

TERMS OF REFERENCE (TOR)

**END-OF-PROGRAM EVALUATION OF SUPPORT TO LAND GOVERNANCE FOR PEACE,
STABILITY AND RECONSTRUCTION IN DRC POST CONFLICT**

August 2019

1. Background and Context

1.1 United Nations Human Settlements Programme (UN-Habitat)

The United Nations Human Settlements Programme (UN-Habitat) is the specialized programme for sustainable urbanization and human settlements in the United Nations system. Its mission is to ‘support governments and local authorities, in line with the principle of subsidiarity, to respond positively to the opportunities and challenges of urbanization by providing normative or policy advice and technical assistance on transforming cities and other human settlements into inclusive centres of vibrant economic growth, social progress and environmental safety’ (Strategic Plan 2014-2019). Pursuant to its mandate, UN-Habitat aims to achieve impact at two levels. At the operational level, it undertakes technical cooperation projects. At the normative level, it seeks to influence governments and non-governmental actors in formulating, adopting, implementing and enforcing policies, norms and standards conducive to sustainable human settlements and sustainable urbanization. Its work is guided by successive six-year strategic plans.

In the current strategic plan for 2014 to 2019, UN-Habitat has structured its substantive work in seven subprogrammes below, that correspond to its seven Branches.

- (i) Urban legislation, land and governance
- (ii) Urban planning and design
- (iii) Urban economy
- (iv) Urban basic services
- (v) Housing and slum upgrading
- (vi) Risk reduction and rehabilitation
- (vii) Research and capacity development.

The ‘Programme Support to Land Governance for Peace, Stability and Reconstruction (PSLGPSR) in Democratic Republic of Congo (DRC) Post Conflict’ (PSLGPSR) contributes to the Urban legislation, land and governance sub-programme’s work. The programme is delivered through the Regional Office for Africa, which works with African governments to take action and position themselves for addressing urbanization issues effectively.

1.2 The PSLGPSR description

The prevalence of land conflicts in the DRC has increased during the last decade. Such land conflicts have been compounded in the post-conflict setting by complex ethnic dynamics of the region. Statutory land ownership and customary practices are major sources of conflict. However, competition around land is increasing for various reasons, including return and reintegration of IDP’s and refugees, power and territorial struggle for pasture, agricultural production and livelihood, as well as mining and natural resources. The competition has increasingly fuelled land disputes, disrupting peace, stability and economic recovery in the DRC post-conflict. Further, the statutory system for titling and registration of land, has failed to properly resolve land conflicts, partly because the legal framework does not recognize customary land tenure rights. From 2009 to 2013, UN-Habitat identified more than 4,618 land disputes in the provinces of North Kivu, South Kivu, Ituri and Equateur within the land mediation programme.¹

Tackling land issues in the stabilization process in post-conflict DRC is critical for achieving peace and social harmony as well as for creating an enabling environment for economic recovery. In Eastern DRC, there are various interventions in the land sector aiming at addressing land related issues. The PSLGPSR,

¹ Source: UN-Habitat Database on Land Disputes.

funded by DFID, aimed at addressing root causes of land conflicts by improving land use and land ownership. The programme drew lessons from the past and ongoing interventions in the land sector and focused on both land disputes and the land governance system to bring transparency and community participation into land decision-making.

1.3 Priorities and objectives of the programme

The PSLGPSR programme is being implemented in Eastern DRC in the three provinces of North Kivu, South Kivu and Ituri. Since 2014 and until the end of 2015, the Programme Support for Land Governance for Peace, Stability and Reconstruction in DRC post-conflict focused on land dispute mediation, implemented on two main components: (i) stimulation of peace and social cohesion by preventing and resolving land disputes, and (ii) development of an efficient land management system that contributes to peace and stability. From 2016, the programme shifted from land dispute mediation to focus on community participatory land use planning (CPLUP).

CPLUP is a development strategy used to: prevent conflict over land and natural resources, provide local communities with secure land rights and tenure and to set an enabling environment for both social and economic recovery for communities in conflict zones. Transiting from the focus on land dispute mediation to CPLUP led to a modified set of outputs and activities that would ensure successful community participatory land use planning in the three provinces, with active engagement of communities. Table 1 below, shows the overall goal, outcomes as well as outputs related to land conflict mediation (phase 1: 2014-2016) and outputs related to CPLUP (Phase 2: 2016-2019).

