

Terms of Reference (TOR) for End-of-Term Evaluation

Project Title: Enabling the Business and Human Rights Agenda in Conflict-Affected Settings in Kenya, Uganda, and Ethiopia

Project Duration: July 1st, 2022 – March 31, 2025

Donor: The Ministry of Foreign Affairs Finland

Project Background

The “Enabling the Business and Human Rights Agenda in Conflict-Affected Settings in Kenya, Uganda, and Ethiopia” project is being implemented in Kenya, Ethiopia and Uganda. While these are very different contexts, there are some key commonalities that are relevant for improving the environment for Business and Human Rights. All three countries have an economic/development model that prioritize private-led development, despite very different economic histories – for example, Kenya has had market-based economy, while Ethiopia relied on a state-led development model for many years. All three countries have been affected by sub-national conflict linked to politics, marginalisation and natural resource management, particularly in arid and semi-arid areas where pastoralism predominates. These conflicts have impacted on large scale investments and projects mainly in the extractives, energy, infrastructures, and agribusiness sectors. In turn these investments, whether international or domestic, have exacerbated conflict dynamics or introduced new conflict drivers. These conflict drivers are linked to a complex range of social and economic rights issues and violations, such as improper land acquisition, environmental degradation, limited Free, Prior and Informed Consent (FPIC) of host communities and sexual, gender-based violence and other safety and security issues. These are compounded by a lack of access to appropriate remedy from either the state or companies. This reflects the global debate around the need to adapt the UN Guiding Principles (UNGPs) on Business and Human Rights to the specificities of conflict-affected settings.

The project builds on International Alert’s programming across the region (and globally) on business and human rights issues and their intersection with peace and conflict. The anticipated impact is that conflicts in Kenya, Ethiopia and Uganda that are linked to or exacerbated by investments (domestic and international) are reduced. The project focused on investments in sectors (and geographic areas) where their presence risks exacerbating existing (or creating new) conflict drivers – such extractives, energy and agribusiness. This is achieved by working with different pertinent stakeholder groups – including “Host states” and companies, civil society (particularly human rights institutions) and international policymakers, including “home states” where multi-national corporations are headquartered. The project aimed to achieve the impact through the following outcomes:

Outcome 1 - Civil society actors (particularly human rights institutions) are better able to advocate for communities impacted by conflict and business & human rights concerns and empower them to claim their rights from duty bearers

Outcome 2 – “Host states” and companies accept their duty to protect communities from conflict impacts and violation of their rights by investments (domestic or international, state and private)

Outcome 3 - Investors and regulators (within “home state” governments) are willing to promote and require conflict-sensitive human rights due diligence of companies based on practical insights from the ground

Evaluation Purpose:

The purpose of this end-of-term evaluation is to assess the impact, effectiveness, efficiency, sustainability, and relevance of the project. The evaluation aims to provide comprehensive insights into the project's achievements, challenges, and lessons learned, and to offer recommendations for future initiatives.

Evaluation Objectives:

1. Impact Assessment:

- Assess how and to what extent the project has supported a more responsible and human rights compliant business environment that provides for decent work and respects human rights in the conflict-affected project locations in Kenya, Uganda, and Ethiopia.
- Evaluate the effectiveness of the project in improving respect for human rights related to business operations in conflict-affected settings.

2. Effectiveness:

- Examine the extent to which the project's objectives and outcomes have been achieved with a focus on how key progress markers toward these objectives and were achieved and how, including:
 - "Host states" and companies better accept their duty to protect communities from violations of their rights by investments.
 - Improved civil society actors' capacity to monitor and analyze human rights violations by businesses.
 - Improved "home state" governments' willingness to implement tools and frameworks for responsible business standards.
 - The degree to which the project's human rights based approach and approach to advancing gender equality have been successful.
- Examine any unintended positive or negative project impacts, and how these came about.

3. Efficiency:

- Assess the efficiency of resource utilization in achieving the project's outcomes.
- Evaluate the effectiveness of project management and implementation strategies.

