

***MID-TERM EVALUATION***

**UNITED NATIONS DEVELOPMENT PROGRAMME**

**MYANMAR**

**Democratic Governance and Rule of Law Portfolio**

***Assessment Period: March, 2013-2016, Quarter 3***

**Final Report**

**Prepared by**

**Phillip Rawkins and Frederick Rawski**

***With the assistance of Sai Thun Thiha***

***Draft Version Submitted on November 21, 2016***

**REVISED December 14, 2016**

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## EXECUTIVE SUMMARY

The contribution of Pillar 3 programming is highly relevant to DG & ROL priorities, and has made a solid contribution to enhancing understanding of the practice of democratic governance and the implications of rule of law.

The Design for the Programme was produced rapidly by a regional team at a time when little detailed information on the governance situation in Myanmar was available. Consequently, the Programme Document has been of little practical value. Pillar 3 teams have done very well in their responsiveness to emerging priorities, but at times at the cost of weakening focus on the need to invest in longer-term results. Partly because of an effort to be responsive, and adoption of an opportunistic approach, the Programme is doing too many things with too many partners in too many places. One consequence has been several ineffective “one-off” initiatives.

There is no overall Capacity Development Strategy and the Results Framework has not been an effective guide to planning. The Theory of Change seeks to capture the essence of a highly-dispersed programme, but appears to be, essentially, a “wrap-around” for the existing Programme, rather than setting out a path, or set of paths, to institutional change. The lack of a strategic vision and functional theory of change complicates decision-making around resource allocation, and contributes to an activity- rather than outcome- centred approach to implementation.

An additional gap in the Programme’s framework is the absence of a shared political analysis to guide programming decisions and assist in the identification of areas of political risk.

The Programme’s results framework has been used routinely and effectively as a mechanism for organizing the presentation of Programme results, as in the reports prepared for the Pillar and Output Boards. However, it has not been effective as a guide for making strategic decisions, nor has it encouraged greater integration within and across components. It also provides very little idea of how individual parts of a programming component contribute to the larger whole.

Notwithstanding the difficulty in measuring progress against benchmarks in the results framework, the Evaluators found that the Programme to date has made a substantial difference in several areas. It is too early to see a change at the outcome level, but collectively, these early project strengths point towards a potentially powerful future Programme direction, if properly focused.

The Programme’s core strength is found in its work on contributing to building strong and effective governance institutions. Particularly because it was on the ground early, UNDP has built strong relationships with core governance institutions in Nay Pyi Taw, including: the Parliament (all houses); the Office of the Attorney General; the Planning and Finance Ministry, and, within it, the Central Statistical Organization; the President’s Office; and, the Union Civil Service Board.

A positive feature of the Programme is the cross-component capacity in developing research and analysis, linked to policy and decision-making, and support for generation of high-quality data, as well as for preparation of organizational strategic plans.

Partnerships with implementing agencies, including the International Parliamentary Union (IPU) and IDLO (International Development Law Organization), as well as the UK House of Commons, for the most part, have served the Programme well. Although there are cases of cooperation or consultation with other UN agencies, this has not been a strength of the Programme. By contrast, the partnership and shared funding with the World Bank in support of the survey work of the Central Statistical Organization seems to have worked exceptionally well. In addition, The Programme has formed a solid, informal, working relationship with the EU on public administration reform.

Programme Governance (joint decision-making with counterparts and development partners) could have been better. The relative infrequency of meetings, lack of adequate notification and provision of materials in advance, the poor performance in sharing knowledge products, and lack of opportunity for careful consideration of important matters, were all mentioned in interviews. It is recommended that preparation and delivery of Pillar and Output Board meetings be treated as a major activity, with an appropriate allocation of management and staff time and resources, and a professional documentation and communications strategy, to support more effective working relations with partners.

