will be better able to improve the lives of Myanmar's poorest and most vulnerable people, and overturn a legacy of conflict and mistrust in favour of sustainable development and inclusive growth. The official outcome statement is: 'Promotion of democratic governance and the rule of law to strengthen democratic institutions and the advancement of human rights.' UNDP works in all three branches of government- the executive, the parliaments and the courts, and at the Union and State/Region level- and with civil society, the private sector and other actors towards that goal. The programme has four outputs, which carry out the following work:

- **Development Effectiveness:** building capacities of the government to collect, analyse and use poverty and development data, and strengthening effective development cooperation to define and achieve Myanmar's development goals.
- **Parliamentary Strengthening:** strengthening the Union, and Region/State Parliaments' capacity to drive reforms, engage with the public and perform core functions in legislation, oversight and representation.
- **Rule of Law and Access to Justice:** promoting rule of law and increasing people's access to justice, building capacities for coordinated justice sector reform and increasing legal awareness.
- **Public Administration Responsiveness:** improving the capacity of the administration to be accountable and responsive to the needs of the people

UNDP has staff in Yangon and Nay Pyi Taw, and also in Taunggyi (Shan), Mandalay (Mandalay), and Myitkyina (Kachin). The programme receives un-earmarked funding from donors, except in special cases.

The Democratic Governance Programme has undergone some revisions since inception in 2013, to meet the changing context and emerging priorities in the country. The mid-point in programming provides an opportunity to undertake a comprehensive review of UNDP contribution to democratic governance and rule of law. It also comes at a time when UNDP is developing proposals for future programming, and when the new government is identifying and articulating its emerging needs.

## **B. PURPOSE OF THE EVALUATION**

This is a mid-term evaluation of the Democratic Governance and Rule of Law portfolio, under the current Country Programme Action Plan for Myanmar (2013-2017).

It will primarily be used by UNDP to inform the development of the future Country Programme Document (2018-21) for UNDP in Myanmar, which will be developed from late in 2016. Among other factors, the recommendations will guide the extent and nature of UNDP's engagement in democratic governance and rule of law, peace, gender equality and sustainable development. In particular, it will inform decisions about: which focus areas among and within the four current outputs will continue to be a part of the programme, and possibly new areas for consideration within UNDP's comparative advantage; what the configuration of outputs would be and what the most efficient staffing and management arrangements would be within those outputs to achieve the suggested results; and whether a programme based approach (rather than a project based approach) will still be the main approach taken.

As evaluation results will only be available with one year left in programming, the evaluation will not be primarily used to establish significant course-corrections for the remaining year, however it will be used to inform how funding is prioritized for 2017, inform improvements to management and monitoring practices, and provide suggestions on preliminary work ahead of a the new Country Programme.

The evaluation comes after a 2015 midterm evaluation of the Country Programme, and after evaluations of two of the outputs under the Democratic Governance Programme- the Parliament, and Rule of Law Outputs. The Country Programme Evaluation considered largely process related issues, finding it too soon to gather information about change; however the Output Evaluations have a greater emphasis on results and linked changes. Additional evaluations will take place concurrently with this one: an Outcome Evaluation of Local Governance and Local Development, and potentially an evaluation of the gender impact of all UNDP Myanmar programming (which this evaluation can inform). All of these evaluations will inform the development of the future programme. There is no planned evaluation of the two remaining Outputs under the Democratic Governance Programme- Development Effectiveness and Public Administration.

## **C. SCOPE AND OBJECTIVES**

The evaluation's scope will be to measure UNDP's contribution to the achievement of the outcome. As such, it will consider all activities; results; strategies; operational measures; monitoring, implementation, management and staffing arrangements; and partnerships and resource mobilization of the Democratic Governance and Rule of Law Programme. It will consider all work between March 2013 and the start date of the evaluation (Q3 2016), and in all geographic areas of implementation. Target groups for the evaluation will include government (including political officials, and civil servants), parliament, justice institutions, implementing partners (including CSOs), funding partners, UN collaborating agencies, and UNDP staff and management.

The evaluation provides an objective and independent assessment of UNDP's contribution to higher level results so far, and recommendations on programme approaches, focus areas and management arrangements for the future. It should:

- Indicate the status of achievement of contribution towards the outcome, evaluating the programme's achievements and the resulting changes in the promotion of democratic governance and rule of law, towards strengthened institutions and human rights, using data and evidence
- Assess whether the outcome model<sup>1</sup> has been relevant and appropriate to promoting democratic governance and rule of law, and whether assumptions and risks remain valid
- Assess whether programme management and implementation have been effective to achieving sustainable results, and whether monitoring arrangements have been appropriate to measure progress - the evaluation will also assess the programme structure in place
- Provide clear guidance on which programme focus areas are the most strategic and relevant, and which UNDP is positioned to effectively and efficiently support, in line with the vision and priorities of the new government

Recommendations for future programming will be guided by considerations of: UNDP comparative advantage and mandate, national priorities, sustainability and potential for resource mobilization.