Table 1: The overall goal, outcomes and outputs of PSLGPSR implemented in two phases: 2014-2019

The overall goal of the programme is to improve land governance for peace and stability and to set up an environment conducive to both economic and social recovery in DRC post-conflict settings in the three provinces of North Kivu, South Kivu and Ituri.		
Expected accomplishments/ outcomes	Outputs related to Land Conflict Mediation: Phase 1 (October 2014-May 2016)	Community participatory land use planning: Phase 2 (June 2016- December 2019)
Outcome 1: Peace and social cohesion are stimulated through prevention and resolution of land disputes	Output 1: Community members have access to mechanisms to prevent and mitigate land disputes.	<i>Output 1 reformulated.</i> Output 1: Effective community participation in land use planning and management process ensured
	Output 2: Favourable land and return conditions for IDPs and Refugees are established.	<i>Output 2 reformulated.</i> Output 2: Land tenure security for peaceful community and economic growth improved
Outcome 2: Efficient land management contributing to peace and stability is achieved	Output 1: Integrated land administration system reconciling formal and informal rights is developed.	<i>Output 3 reformulated.</i> Output 3: Tools and systems to improve land use and management acquired and functional
	Output 2: Develop options for formalizing and managing land customary systems	<i>Output 4 removed, reformulated and merged with Output 1.</i>
	Output 3: An enabling land reform framework is put in place	<i>Output 5 moved and included in Output 1.</i>

1.4 Project funding, budget and beneficiaries

The PSLGPSR programme is funded by DFID. The programme had a budget of USD19,349,013 (£14,880,992). The programme was planned for a period of 51 months starting in October 2014 and ending in December 2018. The programme had a no-cost extension for six months to end in June 2019. Funds are managed by UN-Habitat, as the implementing Agency. The primary beneficiaries of the land programme

are communities in the three provinces exposed to violence resulting from land disputes, returnees and those repatriated within communities as well as decision makers in the land administration system, including local community steering committees.

Women, youth and vulnerable Pygmy people constitute most of the target beneficiaries of the programme. Young people are highly vulnerable when it comes to land acquisition and ownership and the programme aimed at advocating youth access to land and their inclusiveness in long lasting solutions. Women and Pygmy people have been particularly vulnerable in DRC land dispute dynamics. In most customary land management systems, women are excluded from allocation and inheritance of land and the programme aimed at enhancing women's participation in the CPLIP process. The Pygmy people have been excluded from land allocation in the DRC for a long time. The programme also aimed at building capacity in land administration, focusing on key elements of land governance.

1.5 Monitoring and evaluation of the programme

The monitoring and evaluation frameworks were specified in the programme document. As per requirement of DFID, the programme would be subjected to mid-term and final evaluations. A mid-term evaluation was conducted in 2018 by an external consultant. Among the recommendations of the mid-term evaluation was to proceed with land plot activities in Gitovu, adopt a communication strategy making use of local languages and with consideration of illiterates, promote self-learning through adopted tools and languages, prepare a study on 'communication for development' (C4D) addressing the needs of beneficiaries, consider long-distance learning options and develop training on how to conduct learning for vulnerable groups and implementing agencies, as well as facilitate sharing of experiences between communities.

Recommendations from the mid-term evaluation have been implemented in terms of securing community land rights, communication in local languages for successful address of emerging needs and stakeholder capacity building. The programme addressed risks of inducing additional conflicts and ensuring key leaders' involvement during the remaining period of the programme.

1.6 Programme management

The PSLGPSR programme is managed by the Regional Office for Africa (ROAf). In the DRC, there are Programme offices located in Kinshasa and Goma, with project teams in Bunia, Bukavu and Goma. The programme is implemented in close collaboration with the Urban Legislation, Land and Governance Branch at UN-Habitat Headquarters in Nairobi.