One difficulty experienced has been the lack of success in convincing senior institutional leaders to participate on a consistent basis in Board meetings. This undermines the authority of the Programme's governance boards in decision-making. In addressing this situation, it may be of value to develop Letters of Agreement with individual institutions to supplement the Programme's overall MOU with the government, to facilitate a stronger sense of ownership for the Programme, and not merely for specific institutional initiatives.

The process of producing Annual Work Plans is regarded as unsatisfactory by counterpart organizations, with a desire for earlier and more open dialogue on priorities and budget allocations and an opportunity to review and consider adjustments to draft plans before they are formalized. These concerns are also linked to the need to reconsider the purpose, organization, and timing in relation to the programming cycle, of Pillar and Output Board meetings.

The quality and capability of the component teams assembled by the Programme are judged by the Evaluation Team to be excellent. Despite some challenges in the level of support provided by the Operations Team at the Country Office (Finance, Procurement and Human Resources), the general management and administration of the Programme has been sound. However, there are some issues to be addressed in team collaboration and ways of working together. The Pillar Leader and CTAs could work more closely as a strategic team, and there could be more frequent joint meetings of Programme Specialists (Output Leads), CTAs and the Pillar Leader. Roles and responsibilities should also be reviewed and updated, with a view to enhancing the role of both CTAs and Programme Specialists.

The Pillar Leader has a variety of demanding roles to carry out and limited direct support. She, and the Programme, would benefit from the recruitment of an experienced Deputy Programme Manager to enable her to devote greater attention to strategic and substantive matters.

One area which has caused concern on the part of both development partners and government counterparts has been financial transparency and the level of detail provided in financial reports. While current practice follows UNDP guidelines, there is a need for improvement in this regard.

National staff make an important contribution to the Programme. However, because of a lack of exposure to international practice in management and administration, and deficiencies in the practical aspects of post-secondary education in Myanmar, through no fault of their own, they lack vital experience and expertise. Hence, there is a pressing need for UNDP to support capacity development for its national staff members. The Programme (and the staff) will benefit from a focused professional development programme for national staff, tailored to addressing individual needs and knowledge gaps. Such an initiative would be best undertaken at the Country Office level, and involve all Pillars.

The Programme appears to have positioned itself strategically in the field of democratic governance in Myanmar, and despite an increasingly crowded development space, retains some notable comparative advantages moving forward. These include: Cross-Sectoral Presence across the executive, legislative and legal/judicial branches of government; Embedded Staff with core Union-level institutions; High-Level Political Support for several of the Programme's principal areas of focus; and, a Presence at State/Regional Level, with the potential to link activities to national level policy development.

In the view of the Evaluators, in the current context, Public Administration Reform (PAR) is at the heart of many of Myanmar's efforts to continue to take forward the democratic transition. At present, the PAR component of the Programme is under-resourced in comparison to other output areas. It will be advisable for Programme management to strengthen both financial and human resource support to PAR. This will facilitate further progress in an area where, through strong partnerships and effective performance to date, UNDP is well-placed to play a central role in key areas of reform, affecting many aspects of democratic governance and rule of law.

The major issue for the Programme in terms of its efficiency is the scattered nature of its investments, with too many different streams of activity, and too many partnerships. Most government representatives from partner organizations expressed satisfaction with the partnership with UNDP and its contribution to meeting their objectives. Yet, there was also a perception on the part of many senior managers of a lack of focus in Programme planning and, in some cases, a lack of sustained engagement on major initiatives, with a failure to follow through on initial activities of importance to the partner organization.

The Evaluation Team has concluded that, for the present, and for the next phase of programming, given that so much remains to be done in building up the institutional capacity of government partners, it will be advisable for UNDP to continue to implement programming through the DIM modality. It will also be appropriate to maintain the Programme's primary focus on governance institutions at the Union level, without ignoring options for linkages to the Region and State level.

A commitment to gender equality and a human rights-based approach appears prominently in the Country Programme Narrative and the Pillar's Theory of Change, and is part of the outcome statement. Nonetheless, the Evaluation Team found that treatment of these issues was

inadequate. For the most part, and with some exceptions, gender equality and human rights concerns do not appear to have played a prominent role in the conceptualization or implementation of most activities.