## **D. EVALUATION QUESTIONS**

The evaluation will be guided by the following criteria and questions:

### **Relevance:**

- To what extent is UNDP's engagement a reflection of strategic considerations, including UNDP's role and comparative advantages in Myanmar?
- To what extent was the theory of change presented in the outcome model a relevant and appropriate vision on which to base the initiatives for the final three years of programming?
- How did the programme promote UNDP principles of gender equality, human rights based approach, and conflict-sensitivity?
- To what extent does this work respond to UNDP's mandate and to national priorities?
- Which of the existing programme areas are the most relevant and strategic for UNDP to consider going forward?
- How has UNDP positioned itself strategically in the development field in the area of democratic governance in Myanmar, and established its particular value-added/niche?

### **Effectiveness:**

- To what extent has progress been made towards outcome achievement? What has been UNDP's contribution to change?
- What have the key results and changes been? How has delivery of the outputs contributed to outcome-level progress?
- To what extent did the results achieved benefit women and men equally or support the enhancement of gender equality?

---

<sup>1</sup> An outcome model (also known as results maps, logic models, programme logics, intervention logics, means-ends diagrams, logical frameworks, theories of change, programme theories, outcomes hierarchies and strategy maps, among other names)<sup>16</sup> is a (visual) map of the causal logic of an initiative being evaluated. It shows how certain initiatives (activities, outputs) are conceived as contributing to bringing about desired positive change.

- How has the programme's approach been effective, or ineffective, in ensuring progress towards the outcome?
- To what extent was UNDP's selected method of delivery appropriate to the development context?

**Efficiency:**

- Have resources (funds, expertise, time, staffing) available to the program been used in the most appropriate and economic way possible towards the achievement of results?
- Has the programme managed implementation in multiple locations efficiently?
- Has the programme based approach (including unearmarked programme funding) been an efficient way to achieve results?

**Sustainability:**

- What indications are there that achievements so far will be sustained (e.g. national ownership, national systems and structures, individual capacity)? Are there any indications that the agenda promoted by the programme (for democratic governance, rule of law, gender equality and human rights) will be taken forward by key stakeholders?
- To what extent has fostering international and South South Cooperation and knowledge management contributed to the sustainability of the programme?
- How will partnerships and current approaches to resource mobilization sustain the programme?

It will document lessons learned, and provide specific recommendations for future programming.

## **E. DELIVERABLES**

The evaluation team will be expected to produce the following deliverables:

1. **Evaluation Inception Report:** Prior to embarking on the data collection exercise, the evaluation team will be required to prepare an inception report which details the understanding of what is being evaluated and why; the methodology for the evaluation and any travel plans; along with an evaluation matrix.
2. **Draft Evaluation Report:** The team will be required to submit a draft evaluation report for review, this will be reviewed by UNDP for factual inaccuracies and be shared with the reference group for feedback.
3. **Evaluation Brief:** The team will be requested to present the initial findings and recommendations of the report to UNDP, Myanmar government counterparts, donors, and other justice sector development partners, as appropriate.
4. **Final Evaluation Report:** Following receipt of UNDP's initial comments, the team will be required to submit a final report which clarifies and addresses any clarifications requested in the initial review.

Technical criteria for these deliverables are as follows:

	Technical Criteria
Inception Report	<p>It will detail the evaluators' understanding of what is being evaluated and why, showing how each evaluation question will be answered by way of: proposed methods, proposed sources of data and data collection procedures (in an evaluation matrix). The inception report will propose revisions to the evaluation questions for consultation with the reference group. The inception report should include a proposed schedule of tasks, activities and deliverables, designating a team member with the lead responsibility for each task or product. It will be written in clear English.</p> <p>The overall approach and methodology should ensure the most reliable and valid answers to the evaluation questions and criteria within the limits of resources and time. The approach will include interviews with UNDP staff, government counterparts, responsible parties, donor representatives,</p>

