

## Call for Proposals – External Evaluation

<b>Short-term Consultancy:</b>	External evaluator or evaluation team
<b>Location:</b>	Evaluation preparation, data analysis, and reporting phases: Chiang Mai, Thailand (preferred) or remote Data collection phase: Northern Thailand; Myanmar
<b>Application Deadline:</b>	<b>April 28, 2019</b>
<b>Consultancy Time Period:</b>	May - August 2019 (exact dates TBD)

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**EarthRights International** (ERI) is a non-governmental, non-profit organization that combines the power of law and the power of people in defense of human rights and the environment, which we define as “earth rights.” We specialize in fact-finding, legal actions, training of grassroots and community leaders, and advocacy campaigns. EarthRights International seeks to defend earth rights by working closely with communities to find real solutions that promote and protect human rights and the environment.

EarthRights International is seeking a professional evaluator or evaluation team to conduct an external evaluation of ERI’s work in the Mekong region that is funded by the Swedish International Development Cooperation Agency (SIDA). The evaluation will examine ERI’s work funded by SIDA during the period of October 2015 to December 2018. The primary purpose of the evaluation is formative: to identify areas for program improvement and inform program decision-making.

The consultancy will be managed by ERI’s Asia office located in Chiang Mai, Thailand. The data collection phase will take place in northern Thailand (including Chiang Mai) and Myanmar. Other phases of the evaluation can be carried out remotely in close coordination with ERI. However, ERI prefers the Consultant to be based in Chiang Mai, Thailand to the greatest extent possible during the consultancy period.

EarthRights International invites proposals to conduct an external evaluation as per the attached TOR (see Page 2 onwards).

Applications and inquiries should be sent to the email address “[apply-sea@earthrights.org](mailto:apply-sea@earthrights.org)” referencing “Short-Term Consultancy – External Evaluation” in the subject line.

## TERMS OF REFERENCE – EXTERNAL EVALUATION

<b>Short-term Consultancy:</b>	External evaluator or evaluation team
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### A. Summary

EarthRights International (ERI) is seeking a professional evaluator or evaluation team to conduct an external evaluation of ERI’s work in the Mekong region that is funded by the Swedish International Development Cooperation Agency (SIDA). The evaluation will examine ERI’s work funded by SIDA during the period of October 2015 to December 2018. **The primary purpose of the evaluation is formative: to identify areas for program improvement and inform program decision-making.**

**The consultancy will be managed by ERI’s Asia office located in Chiang Mai, Thailand.** The consultancy period is approximately May - August 2019 and covers the methodology finalization, documentary review, data collection, data analysis, consultation, workshop/presentation, and reporting phases of the evaluation. **The data collection phase will take place in northern Thailand (including Chiang Mai) and Myanmar. Other phases of the evaluation can be carried out remotely in close coordination with ERI. However, ERI prefers the Consultant to be based in Chiang Mai, Thailand to the greatest extent possible during the consultancy period.**

### B. Evaluation Purpose and Use

**The primary purpose of the evaluation is formative:** to identify areas for program improvement and inform program decision-making. **Additional evaluation purposes include summative and process.** The evaluation purposes are described in the below table.

Evaluation Purposes	
Formative (main purpose)	<ul style="list-style-type: none"> <li>▪ Identify areas for program improvement for ERI</li> <li>▪ Inform program decision-making for ERI</li> </ul>
Summative	<ul style="list-style-type: none"> <li>▪ Provide an evaluation report which ERI will submit to SIDA</li> </ul>
Process	<ul style="list-style-type: none"> <li>▪ Through participation in the evaluation process, ERI staff will increase their skills and knowledge about evaluation</li> </ul>

**ERI is the primary intended user of the evaluation and will apply evaluation findings and implement recommendations.** ERI intends to use the evaluation findings in the following ways:

- Improve and develop programs
- Inform organizational and program management structures

- Inform ERI's next proposal submission to SIDA (proposal development will begin in July 2019)
- Inform the development of the ERI Strategic Plan 2020-2024 (currently in process)

The **stakeholders** who can affect or be affected by the evaluation, and who therefore have an interest in the evaluation, include the environmental and human rights activists, communities, partner organizations, and networks which ERI works with directly.