In the field, there was also collaboration with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and UNHCR, as well as several other UN agencies. Other external partners are National Ministry of Land Affairs, National Ministry of Housing and Urban Planning, Provincial Ministers of Land Affairs, the National Land Reform Commission (CONAREF), traditional authorities, Ituri Land Commission, and two national NGOs: Action pour la Paix et la Concorde (APC) in South Kivu and Aide et Action pour la Paix (AAP) in North Kivu and two international NGOs: Search For Common Ground (SFCG) and CARITAS, as well as universities.

2. Mandate and Purposes of the Evaluation

This end-of-programme evaluation is undertaken as per requirement of the programme agreement with DFID, which specified a mid-term evaluation as well as final programme evaluation². The evaluation is also in line with the UN-Habitat Evaluation Policy (2013) and the Revised UN-Habitat Evaluation Framework (2016), which requires that programmes and projects of over USD 1 million should be evaluated by external consultants by the end of the intervention.

The evaluation will be utilization-focused, serving accountability, learning and decision-making

² As per the requirements of DFID, the Community Participatory land Use Planning Project will conduct midterm and final project evaluations. These evaluations will involve two phases and include an: internal pre-evaluation stage involving a quantitative and qualitative review of project activity data by project staff; and external evaluation, conducted by national and international consultants. The pre-evaluation report will be made available to the evaluation team. Page 29 of Prodoc. PSLGPSR and CPLUP.

purposes. It will provide a basis for accountability on how the programme achieved the intended results and determining the merits of the programme, using evaluation criteria of relevance, effectiveness, efficiency, sustainability, changes (impact), synergies and coherence. What will be learned from the evaluation findings is expected to contribute to understanding of what worked, what did not and inform UN-Habitat's and its partners' future engagement in similar projects in conflict contexts by influencing strategies, exploiting opportunities, replicating and up-scaling the implementation approach used, and generating credible value for targeted beneficiaries in addressing land governance. The evaluation will also provide recommendations to inform future decision-making that will feed into UN-Habitat and DFID engagement in DRC and other similar conflict contexts.

The intended users of the evaluation results include, but are not limited to the following: UN-Habitat programme team and management, as the implementing Agency; DFID, as the donor who provided financial and other support to the programme; national and external partners working and having decision-making roles in the land sector and in provinces where the programme is implemented.

3. Objectives of the Evaluation

The evaluation is to provide UN-Habitat and its partners with an independent and forward-looking appraisal of the programme's operational experience, achievements, opportunities and challenges, and provide recommendations on how UN-Habitat and its partners could address land issues in conflict contexts in future.

Specific objectives of the evaluation are to:

- a) Assess the appropriateness, performance and achievements of land conflict mediation and CPLUP approaches of the programme at output and outcome levels.
- b) Assess the extent to which the land programme has created '*value-for-money*' supporting peace, social cohesion and efficient land management and if the community approach and tools used have worked well or not and built capacity in the land administration system.
- c) Assess the relevance, efficiency, effectiveness, sustainability, impact outlook, synergy and coherence, and partnership and cooperation arrangements of the programme.
- d) Assess how gender and empowering of women, youth, human rights, and equity and non-discrimination of Pygmy people were addressed and mainstreamed by the programme.
- e) Assess to what extent the recommendations from the mid-term evaluation were implemented and determine the extent to which innovations were developed during programme implementation.
- f) Identify lessons and propose recommendations that can be used for further programming on land conflict in the DRC or other similar conflict contexts.

4. Scope and Focus

The evaluation will cover performance of the programme for the whole period from October 2014 to June 2019, focusing on three provinces of North Kivu, South Kivu and Ituri. The focus is mainly on assessing achievements, performance, challenges and opportunities of the programme, and crafting recommendations on how to address land as a driver of conflict in future programming.

5. Evaluation Questions

The evaluation questions provided are basic and should not be understood as exhaustive. The evaluation team will elaborate and develop an evaluation matrix with detailed evaluation questions, data collection modalities and data sources in the inception report. The evaluation questions are designed along the evaluation criteria of relevance, efficiency, effectiveness, sustainability, impact outlook, synergy and coherence. However, the evaluation will seek to answer the following overarching evaluation questions:

- (i) To what extent did the programme achieve its outputs, expected accomplishments (Outcomes) and objectives in addressing land conflict in Eastern DRC?
- (ii) To what extent did UN-Habitat collaborate and coordinate with other actors, including national, sub-national and other international partners to address land conflict and what was the added value

of UN-Habitat?