***It is recommended that:***

1. Pillar 3 management re-assess the current alignment of roles and responsibilities within the Pillar Management Team, with a view to strengthening the position of both the CTAs and Programme Specialists (Output Leads) and taking some of the pressure of administrative workload from the PTL.
2. A Deputy Programme Manager, with substantial experience of UNDP projects, be recruited, to support the PTL.
3. To enhance a sense of commitment on the part of the leadership of counterpart institutions, it may be advisable for UNDP to consider utilizing a series of Letters of Agreement to complement the overarching MOU, and thus confirm the official link between it and each of its government partners.
4. Pillar 3 management initiate an informal consultative review of the practice pertaining to the Pillar and Output Boards, with a view to improving their effectiveness, as well as their relevance to both government counterparts and development partners. Greater involvement of civil society might also be considered.
5. Programme governance, along with donor coordination and communication, be treated as a sphere of activity with results to be accomplished, and with an appropriate allocation of human resources, creative thinking and a budget to support it.
6. For Phase 2 of the Programme, a senior capacity development and performance management adviser be recruited (on a retainer basis, to be involved on a continuing, occasional basis) to work consultatively with the Pillar management and team on development and implementation of a capacity development strategy, and to facilitate the preparation of an RRF and Theory of Change. In addition, a gender equality advisor might be engaged on a similar basis to work with the capacity development advisor.
7. In developing a future programme, UNDP gives priority to areas of engagement, which cut across programming components, and which have shown real promise. One of the most promising of these is *evidence-based policy development and the presentation and utilization of research data to support policy decision-making*.
8. Due in part to the uncertain context in which it was first established, and the need to take advantage of opportunities for engagement wherever they appeared, the Programme is doing too many things with too many partners in too many places. It is,

therefore, recommended that in the future, consideration should be given to the possibility of eliminating, or at least limiting expansion of, some non-core activities.

9. Given the ongoing need to maintain involvement in building the capacities of core governance institutions, the Pillar maintains its primary focus at the Union level. However, through close cooperation with Pillar 1 and building on the work of Pillar 3 in the states and regions, the Programme's relevance can be enhanced by strengthening links between local governance and civil society, and Union-level institutions. Rapid expansion at the state and regional level should be resisted, with consideration given to sequenced or 'pilot' approaches.
10. The Programme develop an explicit, shared political analysis to guide programming decisions and priority-setting.
11. Higher priority is given to facilitating cooperative work with other UN agencies, where such cooperation would add value to the Programme.
12. Through the Country Office, and in conjunction with the other Pillars, Pillar 3 management advocate for, and contribute to preparing, a plan to develop on a continuous basis the capacity of national staff and mentor their professional development.
13. Pillar 3 management makes a deliberate effort to strengthen the quality and detail of financial reporting and enhance transparency of financial information to meet the needs of its partners and stakeholders.
14. Recognition be given to the central importance of Public Administration Reform to overall democratic governance reform and the focus for specific reform initiatives impacting other components of governance and rule of law. It is also recommended that there be an enhanced budget and improved staffing levels for the PAR component.
15. In planning future programming, focused attention is given to thinking through how to ensure that a rights-based approach and gender equality are integrated in a realistic way into programme design and results frameworks.



