Terms of Reference

for the

Mid Term Review

of the

Engaging Stakeholders in Environmental Conservation Project (ESEC II)

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1. Introduction

This Terms of Reference (ToR) provides the framework for the Mid-Term Review (MTR) of The Asia Foundation’s Engaging Stakeholders in Environmental Conservation Project Phase II (ESEC II, hereinafter referred to as “the Project”) which is funded mainly by the Swiss Agency for Development and Cooperation (SDC). The Project was launched in August 2013 and is due to end in December 2016. Thus, the MTR is taking place after 24 months of implementation.

2. Subject of the Review: Engaging Stakeholders in Environmental Conservation Phase II (ESEC II)

The Project aims to enhance the contribution which Mongolia’s artisanal mining sector makes to sustainable human rights-based local development, which includes respect for the right to decent work and the right to a healthy environment. In order to achieve this goal, the project aims to mitigate environmental impacts from historic and current artisanal and small-scale mining (ASM) in Mongolia. It seeks to do so through the attainment of three outcomes which address the key problems identified during the Project’s design phase. The expected Project outcomes and outputs are shown in Figure 1.

Outcome 1: Competent authorities endorse sustainable green ASM technologies. The Project is facilitating the implementation of frugal environmental rehabilitation on abandoned degraded land by ASM NGOs.

Outcome 2: Local stakeholders establish multi-stakeholder negotiation platforms to develop consensus-based and co-financed soum-level ASM environmental action plans for resolving ASM related problems. SDC’s Sustainable Artisanal Mining Project (SAM) and ESEC I demonstrated that appropriate technological tools are necessary but not sufficient to ensure change. Local multi-stakeholder negotiation platforms (LMCs) are necessary to resolve conflicts arising from ASM activities and achieve a consensus on environmental solutions which can be incorporated in an ASM environmental plan.

Outcome 3: Local stakeholders resolve environmental ASM problems by jointly implementing and financing the agreed soum level ASM environmental action plan. The Project will support stakeholders to monitor co-implementation and co-funding, and hold the relevant authorities to account for ensuring compliance. Through official and community monitoring, an appropriate standard of environmental rehabilitation will be achieved in participating soums.

Figure 1  ESEC II Outcomes and Outputs
The Project is considered an essential component of SDC’s strategy for formalizing ASM in Mongolia because of its focus on delivering complimentary environmental outcomes.

3. Background to the Project

Mongolia is endowed with rich mineral resources which now account for at least 20% of GDP. Since 1990 there have been significant economic and social shocks, including transition after the withdrawal of Soviet support and a series of dzuds. The former led to massive loss of formal jobs and the latter to the deaths of millions of herd animals and a destabilization of the economy and settlement pattern of rural and urban Mongolians.

Following these shocks, many rural unemployed Mongolians found employment opportunities in artisanal and small-scale mining (ASM). Estimates of the number of people employed in the ASM sub-sector vary from 38,000 to 100,000 depending on definitions used; but given that formal mining employs only some 46,000, the number employed in ASM is substantial. Approximately 90% of all ASM activity in Mongolia is focused on gold production, either through alluvial or hard-rock mining. The Mongolian ASM environment is influenced internationally, by the fluctuations in the gold market, and nationally, by fluctuations in the national economy. ASM is both a lucrative economic enterprise and a contingency for unemployed rural and urban Mongolians.

At the time of the Project was designed (2012-2013) Mongolia had experienced a number of years of unprecedented economic growth (11-17.5%), largely due to the growth in the large scale mining sector. At the time of project launch there was significant confidence in both private and public sectors that resources would be available to invest in local government level initiatives under the guidance of national government, particularly the Ministry of Mining (MoM). Since the project was launched in August 2013, the national economy has slowed considerably, largely through reduced foreign investment and a reduction in foreign markets for mineral resources, upon which Mongolia’s economy depends. Current growth rates in Mongolia are estimated to be in the region of 7.5% per annum, and this is regarded as optimistic. Such a slowdown has resulted in reductions in local government budgets and has seen aimag and soum governments unable to invest in public spending as planned, and associated adjustment of local government priorities. Thus the Project is being implemented in a changing economic environment, which has implications for the status of the ASM sector as well as changed local government priority-setting.