- (iii) What have been good practices and opportunities as well as critical gaps and challenges in delivery of the programme?
- (iv) What recommendations can be made for future programming on land conflict in the DRC and other similar conflict contexts?

Relevance

- To what extent did the programme's design and its intended results respond to the needs of key stakeholders including targeted beneficiaries?
- To what extent were the objectives and design of the programme relevant and aligned with national goals, policies, strategies and other frameworks that address land conflict issues?
- To what extent did the programme design and intended results take into account conditions of the DRC, and were responsive to UN-Habitat strategies, the New Urban Agenda and the SDGs?
- To what extent did the programme adopt a participatory approach to its design, including consultations with key stakeholders.

Efficiency

- To what extent were the intended results achieved within the stated timeframe of the programme?
- To what extent was the programme delivered in a cost-effective manner?
- To what extent were the institutional arrangements adequate for achieving the expected results?
- What type of (administrative, financial and managerial) internal and external obstacles did the programme face and to what extent has this affected delivery of outputs and achievement of the expected outcomes?
- What mechanisms for monitoring and reporting were built in the programme?

Effectiveness

- To what extent were the programme's intended results achieved at output, outcome and impact levels over the evaluated period?
- To what extent were results achieved inclusive by supporting the realisation of human rights, gender equality and other equity considerations?
- Which key factors influenced the achievement or non-achievement of results?
- To what extent were other cross-cutting issues of youth and climate change integrated into the design, planning and implementation, reporting and monitoring of the programme?

Impact Outlook

- Overall, what has changed because of the programme's implementation and has there been changes to partners and targeted beneficiaries in communities and the land administration system?
- Are there unintended effects (positive or negative) that arose because of the implementation of the programme?

Sustainability

- To what extent did the programme anticipate the need for the continuation of effects following its completion and prepared strategies to support such continuation?
- To what extent will activities be replicable or scaled up at local, provincial and national levels or encourage further collaboration and exchange between stakeholders?
- To what extent has the programme supported the strengthening of systems/institutions/capacities to support future development?
- To what extent will positive effects generated by the programme continue for key stakeholders and beneficiaries when the programme ends? What is the potential for scalability of the program?

Coherence and synergies

- To what extent was the programme implemented in synergy and coherent with other development actors?
- To what extent was the programme designed for complementarity with the activities of other development partners.

- To what extent was coherence achieved from the land governance perspective for peace and social cohesion and building an environment for economic and social recovery in the DRC?

6. Stakeholder Involvement

It is expected that this evaluation will be participatory, providing for active and meaningful involvement of key stakeholders. Different stakeholders are expected to contribute to the evaluation with information and practical support. While some stakeholders will be involved through interviews or surveys, others will be involved in the whole evaluation process, including design, information collection, evaluation reporting and results dissemination, with the intention of raising awareness, building ownership and enhancing utilization of the evaluation report. Entities such as UN-Habitat, DFID, other UN Agencies, including MONUSCO and UNHCR, national and local authorities, NGOs and citizens will be involved in the process through the established Evaluation Reference Group (ERG), which is an effective way of engaging stakeholders, as it provides systematic involvement.

7. Evaluation Approach and Methods

The evaluation shall be independent and will be carried out following the evaluation norms and standards of UN-Habitat and the United Nations System. While maintaining independence, the evaluation will be carried out through a participatory approach, which seeks views of key stakeholders on the programme. The evaluation team will not act as a representative of any party and remain independent and impartial.

The evaluation will be results-based in approach, based on the Theory of Change (TOC) of the programme and its logical framework. The evaluation team will be required to outline the TOC as applied for this evaluation, describing causal pathways and their **cause and effect** links to help understand how the programme was supposed to work, through which the desired results were to be achieved.