## ***LIST OF ACRONYMS AND ABBREVIATIONS***

ASEAN Association of South East Asian Nations

AWP Annual Work Plan

BABSEA CLE Bridges Across Borders South East Asia, Clinical Legal Education

CPAP Country Programme Action Plan

CSO Central Statistical Organization

CSO Civil Society Organization

CTA Chief Technical Advisor

DDG Deputy Director General

DE Development Effectiveness

DG Democratic Governance

DG Director General

DIM Direct Implementation Modality

EU European union

IDLO International Development Law Organization

IPU Inter-Parliamentary Union

MDGs Millennium Development Goals

MoPF Ministry of Planning and Finance

MOU Memorandum of Understanding

MTE Mid-Term Evaluation

NPT Nay Pyi Taw

PAR Public Administration Reform

PTL Pillar Team Leader

ROL Rule of Law

ROLC Rule of Law Centres

RRF Results and Resources Framework

SDGs Sustainable Development Goals

STA Senior Technical Advisor

TOC Theory of Change

UNDAF United Nations Assistance Framework

UNDP United Nations Development Programme

UNFPA United Nations Population Fund

UNODC United Nations Office on Drugs and Crime

## **A. INTRODUCTION, OVERVIEW AND BACKGROUND**

### ***Acknowledgements***

The Evaluation Team was fortunate to receive consistently strong and responsive support from the UNDP Pillar 3 team throughout the Field Mission, as well as in the earlier phase of work when the Inception Report was produced. While the Team wishes to express its appreciation to all members of the Pillar 3 team for their cooperation and assistance, special thanks are due to Pillar Leader, Ms. Emma Morley, and her immediate team, Ms. Jessica Price and Ms. Zoe Zoe, for continuing support throughout the process. In addition, the Evaluators would wish to thank the management and staff of the UNDP offices in Nay Pyi Taw, Mandalay and Taunggyi, for their support. Finally, the Team would wish to indicate its gratitude to all government officials and parliamentarians, as well as representatives of civil society, and members of the international community, who made themselves available for interviews and meetings.

### **A1. INTRODUCTION, FOCUS, SCOPE AND MANDATE OF THE EVALUATION**

The Mid-Term Evaluation (MTE) of the UNDP Democratic Governance and Rule of Law Portfolio in Myanmar has the objective of assessing UNDP's contribution to the achievement of the Programme Outcome. The Outcome Statement indicates that the purpose of the programme is *"Promotion of Democratic Governance and the Rule of Law to strengthen institutions and the advancement of Human Rights."*

The Programme is built around four outputs, each relating to a specific sub-sector of activities: Development Effectiveness, Parliamentary Strengthening, Rule of Law and Access to Justice, and Public Administration Responsiveness. The four are summarized, as in the Terms of Reference, under Programme Description in Section A4, below.

The Programme operates at both Union and Region/State levels and engages with the private sector and civil society, as well as with multiple branches of government. The scope of the MTE takes in work in all geographic areas of activity, as well as all programme partners, governmental and non-governmental. It also includes funding partners, collaborating UN agencies and UNDP managers and members of staff.

The Evaluation team was mandated to conduct an independent and objective assessment of the contribution UNDP has made thus far to Outcome-level results, while also providing recommendations concerning programme approaches, areas of focus and management arrangements for the balance of the period of programme implementation, but, more particularly, for the future. The full terms of Reference are included as Appendix F1, below.

The MTE of the Governance and Rule of Law Portfolio follows on from a Mid-Term Evaluation of the Country Programme in 2015, which, in part because of its timing in the programming cycle, focused on process issues. Coming a year later, this more focused MTE will address issues relating to results, as well as matters concerning management and monitoring of the programme and its progress, and the continuing relevance of established priorities for the allocation of Programme funds. It will also make recommendations on preparatory steps which may be considered prior

to initiating the new Country Programme. The DG and ROL MTE has also been informed by the findings of two output-level evaluations, which have focused on the Parliament and Rule of Law components of the Programme, respectively.

## **A2. EVALUATION WORK PLAN AND METHODOLOGY**

The approach adopted by the Evaluators has been straightforward and direct. Given the objective of the MTE, to assess the UNDP Programme's contribution to the overall outcome and the four sub-sectoral output results, the emphasis has been on assessment of results accomplished to date, as well as progress made in reaching benchmarks *en route* to the achievement of broader results projected for the end-date of the Programme. In the process, the Evaluators have also given detailed attention to the Programme's management and operating structures, working relationships and partnerships, and have assessed their utility in addressing challenges and achieving results.