### C. Program Overview

As an international NGO with deep roots in the Mekong region, ERI is uniquely positioned to ensure that the concerns and desires of those affected by development projects are authentically and meaningfully included in decision making. By ensuring regional communities, activists, and lawyers are equipped with the knowledge and skills to demand their rights; by using judicial and non-judicial mechanisms to hold corporations and governments accountable; and by participating in and helping to strengthen regional networks of civil society and non-governmental organizations in order to effect change at the local, national, regional and global levels, ERI is working to shift the balance of power in the region from corporations and governments towards people and communities.

**The evaluation will examine ERI's work funded by SIDA during the period of October 2015 to December 2018.** During this time period, the following programs and projects were implemented:

**EarthRights School (ERS):** ERI has long recognized an overwhelming need in the Mekong sub-region to provide grassroots activists and campaigners with the knowledge, capacity, and connections required for the defense of community and environmental rights and the pursuit of justice. Established in 1999, the EarthRights School is a unique, seven-month residential program that is designed to build power, to put legal tools into the hands of frontline activists and NGOs, and to help communities protect their rights and environments in the face of unjust and exploitative development projects. In addition to providing training in fundamental human rights and environmental issues, one of the program's principal, overarching themes is leadership: ERI aims to invest in a small group of outstanding individuals who will return to their homes to lead, inspire, and train others. The school is based at the Mitharsuu Center for Leadership and Justice in Chiang Mai, Thailand. Upon graduation, the students join a growing network of alumni across the region with whom they may collaborate and share knowledge in pursuit of a common goal – that the region's development is shaped by and benefits local people, as opposed to powerful business and government actors. To date, there are close to 400 ERS alumni working in communities across around the region.

**Earth Rights Defender (ERD) Program:** Through the EarthRights Defender (ERD) Program, ERI aims to protect the rights and spaces necessary for civic participation and support civil society by equipping earth rights defenders (ERDs) with the tools and systems they need to do their work in a more secure and sustainable manner.

ERI employs a four-pronged approach to ensure that ERDs can carry out their legitimate activities protecting the environment and communities they represent, as well as to safeguard the political spaces needed to carry out human rights work and environmental advocacy:

- 1) Protect ERDs from identified threats through personal, digital, and organizational security capacity-building *externally for our networks on the ground and internally for ERI staff*

- 2) Prevent attacks on ERI and partners before they occur by *developing and implementing organizational and individual security policies* and *strengthening a regional network of ERDs*
- 3) Reveal threats and abuses against ERDs by *bringing to light and publicly spotlighting* the perpetrators of the abuse and the courageous resilience of ERDs
- 4) Redress harms and deter future abuse by holding perpetrators and aggressors legally accountable through *urgent response action* and *ongoing legal defense* of ERDs

**Mekong Legal Advocacy Institute (MLAI):** Each year, ERI trains junior lawyers from the Mekong region through MLAI, its annual two-week intensive program that aims to inspire and train the next generation of young legal advocates seeking to use the law and legal advocacy as tools for human rights and environmental justice. Participants attend to learn about subjects that are not traditionally part of local law school curricula – including Environmental Impact Assessments (EIA), human rights, and international financial institutions – and also receive training on ERI’s Community Corporate Engagement (CCE) project insofar as it relates to legal strategies.

**Community Corporate Engagement (CCE) project:** The CCE project aims to support local communities in the Mekong region impacted by large scale private sector development projects to lead their local information-gathering (i.e. Community Resource Mapping), dialogue, and advocacy processes intracommunity, with private sector, government and other stakeholders to collectively address harms caused by business activities. The project is part of ERI’s work on business and human rights. The project focuses on equipping local communities with the tools and skills needed to directly engage in action-oriented dialogues with corporations and governments that lead to real locally defined solutions.

