



SED DR

Supporting Effective Dispute Resolution
ඵලදායීව ආරවුල් තිරාකරණයට සහායවීම
பயனுறுதியிக்கவகையில் பிணக்கை
தீர்ப்பதற்கு ஆதரவளித்தல்

SED DR Mid Term Review (MTR)

Terms of Reference

(04 April 2022)

ACA/2019/407-605

Part of the programme



Funded by the
European Union



Implemented by



The Asia Foundation

1. INTRODUCTION & BACKGROUND

As part of the European Union's (EU) Multi-annual Indicative Programme (MIP) 2014-2020 in favour of Sri Lanka, focal sector 2 – Democratic Governance and Reconciliation, a Financing Agreement (FA) between the Government of Sri Lanka (GoSL) and the EU was concluded in October 2019 in support of the Strengthening Transformation, Reconciliation, and Inclusive Democratic Engagement (STRIDE) Programme valued at EUR 40 million, implemented over a four-year period from 2019 to 2023.

The STRIDE Programme consists of three main components:

- A World Bank-funded Local Development Support Project (LDSP)
- A UNDP-implemented Capacity Development for Local Government (CDLG) project
- The British Council-led Supporting Effective Dispute Resolution (SEDR) project

A Pillar-Assessed Contribution Agreement (PACA) with reference ACA/2019/407-605 was signed between the British Council and the European Union Delegation (EUD) in December 2019, valued at EUR 7 million, for the implementation of the SEDR project over 48 months. SEDR officially commenced its implementation on 01 February 2020, and mainly focuses in 3 target provinces and 6 districts, which are as follows: Northern Province (Mannar & Vavuniya), Eastern Province (Ampara & Trincomalee), and Uva Province (Badulla & Monaragala). In addition, some project activities are being delivered island-wide at the national level.

The Overall Objective of the SEDR project is “to strengthen dialogue between the people and the state thereby contributing to the resolution of critical underlying causes of conflict and prevention of escalation of local disputes”, while the Specific Objective is “improved dispute resolution services for both individual and community level grievances.”

The objectives of the SEDR project will be supported by delivering activities across four overarching Result Areas:

- Result Area 1: Improved functioning of Community Mediation Boards in addressing individual disputes (family, criminal and relevant property/financial disputes)
- Result Area 2: Improved and expanded functioning of Land Special Mediation Boards
- Result Area 3: Inclusive local action forums work to address shared problems and improve the resolution of community level grievances.
- Result Area 4: Senior stakeholders and officials can evidence the benefits of mediation processes through cross-agency coordination, enhanced data collection and increased awareness of how and why mediation is used.

Result Areas 1 & 2 are designed and implemented by The Asia Foundation (TAF), who have been sub-contracted by the British Council. The British Council leads the design and delivery of Result Areas 3 & 4. The British Council remains responsible for the overall implementation and management of the entire SEDR project.

Through Result Areas 1, 2, and 4 SEDR provides direct support to the national mediation programme of the Mediation Boards Commission (MBC) of Sri Lanka, under the leadership and guidance of the Ministry of Justice. Result Area 3 focus on building capacity to mediate community level grievances through

working with civil society partners at local level to address the root causes of conflict using existing platforms and fora.

The 6-month Inception Phase of SEDR commenced on 01 February 2020, however due to the impact of the Covid-19 pandemic, was extended until 31 January 2021 (Year 1). SEDR, in line with the provisions of the PACA, plans and budgets for its activities across all four Result Areas via a consolidated Annual Workplan cycle. The Year 2 workplan covered the 12-month period from 01 February 2021 until 31 January 2022. The current SEDR Workplan covers the 12-month period (Year 3) from 01 February 2022 until 31 January 2023.

Although SEDR technically reached the halfway point of its project life cycle (24 months) on 31 January 2022, overall progress towards the delivery of results has been slow and remain significantly behind schedule, while evidence of change at the outcome level may require additional time. Covid-19 related restrictions, which caused significant delays during the extended inception phase (Year 1), also continued to adversely affect the planning and delivery of most activities contained in SEDR's Year 2 annual workplan.

Project governance is assured through a SEDR Technical Coordination Committee (TCC) which meets quarterly to receive progress updates from the project, while SEDR also provides six-monthly progress updates to the national Steering Committee of the EU's overarching STRIDE programme. Annual progress reports are submitted by SEDR to the EU Delegation, as per the requirements of the PACA.