Guided by the evaluation criteria and related questions, set out in the Inception Report, (attached as Appendix 3), the Evaluation Team utilized all forms of data available to assess what has been done, how, when, where and why – as well as, where relevant, the rationale for “roads not travelled” in pursuit of results. The Team has also attempted to appraise whether and in which ways project activities have made a difference and, in doing so, the extent to which they have contributed to higher-level results in DG, ROL and Human Rights.

The principal and primary source of data on which the analysis for the evaluation has drawn is a series of face-to-face interviews and small group meetings with programme principals and participants. Information derived from these sources was supplemented with selected interviews and meetings with other stakeholders, including representatives of funding partners and other international donors, engaged in parallel programming in the same sector.

A further source of data is to be found in the very substantial set of Programme documents and reports provided by the Pillar 3 Team, as well as relevant materials on the Country Programme and Government of Myanmar priorities, along with UNDP and other analytic reports concerning the current situation in DG, ROL and Human Rights in Myanmar. Partial listings of documents on which the MTE drew are included in Annex 3 to the Inception Report, attached as Appendix F3.

The Evaluators have drawn on both documents (including work plans and other planning materials, expenditure summaries and reporting on results) and interviews to ensure that they may obtain a full picture of how the implementation of the Programme has taken place, what it could accomplish, and the barriers to operations it has faced.

Given the primary focus of the Programme on supporting the three branches of the Union government, and the limited support thus far that it has provided at the Region/State level, it was agreed with UNDP that the Evaluation Team would divide most of its time between Yangon and the capital, Nay Pyi Taw. However, in addition, a few days were spent in each of two other centres, Mandalay and Taunggyi, to give attention to the Rule of Law Centres and their work and

to review other project activities conducted in those regions (the two international consultants divided their labour for this component of the work programme).

The members of the Evaluation Team debriefed on what was being learned and gaps to be filled on a continuing basis during the field mission, to capture the picture of the Programme as it emerged and to identify gaps in coverage of key topics and/or interviewee groups to be addressed later. A preliminary analysis of data gathered took place after the third week of the mission as a basis for preparation of the Evaluation Brief, which formed the basis for presentations, supported by a Power-Point document, to both UNDP and the funding partners. The presentations took place on the final two days of the mission.

Full data analysis was undertaken on completion of the field mission. In preparing the report, the Evaluators have borne in mind their responsibility to produce findings and practical recommendations to inform future action with a view to bringing about improvements in programme focus and overall performance.

The Draft Final Report was delivered on November 21, 2016. UNDP comments were received on December 7, and the revised version, taking into consideration UNDP concerns, was submitted on December 14, 2016.

### ***A3. THE UNDP PROGRAMME IN THE CONTEXT OF THE STATUS OF DEMOCRATIC GOVERNANCE AND RULE OF LAW IN MYANMAR***

Beginning in 2011, the government of Myanmar has been undertaking a progressive series of democratic reforms that have resulted in a broadened political space, a more open economy and increasingly more transparent and consultative government practices. The past five years have seen remarkable changes, among them - parliamentary elections run largely in line with international standards, the rapid expansion of commercial activity (and, importantly, internet connectivity), the release of political prisoners and emergence of a vibrant free press, and the initiation of reforms to the civil service, judiciary and other sectors. This initial reform period culminated in the electoral victory of the opposition National League for Democracy (NLD) in November 2015, and the installation of an NLD-led government in April 2016.

During this period, Myanmar has gradually opened up to international assistance in formerly 'off limits' areas such as democratic governance and rule of law. This has included assistance to the electoral process, efforts to improve the regulatory framework for investment, and projects targeting the civil service, parliaments, and justice and security sectors. While there has been a heavy focus on governmental assistance, donors have also focused on improving the capacity of civil society, the media and community-based organizations. The intensity of support in the sector has varied widely, with some sub-sectors becoming crowded and others under-served, and with more attention directed to Nay Pyi Taw than to the states and regions.