**Community Campaigns:** ERI works to ensure communities have the information necessary for them to make informed decisions about proposed projects and understand how existing projects are impacting their health and environment. In addition, ERI educates communities about their rights, how to protect them, and how to seek remedy when they have been abused. ERI reinforces its community organizing activities with strategic advocacy, supporting communities and alumni to apply their training and leverage information about project impacts to hold private and public stakeholders accountable and strengthen national and regional protections for community rights. ERI coordinates advocacy among CSOs and communities and facilitates the participation of community members in national and regional campaign events.

**Environmental Impact Assessment – Materials, trainings, advocacy:** All Mekong countries have existing legal standards for the EIAs of large development and infrastructure projects. However, these EIA frameworks often have significant legal and procedural weaknesses and gaps so the way in which they are implemented is deeply flawed. Public participation is a mere formality where communities are presented with technical information they do not understand and where their concerns are not addressed or incorporated. In 2016, ERI created a suite of tools related to understanding EIAs in the Mekong region. Tools include a video, cartoon booklet and checklist for communities, and a practitioner’s manual geared towards regional activists and lawyers. ERI has held training sessions with community members and community-based organizations, presented the information at conferences and regional network meetings, and incorporated EIA training modules into its EarthRights School and Mekong Legal Advocacy Institute curricula.

**Advocacy on Thailand Outbound Investment (TOI):** Thailand’s investment in neighboring Southeast Asian countries has intensified in recent years., and there is ongoing concern about their commitment to its

extraterritorial obligations when they invest in large development projects. These investments have a poor track record of compliance with human rights principles and standards, and there is growing concern over the environmental and social impacts of such investments due to a lack of accountability and meaningful consultation with affected communities. ERI’s advocacy on TOI seeks to address these concerns by holding Thai investors accountable and working to change national policy around extraterritorial obligations. ERI led the effort to form a regional coalition called **Extraterritorial Obligation (ETO) Watch** which meets on a regular basis to share intelligence, information and strategies. Together they are working on 13 TOI projects in the region. While each of them have primary responsibility for their own campaigns, they actively support each other on individual campaign actions and come together as a coalition to conduct regional-level actions such as petitioning the National Human Rights Commission of Thailand to make changes related to the extraterritorial obligations of Thai investors. For example, they use recommendations from the individual projects to lobby the UN and regional policymakers to create a mechanism for compensation.

**Mekong Legal Network (MLN)** is an ERI-founded network of senior public interest lawyers, legal advocates, and nationally-based legal organizations from countries within the Mekong region – Cambodia, China, Laos, Myanmar, Thailand, and Vietnam – working to promote human rights and environmental protection. The MLN provides a unique regional forum and safe space for its members to share experiences, receive individualized case support, increase knowledge about legal strategies, develop new skills that enhance their public interest legal work, and coordinate actions surrounding transboundary legal issues and cases. The MLN’s twenty-two members meet in person twice annually, and in the interim its members communicate and continue their together with the support of a Network Coordinator.

**Myanmar SEZ Watch (MSEZ Watch)** is a coalition of representatives from the Special Economic Zone-affected communities in Myanmar, international NGOs (INGOs) and local CSO staff that conduct SEZ-related advocacy at a national level, and academics studying relevant issues. ERI provides coordination support to ensure that the coalition’s Dawei representatives can share the concerns of the Dawei community with the other MSEZ constituents and, thereby, conduct advocacy at regional, national, and international levels

#### D. Evaluation Criteria and Questions

The evaluation must document and assess **two main criteria, Quality and Significance**, and should examine both **intended and unintended program outcomes**. The evaluation criteria and evaluation questions that must be addressed are outlined in the below table.