SEDR is committed to a gendered and inclusive approach to the formulation and delivery of its project activities across all four of its Result Areas, seeking to ensure women and marginalised groups have agency and voice in local level dispute resolution and mediation services in Sri Lanka.

A Results Oriented Monitoring (ROM) mission of the SEDR project was conducted at the end of Year 2.

As part of the effective Monitoring, Evaluation, and Learning (MEL) of SEDR, this assignment is foreseen to conduct an independent external Mid Term Review of SEDR by a small team of consultants in line with the provisions of this Terms of Reference. Consultant profiles are presented in section 2 of this document.

2. DESCRIPTION OF THE ASSIGNMENT

2.1 Overall Objective

The overall objective of this assignment is to conduct a Mid Term Review (MTR) in order to serve as a formative evaluation of the progress of SEDR against its anticipated results as specified in the project's logical framework (logframe)¹.

2.2 Specific Objective

The specific objective of the MTR is to evaluate the achievements of SEDR to date and provide recommendations and any adaptations required for the remaining period of implementation and beyond – if deemed necessary. In line with the British Council's approach to evaluation, this MTR of the project's

¹ Appended to the Year 3 Annual Workplan, as revised.

overall performance against its anticipated results should be conducted using the following OECD/DAC and EU evaluation criteria and methodology²:

1. **Relevance:** This relates primarily to project preparations, design, and the extent to which the stated objectives coherently address the identified problems or real needs; the responsiveness of the project to the physical and policy environment i.e., main political, social and economic factors as well as geographical coverage of the project and the pertinent policies/positions of various stakeholders including the Government of Sri Lanka, the EU, other development partners and interest groups; the consistency of the activities in relation to the overall goal and attainment of objectives; consistency of activities with intended impact and effects.
2. **Efficiency:** This concerns how well the various activities of the project transformed the available resources into intended results in terms of quantity, quality, value for money, and timeliness. This includes a review of the project's governance and management structure, with attention paid to the PACA modality, and the chosen intervention methods and how monitoring and evaluation has been designed and further carried out. Attention should be paid to the problem analysis undertaken as part of project review exercises and how this informs project design and iterations. Particular attention should be paid to the effect of the Covid-19 pandemic on the timely completion of planned activities within the 48-month implementation period.
3. **Effectiveness:** This component concerns the extent to which the project results have contributed towards the achievement of the purpose (including a consideration of the assumptions) or whether it can be expected to happen in future on the basis of the current outputs and results of the project. Attention should also be paid to results or effects – both positive and negative – not included in the original/revised intervention logic. Attention also needs to be paid to whether the assumptions, required to translate project results into purpose, have been realised and if not, whether the assumption are likely to be realised in future.
4. **Impact:** Assess the positive and negative changes produced by the project so far, directly or indirectly, either intended or unintended. This concerns what is happening as a result of the implementation of the project, how many people are being reached and the difference the activities are making in people's lives and if the project's approach is evolving in response to emerging needs.
5. **Sustainability:** The sustainability criteria will look into whether the benefits of the project are likely to continue after the implementation period and current funding comes to an end. It should include a discussion of the factors influencing the achievement or non-achievement of potential sustainability of the project.
6. **Coherence:** The coherence criteria will examine the extent to which the activities are in sync with the EU's development policies and do not contradict other EU policies. The complementarity with partner country initiatives or those of other development partners to demonstrate how the different actions are mutually reinforcing or not, should be assessed. The extent to which the action is likely to contribute to or contradict other EU policies should also be assessed.
7. **EU added value:** This group of criteria is related to the principle of subsidiarity and relates to whether the EU-funded activity has added benefits to what would have resulted from an intervention implemented just by individual EU member states.

2.3 Requested Services

² <https://www.oecd.org/dac/evaluation/> AND https://ec.europa.eu/international-partnerships/system/files/evaluation-matters_en.pdf

The 2 consultants (evaluation team) recruited for this assignment, are required to carry out the MTR as a formative evaluation of SEDR in accordance with the seven criteria set out above. The evaluation team should pay particular attention to relevant cross cutting issues such as human rights, gender, good governance, social cohesion and others to assess the extent to which these factors have been taken into account in the identification/formulation documents and the extent to which they have been reflected in the implementation of the project and its monitoring.