	and other parties relevant to this evaluation, and clearly identify required interviews in the evaluation matrix. The approach will be in line with UNDP Corporate Evaluation Policy, including Guidance on Outcome Evaluation, and the UNDP Handbook on Monitoring and Evaluation.
Evaluation Brief	This will clearly show the background, key evaluation findings, and recommendations, in a way that is quickly and easily grasped by partners. It takes the form of a Powerpoint presentation/handout and verbal presentation. It will avoid use of jargon, be of no more than 30 minutes in length.
Evaluation Report	The evaluation report will address the key evaluation questions in as effective a way as possible given allocated resources, use and cite evidence to back up analysis, and provide clear recommendations which relate to future UNDP programming. It will be required to meet the detailed standards for the evaluation and annexes outlined on p.207 of the PME Handbook. The evaluation will be written in clear and succinct English, avoiding use of jargon wherever possible and deploying a clear paragraph structure and uniform language style in accordance with UNDP editorial guidance.

## F. EVALUATION TEAM COMPOSITION AND COMPETENCIES

The Evaluation Team will be comprised of three (3) persons with the skills, knowledge and expertise detailed below:

### 1. International Evaluation Specialist (Team Leader)

- Master's degree in law, political science, development studies with additional 10 years' experience in development studies, political science or related field is required<sup>2</sup>
- Proven expertise and experience in conducting several evaluations and project/program assessments
- Knowledge and demonstrable experience in at least two fields related to democratic governance and rule of law and access to justice<sup>3</sup> is required
- Technical knowledge and/or experience in cross-cutting areas such as gender, rights-based approaches to programming and capacity development is required
- Relevant experience in contexts of transition is required, experience in Myanmar or Southeast Asia is an asset
- Familiarity with UNDP is an asset
- Strong analytical skills
- Strong interpersonal skills
- Ability to work in a multicultural environment
- Strong English language skills (both written and spoken)

### 2. International Evaluation Consultant (Team Member)

- Master's degree in law, political science, development studies with additional 3 years' experience in development studies, political science or related field is required
- Experience in conducting desk-based and social research on topics related to democracy and development such as community development, civil society, justice, corruption, or rule of law, is required
- Working experience in South East Asia is required, experience in Myanmar is an asset
- Knowledge and experience of democratic governance topics related to this assignment<sup>4</sup> is an asset
- Experience with UNDP is an asset
- Experience in conducting evaluations and project/program assessments is an asset
- Strong English language skills (both written and spoken)

### 3. National Evaluation Consultant (Team Member)

<sup>2</sup> Or a Bachelor's degree, with additional 2 years of experience.

<sup>3</sup> These include: parliamentary strengthening, development effectiveness, justice sector and security sector reform, administrative and civil service

<sup>4</sup> These include: parliamentary strengthening, development effectiveness, justice sector and security sector reform, administrative and civil service

- Bachelor's degree or above is required
- At least 2 years of work in or with organisations working in fields relating to democratic governance, rule of law and access to justice, local governance, or civil society in Myanmar is required
- Experience in facilitation and interpretation, and written translation of documents between English and Myanmar is required
- Proven expertise and experience in conducting evaluations and project/program assessments is highly desirable
- Fluency in spoken and written Myanmar language
- Excellent command of the English language (written and spoken) is required
- Strong analytical skills
- Myanmar national

## **G. EVALUATION ETHICS**

This evaluation will be conducted in accordance with the principles outlined in the United Nations Evaluation Group Ethical Guidelines for Evaluation (2008) and the UNEG Code of Conduct for Evaluation in the UN System. See attachments for reference.

## **H. MANAGEMENT AND IMPLEMENTATION ARRANGEMENTS**

### **Roles and Responsibilities of Team Members**

The Team Leader will be responsible for:

- Providing overall leadership on the independent evaluation of the UNDP Rule of Law Program drawing on inputs and insights from the other consultants
- Conducting and analysing desk reviews of relevant documents and leading interviews with government partners, UN / UNDP staff, donors and other partners
- Reviewing the relevance, effectiveness, efficiency, sustainability, and value-added of UNDP's Programme in Myanmar
- Identifying UNDP's contribution to outcomes
- Ensuring completion of all the deliverables outlined below: evaluation inception report, draft evaluation report, evaluation brief (if required) and final evaluation report
- Manage the day to day work of the evaluation team

The International Team Member will be responsible for:

- Conducting desk reviews of relevant documents and data on democratic governance and rule of law to establish progress towards outcome
- Leading interviews with civil society actors, INGOs and other stakeholders to establish progress towards outcome
- Supporting the team leader by gathering evidence and collating notes from meetings and other sources of information
- Providing inputs and insights (based on the data about democratic governance in Myanmar) to the independent evaluation of UNDP's Programme in Myanmar
- Provide inputs to the deliverables: inception report, draft evaluation report, evaluation brief and final evaluation report