The Project was designed to be complementary to the Sustainable Artisanal Mining Project (SAM). During the two years that ESEC II has been operational SAM has finished its 3rd Phase and launched its 4th Phase (2015 – 2018), with refocused priorities.

4. Objectives, Scope and Approach

Objectives

The External Mid Term Review (MTR) will focus on relevance, efficiency, effectiveness and sustainability of the project implementation during Aug 2013 – Aug 2015 and will assess such delivery at the output level and outcome level, taking into account factors both internal and external to the project’s performance. An objective of the MTR is also to undertake an updated assumptions and risk assessment for the project (as of 2015) in light of the context changes, and make suggested recommendations for any mid-project adjustment in order to meet expected and realistic project outcomes. Using DAC Principles for the Evaluation of Development Assistance, the MTR team will:

(i) review Project outputs and outcomes to date, report on performance of the Project against its stated outcomes plus any unintended outcomes and determine if the Project is on track to achieve anticipated outcomes,

(ii) assess changes in the context in which the Project is being implemented vis-à-vis the context described in the ProDoc and update assumptions and risks in the approved logframe (May 2014). This will assess whether such assumptions remain relevant to the current context and whether the risks analysis remains adequate or requires updating. This will require to review any significant contextual changes that may be relevant to the project delivering on its outcomes, such as political and legislative changes, dynamics of ASM communities, fluctuations in the economic situation that influence availability of government and private sector funds.

(iii) based on the performance of the Project to date and the current socio-political and economic context, document lessons learned and recommend any necessary mid-term adjustments needed to meet expected and realistic project outcomes and enhance sustainability.
Scope

The breadth and depth of the MTR will be informed by the guiding questions shown in Section 5 applied to the tasks shown in Section 6, with reference to the Project’s outcomes as stated in the revised logframe of May 2014. The review will assess overall ESEC II product development and implementation, as well as implementation of its diverse parts (under Outcomes 1, 2 and 3), in the light of current political, economic and social context in Mongolia, and how that may have changed since project design, inception and launch. Given the dependence on project implementation on national and local government, as well as the economy of the ASM sector, political and economic factors influencing project implementation will require attention and analysis. The timeframe in which to focus review is defined by initial period of ProDoc development and then project launch and implementation (August 2013 - July 2015).

Approach

This assessment will be carried out during Aug-Sep 2015 and the approaches employed will cover:

1) Key project document review.
2) Current contextual analysis with reference to assumptions and risks identified in the logframe and M&E indicators
3) Participatory interviews with key stakeholders, informants and especially beneficiaries, i.e. the ASM communities and NGOs representing them
4) Gather and analyze data on progress with project workplan outputs toward outcomes
5) Undertake analysis of project’s strengths and weaknesses, as well as highlighting opportunities for improved project adjustment and threats to outcome delivery
6) Project Impact and outcome sustainability assessment.
7) Assess project with respect to its delivery regarding Human Rights Based Approach (HRBA) and Gender Mainstreaming
8) Review and assessment of environmental tools and stakeholder engagement processes developed.

5. Guiding questions

These guiding questions are intended to provide overall guidance to the drafting of the evaluation design matrix and primary qualitative research. They will be developed and finalized by the review team.

Relevance

• To what extent are the objectives of the Project still valid in 2015, over half-way through the project?
• Do the activities and outputs of the Project remain aligned and consistent with the overall goal and the attainment of the three outcomes?
• Does the Project remain relevant in relation to the needs and priorities of the intended beneficiaries and stakeholders, and in relation to the changing country context?

Effectiveness

• To what extent have the Project’s outcomes been achieved or are likely to be achieved?
• At this time, what are the major internal and external factors influencing the achievement or non-achievement of the outcomes?
• Is the project design, timescale and its enabling budget the most effective approach to achieving Project outcomes?

Efficiency

• Are the project’s activities cost-efficient? How economically are resources (funds, expertise, time, etc.) being converted into results?
• Are the investment and recurrent costs justified, or could the same results be achieved with fewer resources?
• Are objectives being achieved on time?
• Given the analysis of internal and external factors influencing outcomes (above), is the project design, timescale and its enabling budget the most efficient approach to addressing the project’s objectives?