The evaluation team is requested to:

1. Attend a kick-off session/call with the SEDR team and key stakeholders³ on 09 May 2022, at the start of the assignment, to discuss the scope of the tasks to be performed and to deal with any questions or clarifications the evaluation team may have regarding the terms of reference for the assignment.
2. Prepare a draft Inception Report for the MTR, with proposed evaluation questions (for each of the 7 criteria), draft data collection tools, methodology and approach including a workplan and timeline for completion of the MTR, which shall be presented to the SEDR team and key stakeholders for comments, prior to commencement of the review and no later than 13 May 2022.
3. Conduct the MTR commencing in mid-May 2022, including the following steps:
 - a. Review all relevant project documents including the Description of the Action (DoA), background literature, relevant research, applicable legislation and GoSL policies, SEDR annual progress reports, SEDR annual workplans, SEDR project management records, the ROM mission report and any other documents relevant to the specific objectives of MTR.
 - b. Conduct key informant interviews and/or Focus Group Discussions (FGD) with SEDR team members, relevant implementing partners, key stakeholders and project beneficiaries in SEDR target provinces and districts - identified in consultation with SEDR team.
 - c. Conduct key informant interviews and/or Focus Group Discussions (FGD) with national justice sector actors, stakeholders and relevant development partners in the rule of law, access to justice, alternative dispute resolution and social cohesion fields in Sri Lanka.
 - d. Prepare and submit a first draft MTR report containing findings of the analysis, emerging issues and key recommendations. This will be presented to the SEDR team and key stakeholders during a half-day meeting facilitated by the MTR team, in order to obtain initial comments and feedback.
 - e. Submit a final MTR report incorporating feedback from the SEDR team and key stakeholders.

Ideally key informant interviews and/or Focus Group Discussions (FGD) will be conducted face-to-face in the field - however, due to the prevailing and evolving Covid-19 pandemic situation in Sri Lanka, some interviews may have to be done remotely.

2.4 Required Outputs/Deliverables

The main outputs to be produced by the evaluation team are the following:

1. A draft Inception Report, submitted to SEDR no later than 13 May 2022 and a final Inception Report, incorporating feedback no later than 18 May 2022.
2. A first draft MTR Report and summary PowerPoint presentation submitted to SEDR no later than 20 June 2022.

³ For the purpose of the SEDR MTR assignment, this includes the Ministry of Justice, the Mediation Boards Commission, the EU Delegation, British Council and The Asia Foundation.



3. A Final Report – maximum 40 pages in length (without annexes), submitted to SEDR no later than 18 July 2022, containing the following structure:
 - a. Executive Summary
 - b. Relevance of the project
 - c. Project Preparation and Design
 - d. Efficiency
 - e. Effectiveness
 - f. Overall Outcome and Impact
 - g. Overall Quality/Sustainability/Replicability
 - h. Overall coherence and EU added value
 - i. Findings, Conclusions and Recommendations
 - j. Lessons learned

4. Annexes to the MTR Report including the following:
 - a. Logframe with suggested revisions
 - b. A map of the project areas
 - c. MTR Terms of Reference
 - d. Curriculum Vitae of evaluators
 - e. Consultant comments on the MTR Terms of Reference, if any
 - f. Methodology used, including a list of key questions covering the evaluation criteria revised data collection tools
 - g. List of persons/organisations consulted
 - h. List of project documents and literature reviewed
 - i. Any other technical annexes deemed necessary

3. CONSULTANT PROFILE

3.1 Profile required (language, education, experience)

The following type of expertise are required:

Position	Designation	Type of Expertise	Duration (working days)
1	Evaluation Team Leader	Rule of Law, Access to Justice and Social Cohesion as well as Evaluation	30
2	Evaluator	Alternative Dispute Resolution	30

The indicative breakdown of the level of effort for each consultant is as follows:

Indicative/Proposed Activity	Indicative No. of Input Days
Kick-off briefing with the SEDR team and presentation of the Inception Report	2
Desk review and assessment of relevant documents	5
Key Informant Interviews	10
Preparation of first draft report and consolidation of analysis	8
Preparation and facilitation of key stakeholder session to present and discuss preliminary findings of MTR	2
Revise and update draft report based on outcomes and discussions at stakeholder workshop as well as feedback and comments	3
TOTAL DAYS	30

The experts should have the following skills and competences:

- Fluency in communicating in English, Sinhala and/or Tamil is preferred.
- Strong written English competence.
- Excellent analytical competence and interview skills.
- Active listening skills.