Despite the historic opportunities offered by the current political moment, there is much that has not changed, or that is changing very slowly. The opening-up of democratic space has not come without compromises. The military's role in governance remains protected by the 2008 Constitution, and former regime 'cronies' maintain substantial influence over the pace of reform

in the private and public sectors. An unresolved peace process places limitations on how far and fast the reform agenda can move forward. And as the transition progresses, pressures on national and state/regional governments to effectively address the needs of the population will become greater – presenting challenges to a government with limited experience and capacity. *It is within this broader context that the opportunities and limitations of the current UNDP project identified in this evaluation should be considered.*

The **political culture** within and outside of government is hierarchical, and centralized, with little tradition of delegation. Important institutions lack independence – such as the General Administration Department under the military-controlled Ministry of Home Affairs. Even within civilian-controlled parts of the bureaucracy, notions of transparency and accountability are new, and conflict with practices inherited from a history of military rule. This lack of accountability is in part responsible for a widespread mistrust of government, including justice sector institutions.<sup>1</sup> Many of the Programme’s reform-minded counterparts spoke to the team about the need to change ‘mind sets’. *This requires that the project take a long-term view, with indicators that reflect achievable interim goals*, and its intervention strategies must be based on a realistic assessment of which institutions are most vulnerable to change.

Another legacy of historically opaque and centralized decision-making is a **lack of policy development capacity** within all branches of government. The evaluation found no dedicated policy analysis or planning capacity within counterpart ministries, the Attorney General’s Office, Parliament, or the office of the State Counsellor. This deficit has been exacerbated by the fact that most elected legislators, and many recently-appointed administrators, have no experience in governance. There is also an overall lack of accurate, evidence-based, data available to inform policy-making, though the project has made some strides in this area. Indeed, although this lack of capacity impedes overall progress, *the project has positioned itself well to build programmes that could effectively address this capacity gap* in the future.

A **slowly progressing peace process, and stalled constitutional reform**, raise questions about the likelihood and pace of moves toward a more federal and decentralized system. This uncertainty complicates ongoing assistance aimed at building strong centralized institutions, and may impact the utility and effectiveness of directing resources to the sub-national levels. At present, the project’s primary focus on Union-level institutions, as well as its preliminary assistance to state and regional institutions, both appear justified. However, an *analysis of the potential impacts of significant progress on peace and constitutional change* will be necessary in guiding the effective allocation of project time and resources in the future.

Attention to the expanding **role of civil society and the media** is also essential if progress on democratic governance and rule of law is to continue. During the life of the UNDP country Programme, the number and quality of civil society and media organizations has increased exponentially. The sector still lacks capacity, and remains subject to restrictive and outdated

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<sup>1</sup> “Myanmar 2014: Civic Knowledge and Values in a Changing Society”, *The Asia Foundation*, 2014; “Myanmar’s Political Aspirations & Perceptions”, *2015 Asian Barometer Survey Report*.

regulation. Nonetheless, given government intransigence, it has been primarily through civil society and the media that pressure has been maintained on government to comply with international norms such as human rights, gender equality and non-discrimination. *Although the Pillar's work in these areas has been weak, the Programme overall has promising potential to link ongoing civil society support with assistance to governance institutions.*

These are a few of the many factors that complicate assistance in the Programming areas covered by existing UNDP Pillar 3 initiatives, and that make identifying causal relationships between Programme activities and outcomes particularly difficult to assess. Nonetheless, the evaluation has, to the extent possible with limited time and resources, sought to understand how these and other contextual factors have presented challenges for the implementation of the current Programme cycle, and how they might be better addressed in future Programming.

#### **A4. BRIEF PROGRAMME DESCRIPTION AND PROGRAMME PARTNERS**

This report evaluates the design and implementation of activities under Pillar 3 of the UNDP's 2013-2017 Programme cycle. The *Democratic Governance and Rule of Law Programme* is one of three pillars of the Country Programme, with Local Governance and Local Development (Pillar 1), and Environment and Disaster Risk Reduction (Pillar 2). The overall outcome of Pillar 3 is the "Promotion of democratic governance and the rule of law to strengthen democratic institutions and the advancement of rights." The breadth and character of this statement is problematic from an evaluator's perspective, an issue which will be addressed further below.