Sustainability

• Are national stakeholders taking ownership of the Project?
• Are local relevant stakeholders, including ASMs, local government, and wider stakeholders taking ownership of the Project approaches for developing and implementing environmental and HRBA-based best practices?
• Are there signs of replication and up-scaling? If not, what are the internal and external hurdles preventing this?
• To what extent are the benefits of the project likely to continue after SDC/TAF funding ceases?

Outcomes and Results
• To what extent has the project made progress with respect to achieving its stated outcomes?
• What factors are responsible for achieving such progress to date?
• What intended and unintended outcomes has the project achieved to date?
• How do such outcomes link and relate to each other? Do they contribute to an overall achievement of the project goal?

Lessons Learned and Recommendations
• At 24/41 months, what lessons can be learned from the implementation to date with regard to the project’s relevance, effectiveness, efficiency, sustainability and ways of bringing about change?
• What are the recommendations for improving achievement of outcomes?
• Are there recommendations for adjusting/modifying the design of the Project that may be applied for the duration of its remaining 17 months?

6. Methodology

Informed by the guiding questions proposed in Section 5, above the Mid Term Review team will undertake the following tasks.

1) Comprehensive Review of Available Reference Documents: The Project will provide the review team with relevant documents to ensure an in-depth understanding of the project. These will include but are not limited to: the original project document (ProDoc July 2013), Baseline Perception Survey (2014), annual and semi-annual reports to SDC (2013, 2014), project workshop and training reports, SDC annual report 2014, SAM IV project document, WHO 2014 ASM health assessment, 2014 mercury assessment, TAF 2013 ASM gender assessment, formal publications produced by the project, documentaries and other relevant materials, such as, MoUs and joint workplans with government ministries, selected grants to local partners.

2) Review of state policies and laws: This will include, but may not be limited to, the State Policy on Minerals Sector 2014 -2025, the amended 2014 Law on Mining, ASM regulation 308, the 2015 ratification of the Minamata Convention, and the 2014 National Strategy on Green Development.

3) Prepare Evaluation Design Matrix and MTR Workplan: Thorough preparation ahead of the Mid-Term Review’s team commencement of work in Mongolia, is a key requirement. As a first step, the review team will conduct the comprehensive review of reference documents. After that, the team will hold telephone/skype interviews with Project staff and implementing partners to address queries. Based on the document review and the telephone/skype discussions, the team will draft a MTR design matrix and work plan for the MTR. This will be shared with Project partners by TAF, before they formally approve it.

4) Primary qualitative research: The review team will make three or four visits to selected project soums and, where relevant, associated frugal rehabilitation demonstration (FRD) sites to meet stakeholders. They will also meet stakeholders in Ulaanbaatar. The review team will conduct primary qualitative research through, for example, key informant interviews and focus group discussions with relevant stakeholders, including project staff. Interview should include but not be limited to representatives from the following organizations:
   • Ministry Of Mining (MoM)
   • Minerals Resources Agency of Mongolia (MRAM)
   • Ministry of Environment, Green Development and Tourism (MoEGDT)
   • Generalized Agency for Specialized Inspection (GASI)
   • Ministry of Labour
   • SDC’s Sustainable Artisanal Mining Project (SAM)
   • Relevant aimag and soum governors (Local governors, officials, and citizens’ representatives (CRKh) in ESEC II Project soums)
   • Mongolian National Mining Association (MNMA)
   • Wildlife Conservation Society (Mongolia office)
   • Consultants involved in the delivery of ESEC II outputs
   • ASM NGOs and environmental NGOs implementing project outputs
   • ASM Federation
   • Responsible Mining Initiative
   • Local Multi-stakeholder Councils (LMCs)
   • WHO Mongolia
• National Council on Toxic and Hazardous Chemicals
• Other relevant parties identified during the preparation stage

5) **Contextual Analysis**: The review team will compare the context in which the Project is being implemented to that existing when the Project was designed. The contextual analysis will cover, but not necessarily be limited to, the political and legislative environment, changing dynamics of ASM communities, the national economic situation and the availability of government and private sector funds. The review team will examine the effect that contextual change has had on the priorities of key stakeholders.

6) **Review and assess the stakeholder engagement process and the environmental tools developed by the Project.**

7) **Assess the degree to which the Human Rights Based Approach and gender mainstreaming have been successfully inculcated into the Project.**

8) **Review and analyze progress towards Project Outputs and Outcomes**: The review team will analyze the progress made toward Project outputs and outcomes. They will comment on whether outputs and outcomes and their indicators remain aligned and appropriate and what revision, if any, are necessary.