Profiles required (Education, General and Specific Experience):

POSITION 1 – EVALUATION TEAM LEADER: Expert in Rule of Law, Access to Justice and Social Cohesion

Qualifications and skills

- Master’s degree preferably in good governance, international development, human rights or related field.
- Proven ability to evaluate, review and analyse the content of public sector development programmes/projects as they relate to the rule of law and justice sector.

General professional experience

- Minimum 10 years’ relevant professional experience in the area of rule of law and justice sector reform in a developing country context.
- Proven experience in conducting independent external evaluations/reviews in the area governance/justice reform and/or international development is a key requirement.
- Knowledge and experience in the use and application of EU/DAC Evaluation Criteria is essential.

Specific professional experience

- Proven knowledge and experience in the analysis and assessment of public sector reform/capacity building projects.
- Knowledge and experience in the design and/or delivery of governance and justice capacity building approaches in developing country contexts, are essential.
- Experience of working on governance, justice and social cohesion efforts in Sri Lanka is preferred.

POSITION 2 – EVALUATOR: Expert in Alternative Dispute Resolution (ADR)

Qualifications and skills

- University degree preferably in law, human rights, good governance or related field.
- Proven ability to evaluate, review and analyse the content of public sector development projects as they relate to the rule of law and justice sector.

General professional experience

- Minimum 5 years' relevant professional experience in the area of rule of law and justice sector reform in Sri Lanka.
- Proven experience in conducting independent external evaluations/reviews in the area governance/justice reform and/or international development.

Specific professional experience

- Proven knowledge of Alternative Dispute Resolution (ADR) models and approaches in the Sri Lanka context is essential.
- Experience of working in governance, justice and social cohesion efforts in Sri Lanka is a key requirement.
- Knowledge and experience of integrating gender equality and social inclusion in work in the above sectors will be an added advantage.
- Knowledge and experience of the National Mediation Programme in Sri Lanka will be an added advantage.

3.2 Location and duration

The assignment will primarily be based in Colombo during the months of May to July 2022, with some travel required to the Northern, Eastern, and Uva provinces.

3.3 Administrative support, logistics & fees

Consultants will be responsible for all their own local travel, accommodation, interpretation, translation and interview/FGD arrangements, as well as their own secretarial support for the duration of the assignment. Fee rates quoted should be all-inclusive and therefore make provision for such expenses.

4. REPORTING AND LANGUAGE

The written reports should be prepared in the English language in Ms Word and PDF formats and finalised as per the guidelines provided by the SEDR in section 2.4 above. More detailed guidance regarding formatting of reports will be provided to consultants during the kick-off meeting.

5. ADMINISTRATION

The Evaluation Team Leader (Position 1) is responsible for the timely production and delivery of the outputs of the assignment as specified in section 2.4 above. Both consultant(s) will be working closely with and report directly to the Team Leader of the SEDR project in Colombo, Sri Lanka. The Team Leader of the SEDR project will be overall responsible for the management of the assignment, with support from relevant SEDR project management staff.

6. APPLICATIONS

SEDR is inviting suitably qualified consultants to apply for the two expert roles as part of this Mid Term Review assignment.

Interested Sri Lanka-based consultants should submit a detailed recent Curriculum Vitae and cover letter, clearly indicating their rationale for applying, for which position they apply, as well their proposed all-inclusive daily fee rate in Euro.

Curriculum Vitae and cover letters should be submitted via e-mail to SEDR@britishcouncil.org by 12:00 noon Sri Lanka time on Monday 25 April 2022. Submission email should include the following subject line: "SEDR MTR Position [insert position #] application - [insert name]"

Note: The British Council is the United Kingdom's international organisation for cultural relations and educational opportunities. The British Council is committed to safeguarding children, young people and adults who we work with. Appointment to positions where there is direct involvement with vulnerable groups will be dependent on thorough background and due diligence checks in line with legal requirements and with the British Council's Safeguarding policies for Adults and Children.