Main Evaluation Criteria	Evaluation Questions
<b>1) Quality</b>	<ol style="list-style-type: none"> <li>1. What was the <i>quality</i> of each program area’s content/design?</li> <li>2. <i>How well</i> was each program area implemented?</li> <li>3. What were the <i>barriers and enablers</i> that made the difference between <i>successful and disappointing</i> implementation and outcomes?</li> </ol>
<b>2) Significance</b>	<ol style="list-style-type: none"> <li>1. How <i>valuable</i> were the outcomes to participants, communities, ERI, and/or society at large?</li> <li>2. Is ERI’s work unique at the community and network levels? If so, in what way?</li> <li>3. What value does ERI add at the community and network levels?</li> </ol>

Based on the evaluation findings, **concrete and specific recommendations for program improvement** should also be provided.

Where relevant, the evaluation should examine the additional criteria of a gender-sensitive approach. The evaluation should **document gender-related unintended outcomes and provide recommendations for implementing a more gender-sensitive approach**. The evaluation questions for this additional criteria are outlined in the below table.

Additional Evaluation Criteria	Evaluation Questions
<b>3) Gender-sensitive approach</b>	<ol style="list-style-type: none"> <li>1. What were the gender-related unintended outcomes, if any?</li> <li>2. To what extent has ERI integrated a gender-sensitive approach in its program implementation?</li> <li>3. How can ERI implement a more gender-sensitive approach in the future?</li> </ol>

### E. Program Areas and Intended Outcomes

The evaluation will focus on four main program areas:

- 1) Training of environmental rights defenders
- 2) Community campaigns
- 3) Legal/policy advocacy
- 4) Network-building of environmental rights defenders

In the below table, the left column outlines the four program areas and the key programs/projects that are associated with each program area. The right column describes the intended outcomes for each program area. The evaluation should use the evaluation criteria of Quality and Significance to examine each program area, taking into account the listed programs/projects. For program area *1) Training of environmental rights defenders*, the evaluation criteria to assess Quality and Significance that are listed must be incorporated into the evaluation design and methodology by the Consultant.

Program areas and key programs/projects	Intended outcomes
<b>1) Training of environmental rights defenders</b> <ul style="list-style-type: none"> <li>▪ EarthRights School (ERS)</li> <li>▪ Earth Rights Defender (ERD) Program – Security Trainings</li> <li>▪ Mekong Legal Advocacy Institute (MLAI)</li> </ul>	<p>Current or future earth rights defenders have the knowledge, skills, tools, experiences, and networks necessary to potentially support communities affected by harmful development projects</p> <p><i>Criteria to assess quality for this program area:</i></p> <ul style="list-style-type: none"> <li>▪ <i>subjects/topics taught</i></li> <li>▪ <i>teaching methodology and delivery</i></li> <li>▪ <i>level of student learning</i></li> <li>▪ <i>learning/living environment (ERS, MLAI)</i></li> </ul> <p><i>EarthRights School - Additional criteria to assess Quality:</i></p> <ul style="list-style-type: none"> <li>▪ <i>recruitment criteria</i></li> <li>▪ <i>student mentoring</i></li> </ul>