4. Sustainability:

- Evaluate the sustainability of the project's outcomes, including how and to what extent to which they can be maintained beyond the project's lifetime.
- Assess the capacity of local partners and stakeholders to continue project activities and initiatives.

5. Relevance:

- Assess the relevance of the project objectives to the needs and priorities of the target countries and communities.
- Evaluate the alignment of the project with national and international policies and frameworks on business and human rights.

Evaluation Scope:

The evaluation will cover the entire duration of the project from July 2022 to March 2025, focusing on the following components:

- Project design and implementation strategies.
- Partnerships and collaboration with local partners, government actors, and stakeholders.
- Activities and outputs related to conflict-sensitive business practices and human rights due diligence.
- Capacity-building initiatives for civil society actors and "home state" governments.
- Advocacy and influencing activities at the national, regional, and global levels.

Evaluation Methodology:

The evaluation will employ a mixed-methods approach drawing on quantitative and qualitative data sources, including:

- **Document Review:** Analysis of project documents, reports, and records.
- **Interviews and Focus Groups:** Interviews with key stakeholders, including project staff, partners, government officials, companies, UN agencies, civil society actors, and community representatives.
- **Surveys:** Surveys with project beneficiaries and participants to gather quantitative data on project outcomes and impact.
- **Outcome harvesting:** To harvest and validate the key outcomes from the project, and lessons surrounding these
- **Field Visits:** On-site visits to project locations in Kenya, Uganda, and Ethiopia to observe project activities and engage with beneficiaries.

Evaluation Deliverables:

1. **Inception Report:** Outline of the evaluation methodology including ethical considerations, conceptual framework, work plan, and data collection and analysis tools.
2. **Draft Evaluation Report:** Presentation of preliminary findings, conclusions, and recommendations.
3. **Final Evaluation Report:** Comprehensive report detailing the evaluation findings, conclusions, recommendations, and lessons learned.
4. **Presentation of Findings:** Presentation of the evaluation findings and recommendations to project stakeholders.

Evaluation Timeline:

The evaluation is expected to be conducted over a period of two months, from February to March 2025.

Evaluation Team:

The evaluation will be conducted by an independent external evaluator or evaluation team with expertise in project evaluation, business and human rights, conflict-sensitive programming, and regional experience in East Africa.

Budget:

The budget for the evaluation will cover the costs of the evaluation team, travel expenses, data collection, and report preparation.

Reporting and Coordination:

The evaluation team will report to the Project Manager and work closely with the senior project officer to ensure access to project documents, stakeholders, and field sites.

Qualifications Required for the Consultant:

The consultant or evaluation team should possess the following qualifications:

1. Educational Background:

- Advanced degree in social sciences, international development, human rights, conflict studies, or a related field.

2. Professional Experience:

- Minimum of 7-10 years of experience in conducting evaluations of development projects, particularly in the areas of business and human rights, conflict sensitivity, and peacebuilding.
- Demonstrated experience in evaluating projects in conflict-affected settings and in the East African region, particularly in Kenya, Uganda, and Ethiopia.
- Proven track record of conducting evaluations using mixed methods approaches, including qualitative and quantitative data analysis.

3. Technical Expertise:

- Strong understanding of the UN Guiding Principles on Business and Human Rights and other relevant international frameworks.
- Expertise in conflict-sensitive programming and human rights due diligence.
- Familiarity with the political, social, and economic contexts of Kenya, Uganda, and Ethiopia.

4. Skills and Competencies:

- Excellent analytical and problem-solving skills.
- Strong communication and interpersonal skills, with the ability to engage effectively with diverse stakeholders.
- Ability to produce high-quality reports and presentations in English.
- Proficiency in local languages of the target countries is an added advantage.

5. Other Requirements:

- Availability to travel to project locations in Kenya, Uganda, and Ethiopia.
- Strong ethical standards and commitment to maintaining confidentiality and integrity throughout the evaluation process.

How to apply

The Consultant will submit a detailed technical and financial proposal for review. Please ensure that these are submitted via email to kenya@international-alert.org by 30 January 2025. The final terms and conditions of the consultancy will be stipulated in the consultancy contract.