The evaluation will use mixed methods and techniques through qualitative data collection methods. The robustness of the evaluation will be dependent on triangulation of a wide variety of data and information sources. Methods to be used will include the following elements:

- a) **Review of documents relevant to the project.** Documents to be provided by relevant UN-Habitat entities and partners, and documentation available with stakeholders and beneficiaries (such documentation shall be identified and obtained by the evaluators). The evaluation team is expected to review all relevant information sources, including but not limited to the following documents:
 - Project document, results framework and implementation plans;
 - Monitoring, mid-term evaluation and mission reports;
 - Compilation of monitoring reports (study underway in June 2019);
 - Publications relevant to land reforms in the DRC;
 - Tools;
 - Training and workshop reports;
 - Strategic plans, as deemed relevant, such as UN-Habitat's Strategic Plan (2014-2019), relevant land governance plans, and other relevant policy documents;
 - Outreach and communication material related to land issues in DRC.
- b) **Key informant interviews and consultations, including focus group discussions** will be conducted with implementing partners, key national stakeholders and others, including consultants and project staff of UN-Habitat. The principles for selection of stakeholders to be interviewed as well as evaluation of their performance shall be clarified in advance (or at the beginning of the evaluation). The informant interviews will be conducted to obtain qualitative information on the evaluation issues.
- c) **Surveys, if deemed feasible,** to obtain quantitative information on stakeholders' views and perceptions.
- d) **Field visits,** as security permits, to sites to observe and meet with stakeholders, including

beneficiaries, for interviews and focus group discussions.

The evaluation team will describe evaluation approaches and methods, sources of information, expected data analysis and instruments to be used in the inception report.

8. Evaluation Management and Responsibilities

UN-Habitat will commission the evaluation. It will be managed by the independent Evaluation Unit to avoid conflict of interest and ensure credibility of the evaluation process and deliverables. The Evaluation Unit will guide the recruitment and ensure that the evaluation is contracted to suitable candidates. The Evaluation Unit will advise on the code of conduct of evaluation, provide guidance and technical support throughout the evaluation process. The Evaluation Unit will have overall responsibility of ensuring that contractual requirements are met and approve all deliverables (Inception Report with work plan, Draft and Final Evaluation Reports), once endorsed by the ERG.

The project team located in the Regional Office for Africa and in the DRC will provide logistical support, including providing information, documentation required and providing list of contacts of stakeholders to be interviewed and included in group discussions.

An evaluation reference group will be established at the start of the evaluation process with members representing the project team (ROAf), representatives from the donor, the Department of International Development (DFID), representatives of the three Provincial Ministers of Land Affairs/National Land Reform Commission (CONAREF), and representatives from the Urban Legislation, Land and Governance Branch of UN-Habitat as well as representatives of the Evaluation Unit. The role of the reference group is to contribute to the credibility, quality and use of the evaluation's findings and recommendations. The group will be responsible for acting as a source of knowledge for the evaluation; assisting in identifying other stakeholders to be consulted during the evaluation process; participating in meetings of the reference group; reviewing and providing inputs and quality assurance on key evaluation deliverables, including TORs, inception report and drafts of the evaluation report.

The evaluation will be conducted by an evaluation team of one international consultant and one national consultant. The international consultant should have both substantive and evaluation expertise. As the lead evaluator, the international consultant is responsible for meeting professional and ethical standards in planning and conducting the evaluation and producing the expected deliverables in accordance with the UN-Habitat evaluation policy and UNEG Norms and Standards for evaluation in the UN system. The national consultant will support the lead evaluator in planning and conducting the evaluation, as well as collecting data and reviewing evaluation outputs.

9. Qualifications and Experience of the Lead Evaluator

The international consultant is expected to have:

- a) Extensive evaluation experience in designing and implementing evaluations, as well as triangulation using quantitative and qualitative methods.
- b) Knowledge and understanding of UN-Habitat and its mandate.
- c) Understanding of land sector governance issues, and contextual understanding of the dynamics of land conflicts.
- d) Capacity to present credible findings derived from evidence and formulating conclusions and recommendations supported by evaluation findings.
- e) 10-15 years in results-based management working with projects/programmes in the field of land, legislation, governance and capacity building and other related fields.
- f) Advanced academic degree in political sciences, social economy, land use planning and governance, public administration, or similar relevant fields.
- g) Recent and relevant experience of working on post-conflict development projects and similar interventions in developing countries.
- h) A useful mix of experience and familiarity with public administration in Africa and other parts of the world.
- i) Fluency in French and English (speaking reading and writing).

10. Key Deliverables