	<ul style="list-style-type: none"> <li>▪ completion rate</li> <li>▪ alumni connection/support</li> </ul> <p><i>EarthRights School - Additional questions/criteria to assess Significance:</i></p> <ul style="list-style-type: none"> <li>▪ How has ERS contributed to the personal transformation of individual graduates? (Communication, interpersonal, well-being/emotional awareness skills)</li> <li>▪ In turn, how have alumni contributed to the collective transformation of communities, organizations, and/or networks? (Also, how have alumni contributed to the collective transformation of ERI?)</li> </ul>
<p><b>2) Community campaigns</b>  <i>Training, Awareness-raising, Technical assistance, Research, Engagement in advocacy forums, Network-building, Educational materials</i></p> <ul style="list-style-type: none"> <li>▪ Community Corporate Engagement (CCE) approach</li> <li>▪ ERI Community campaigns in the Mekong region</li> <li>▪ Environmental Impact Assessment (EIA) materials and trainings</li> </ul>	<p>Communities have the knowledge, skills (including community organizing, advocacy), tools, experiences, information about environmental and livelihood impacts, and networks necessary to safely:</p> <ol style="list-style-type: none"> <li>1) Access information on development projects</li> <li>2) Engage with corporate or government actors to prevent or mitigate harms</li> <li>3) Access remedy for harms</li> </ol>
<p><b>3) Legal/policy advocacy</b>  <i>Policy monitoring, Engagement in policy discussions with government, Legal analysis and research for policy change, Awareness-raising events, Publications, Gathering evidence for potential litigation, Participation in advocacy networks and coalitions</i></p> <ul style="list-style-type: none"> <li>▪ Environmental Impact Assessment (EIA)</li> <li>▪ Outbound investment – Thailand (TOI), China (COI)</li> <li>▪ Earth rights defenders</li> </ul>	<p>Policy advocacy – Environmental Impact Assessment (EIA)</p> <ul style="list-style-type: none"> <li>▪ There is policy change on transboundary EIA</li> <li>▪ Investors conduct transboundary impact assessments and include these in EIA reports</li> </ul> <p>Policy advocacy – Thailand Outbound Investment</p> <ul style="list-style-type: none"> <li>▪ Communities are able to access remedy mechanisms through litigation or complaints submission</li> <li>▪ Investors conduct human rights impact assessments</li> <li>▪ Through the Extraterritorial Obligation Watch (ETO Watch) network, laws and regulations are enacted in Thailand to monitor/control the behavior of Thai investors as articulated in the National Action Plan of Thailand (NAP)</li> </ul>

	<p>Policy advocacy – China Outbound Investment</p> <ul style="list-style-type: none"> <li>▪ Chinese investors comply with Organisation for Economic Co-operation and Development (OECD) investment guidelines</li> <li>▪ Chinese investors demonstrate evidence of following international best practices on responsible investment e.g. set up a grievance mechanism</li> </ul> <p>Earth rights defenders</p> <ul style="list-style-type: none"> <li>▪ For criminalization cases, the defender is released and acquitted of all charges</li> <li>▪ Legal and protection frameworks that support defenders are implemented so that defenders can do their work free from threats and retaliation, at the project, local, national, and regional/international levels</li> <li>▪ The Environmental Defenders Declaration for Southeast Asia is drafted, signed, and used as an advocacy strategy</li> </ul>
<p><b>4) Network-building of environmental rights defenders</b></p> <p><b>Networks formed or led by ERI:</b></p> <ul style="list-style-type: none"> <li>▪ Mekong Legal Network (MLN)</li> <li>▪ Extraterritorial Obligation Watch (ETO Watch)</li> <li>▪ Myanmar Special Economic Zone Watch (MSEZ Watch)</li> <li>▪ Earth rights defender networks: Security Support training network, Participants of the Forest Defenders Conference 2018</li> <li>▪ Alumni of the EarthRights School (informal network)</li> <li>▪ Alumni of the Mekong Legal Advocacy Institute (informal network)</li> </ul>	<p>Network members:</p> <ul style="list-style-type: none"> <li>▪ improve coordination among each other</li> <li>▪ collaborate with each other on joint projects</li> <li>▪ reduce overlap in their work</li> <li>▪ make joint contributions to policy advocacy e.g. joint statements</li> <li>▪ jointly engage with policymakers</li> <li>▪ support and share experiences with each other</li> <li>▪ share news, updates, strategies, information and resources</li> <li>▪ diversity and grow the network</li> <li>▪ form coalitions</li> <li>▪ participate in joint exchanges and trainings</li> <li>▪ ERI has provided organizational capacity building and support to the Mekong Legal Network</li> </ul>