The National Team Member will be responsible for:

- Providing inputs and insights (based on the context in Myanmar) to the evaluation
- Participating in meetings with governments counterparts, UN/UNDP staff, donors and other partners with the Team Leader

- Providing Myanmar language interpretation and translation for meetings as required, in order to ensure clear communication between the international consultant and meeting participants
- Providing support and assistance to finalize the mission agenda, meetings and required visits
- Provide inputs to the deliverables: inception report, draft evaluation report, evaluation brief and final evaluation report

#### **Peer Group**

- The Programme Analyst for Democratic Governance and the Programme Analyst for Rule of Law will act as a peer group for this evaluation. They act as a sounding board and will be available for feedback and advice.

#### **Reference Group**

- UNDP will establish a reference group. Its representation could include the UNDP M&E Specialist, the Team Leader, other UN agency or multilateral representatives, a 'responsible partner' representative, donor representatives and government representatives.
- The reference group members will provide detailed comments on the inception report (and thus the methodology for the evaluation), the early draft of the evaluation report and/or sections of the report as required, as well as the final draft. They will provide guidance on how to strengthen the quality of the report, including sources of evidence, and quality of analysis and use of evidence.

#### **Travel**

- The evaluation will involve home-based work and mission travel to Yangon, Nay Pyi Taw, and other locations in Myanmar. Other locations will be determined in accordance with the agreed inception report, and can include: Taunggyi, Myitkyina, and Mandalay.

#### **UNDP Management Arrangements**

- The consultants will report to the Team Leader for Democratic Governance and Rule of Law on a weekly basis as work against deliverables progresses. They will be accountable to UNDP on the timeliness and quality of the deliverables.
- UNDP will coordinate feedback on deliverables, which will take a minimum of five- ten working days.
- The consultants are expected to work closely and collaboratively with UNDP staff in Yangon, Nay Pyi Taw, Mandalay, Taunggyi and Myitkyina for the duration of this assignment
- UNDP will secure government (and other counterpart) cooperation for this assignment, including visas and travel authorization, and will assist in the facilitation of introduction letters and/or requests for meetings upon request with stakeholders and beneficiaries
- The consultants will be entitled to apply for reimbursement of costs associated with necessary work-related in-country travel in accordance with UNDP's travel policy
- UNDP will provide workspace for meetings, and UNDP will strive to offer general workspace, but this cannot be guaranteed; the consultants should check in with UNDP ahead of arrival so that alternative arrangements can be made
- The consultants are responsible for providing their own laptop computers and mobile phones for use during this assignment
- UNDP will provide administrative and logistical support with travel and transport arrangements, visas, and processes necessary for successful completion of the assignment, and arrange the consultants' in-country work-related travel

### **I. TIMEFRAME**

The timeframe for key tasks is expected to be as follows:

#### **1. Home-based work:**

- Team Leader: Preparation for mission, review of background documents, briefings via skype, inception report, 7 days
- International Team Member: support to evaluation matrix and methodology, 5 days

**2. Mission to Myanmar:** 15 working days

- In-country briefings and discussion of inception report
- Field visits, interviews, review of documents etc.
- Presentation of initial findings and recommendations to UNDP and selected audiences

**3. Home-based work:**

- Team leader: drafting of first evaluation report (5 days), edits on report (5 days), submission of final report.
- International Team Member: inputs to draft evaluation report, compilation of final report (4 days)

The timeframe should consider that the inception report and draft evaluation report each require 5-10 days for review and approval.

## **J. REFERENCE DOCUMENTS**

These will be provided to the evaluators at the start of their assignment.

1. Mid Term Evaluation of the UNDP Myanmar Country Program (2015)
2. Evaluations of the Rule of Law and Parliament Outputs (if available)
3. List of key stakeholders and partners and suggested resources
4. Democratic Governance Analysis in Myanmar
5. UNDP Programme Narrative (2015-2017)
6. Democratic Governance Outcome model
7. Results and Resources Frameworks (2014 – 2017)
8. Annual Workplans (2013 – 2016)
9. Output and Pillar 3 Reports (2013- 2016)
10. Monitoring Framework and Results Matrix
11. Organogramme
12. UNDP Evaluation Policy
13. UNEG Ethical Guidelines for Evaluation / Code of Conduct (2008)
14. Quality standards for evaluation
15. Example Evaluation Matrix