9) **Revision of Risks and Assumptions**: The team will revise the risks and assumptions in the logframe in the light of the contextual analysis.

10) **Assess Impact and Outcome Sustainability**: The review team will identify strategies for improving the Project’s impact and sustainability. The final report should include complementary activities to be initiated within the project, including approaches to collaborating with other projects in Mongolia to contribute to the sustainability and diversity of the Green Development Agenda.

11) **SWOT Analysis**: The review team will analyze the Project’s strengths and weaknesses; identify opportunities for improvement and identify threats to outcome achievement (internal and external).

12) **Record lessons learned to date.**

13) **Recommend mid-term adjustments needed to enable the Project to meet its outcomes.**

The review team will collaborate closely with the Project’s key stakeholders in order to ensure that the findings of the MTR are credible, verifiable, take into account a broad spectrum of perspectives and will be useful in making recommendations that can be taken forward in project implementation to project-end (2016). The review team will work together with The Asia Foundation, the Project Team and relevant leading government partners, particularly the Ministry of Mining and others represented on the Project Advisory Committee (PAC). SDC, the major donor of the project, will be present at an introductory briefing meeting at the outset and will be interviewed during the course of the review. SDC will also be consulted on the findings and recommendations for mid-term project adjustments.

At the end of the in-country mission, the review team will hold a debriefing with the SDC Office and The Asia Foundation in Mongolia.

7. **Deliverables**

Two distinctive products are expected from the Mid Term Review team:

1. **MTR work plan**: A work plan shall be developed ahead of the in-country visit to Mongolia, submitted for review by key stakeholders and formal approval by The Asia Foundation in Mongolia. The work plan will describe the key stages of the review process and its time line and establish clear roles and responsibilities for the review team members, the commissioning organization and other stakeholders in the review process. The work plan will contain the evaluation design matrix which will elaborate on primary qualitative research methods to be used and the guiding questions.

2. **Mid Term Review Report**: The main output of the evaluation shall be a detailed MTR report which meets the objectives set out in Section 4. It will include a table of contents, an executive summary, a narrative summary of how the MTR was conducted, a narrative of findings per outcome (structured around the guiding questions), SWOT analysis, revised assumptions and risks and a section on specific recommendations for mid-project adjustments. The report should be objective and factual, so that it can be distributed and shared with all major stakeholders. The length of the report should not exceed 30 pages excluding annexes. An outline of the report’s structure should be shared with TAF for approval by the debriefing during the in-country mission. Findings and recommendations will be captured in the evaluation report, which is to be submitted after the in-country mission, on 9th October 2015.

8. **Timeframe**

The review process will formally start on July 25th, and conclude by September 15th, 2015. The in-country review mission is proposed to take place in Mongolia within but not necessarily throughout the period August 3rd to 28th, 2015 (negotiable). The final report will be submitted on 9th October 2015.
9. **Review Team**

Although not fixed at this time, TAF envisages a Mid Term Review Team comprising:

- An international, independent consultant experienced in development project and programme evaluation, preferably with experience of the artisanal and small-scale mining (ASM) sector, environmental and governance issues, and project management and reporting.
- One national, independent consultant, with a sound environmental background, experienced in the ASM sector and with knowledge of the sector’s issues, having a good understanding of governance issues, and fully aware of the political and economic context within which the project is being implemented.

All members of the review team need proven experience and expertise in all aspects of project cycle management: project planning / design; implementation; and in particular project evaluations / reviews. In addition, the team members are expected to have a thorough understanding of development processes from both a technical/capacity building and politico-economic perspective. Sound interpersonal and report writing skills are essential. Previous experience on a project review team is a key requirement.

The Review will be led and managed by the international consultant who will be responsible for drafting and delivering the MTR evaluation report to the agreed schedule. The Mongolian-based consultant will serve as a regular point of contact between the review team and The Asia Foundation. The Asia Foundation Office will provide support to the review team by (1) setting up the mission schedule and logistics; (2) contextualizing findings, conclusions and recommendations; (3) providing political and economic insights; (4) assuring necessary interpretations and translations English/Mongolian; (5) assisting in stakeholder engagement and workshop facilitation; and (6) providing written inputs as requested by the review team.