## F. Evaluation Methodology and Process

<b>Research methodology</b>	<ul style="list-style-type: none"> <li>▪ The Consultant may propose a qualitative, multi-method (qualitative and quantitative), or mixed method (qualitative and quantitative data integrated/triangulated) research methodology for the evaluation.</li> <li>▪ The evaluation should use a participatory approach that engages ERI staff and selected communities, partner organizations, and networks with whom ERI works closely.</li> <li>▪ ERI and the Consultant will work in close collaboration to finalize the methodology.</li> </ul>
<b>Background desk research</b>	<ul style="list-style-type: none"> <li>▪ The Consultant is to conduct independent background desk research on relevant topics to ensure sufficient contextual and technical understanding of ERI’s program areas.</li> <li>▪ A literature review is welcomed, but not required, to be included in the evaluation report.</li> </ul>
<b>Data sources</b>	<ul style="list-style-type: none"> <li>▪ ERI will provide the Consultant with relevant program documents and monitoring data for documentary review prior to finalization of the methodology and data collection design.</li> <li>▪ Primary data sources available include: ERI staff; and community members, partner organization members, and network members with whom ERI works closely.</li> <li>▪ The Consultant should outline a general plan for data sources to be consulted. ERI and the Consultant will work in close collaboration to select specific data sources.</li> </ul>
<b>Data collection methods</b>	<ul style="list-style-type: none"> <li>▪ Possible data collection methods include: interviews, focus group discussions, observation, and surveys.</li> <li>▪ ERI and the Consultant will work in close collaboration to finalize the data collection methods and tools.</li> <li>▪ ERI will facilitate logistical arrangements for data collection.</li> </ul>
<b>Data analysis</b>	<ul style="list-style-type: none"> <li>▪ Data analysis should integrate both existing program data and additional data that will be collected during the evaluation.</li> </ul>

## G. Timelines and Deliverables

The consultancy will be managed by ERI’s Monitoring, Evaluation, and Learning Manager based in Chiang Mai, Thailand. The consultancy period is approximately May - August 2019 and covers the methodology finalization, documentary review, data collection, data analysis, workshop/presentation, and reporting phases of the evaluation. The consultant will be expected to be available for meetings with ERI on a regular basis. The meeting arrangement and frequency can be discussed and agreed upon once the Consultant is hired. A tentative timeline is as follows:

Timeline	
May	<ul style="list-style-type: none"> <li>▪ Consultant conducts background desk research and reviews program documents and data</li> <li>▪ ERI and Consultant finalize the methodology, data collection design and tools, work plan, meeting arrangement, report format, and timeline of deliverables</li> </ul>
May-June	<ul style="list-style-type: none"> <li>▪ Field data collection</li> </ul>
By mid-July	<ul style="list-style-type: none"> <li>▪ <b>Deliverable: Consultation workshop/presentation with ERI to discuss preliminary findings (can be done remotely)</b></li> </ul>
July-August	<ul style="list-style-type: none"> <li>▪ <b>Deliverable: Submission of draft report</b></li> <li>▪ ERI reviews draft report and provides feedback</li> <li>▪ <b>Deliverable: Submission of final report</b></li> </ul>

## H. Qualifications and Experience

- Master’s degree or higher in evaluation studies, development studies, social science and/or other related fields, with at least seven years of experience in social research
- At least five years of experience in program evaluation in the international development sector, especially training, capacity-building, and advocacy programs
- Proven experience using collaborative and participatory approaches to evaluation
- Professional experience and familiarity with the Mekong region – Thailand, Myanmar, Cambodia, Laos, Vietnam, China
- Excellent written and spoken English
- Ability to travel around northern Thailand and Myanmar

## I. Application Procedure

Qualified candidates should submit the following two documents:

**1) Technical Proposal including:**

- Description of qualifications and experience as per the above criteria
- Evaluation approach, research methodology, data collection design, data analysis methods, and work plan and timeline
- CV(s) of the evaluation team member(s)
- An example of an evaluation report by the lead evaluator

**2) Budget Proposal:** A quote or general proposed budget for the consultancy

**Note: The technical proposal and the budget proposal must be submitted as two separate documents.**

Applications should be sent to the email address “[apply-sea@earthrights.org](mailto:apply-sea@earthrights.org)” referencing “Short-Term Consultancy – External Evaluation” in the subject line by **April 28, 2019**. Only shortlisted candidates will be contacted.