The **activities of Pillar 3** are grouped into four broad areas of intervention/ outputs:<sup>2</sup>

- Development Effectiveness
  - Output 1: *National and state/regional development planning informed by robust data and broad consultations; capacities of stakeholders strengthened to manage development cooperation in line with GPEDC principles.*
- Parliamentary Strengthening
  - Output 2: *Legislative, oversight, and representation functions performed by Hluttaws<sup>3</sup> at Union and selected state and regional levels institutionalized.*
- Rule of Law and Access to Justice
  - Output 3: *Justice Institutions equipped to develop and implement frameworks for justice sector reform that reflects the needs of diverse groups, especially women and vulnerable groups.*
- Public Administration Reform
  - Output 4: *Strengthened capacity for service delivery and improved responsiveness of the public administration reforms*

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<sup>2</sup> *Pillar 3 Theory of Change: "Promotion of Democratic Governance and Rule of Law to Strengthen Democratic Institutions and the Advancement of Human Rights"* (2015).

<sup>3</sup> *Hluttaws*: the national parliaments and state/ regional legislative assemblies.

The **separation of Local Governance and Democratic Governance** into two pillars is a legacy of the UNDP's previous engagement in Myanmar. Under the Human Development Initiative (1993 - 2012), UNDP supported community development activities implemented at the local level by more than 900 field staff in 51 offices throughout the country. When the new Country Programme was established, and the HDI ended, some of its activities were integrated into a broader set of initiatives aimed at supporting local government and civil society at the sub-national level under Pillar 1.<sup>4</sup> Although this report does not evaluate the activities of that pillar, it will seek to address the question of whether, in the current context, continued separation of governance activities makes sense, and how Programme-wide governance activities might be better integrated into future Programming cycles.<sup>5</sup>

**Partners.** The Programme engages partners across several branches of government (legislative, executive and judicial) at the union and state/ regional level - though activities have been focused at the union level (except for the rule of law centres and fair trial standards trainings, and some engagement with state/ regional parliaments). Non-government partners include universities, non-government organizations, and inter-government bodies. Activities have been implemented in Yangon, Nay Pyi Taw, with sub-national activities focused in areas with a UNDP office presence, in Taunggyi (Shan State), Mandalay (Mandalay Region) and Myitkyina (Kachin State).

| <b>Pillar 3 Partners by Output</b>             |   |                                      |   |
|--|---|--------------------------------------|---|
| <i>Output</i>                                  | <i>Myanmar Government</i>   | <i>Non-Governmental</i>              | <i>Informal Partnerships</i>  |
| <b>Development Effectiveness</b><br>(Output 1) | Ministry of Planning and Finance (Planning Department, Foreign Economic Relations Department, Central Statistical Organization) at both national and sub-national level; Ministry of Health (National Aids Programme) | Myanmar Positive Network, World Bank | All government departments under the Committee for Data Accuracy and Quality of Statistics, Cooperation Partners Group (CPG)- through our partnership with the CSO.<br>Civil Society Forum, Local Resource Center, INGO Forum, Union of Myanmar Federation of Chambers of Commerce and Industry |

<sup>4</sup> *Myanmar Country Programme Action Plan 2013-2107, Independent Midterm Evaluation*

<sup>5</sup> Better integration between community and national-level work would be consistent with the four cross-cutting themes set out in the *UNDP's 2016-2017 Programme Narrative*: "(1) Men, women and civil society are empowered to understand and advocate for rights and public services which respond to their needs; (2) Community strength and resilience to deal with local economic, disaster and conflict shocks, and environmental degradation; (3) Communities and institutions are able to better resolve conflicts, bridge differences and build trust; (4) Key government and public institutions have processes, laws and systems that are better able to reflect and respond to the needs of poor and vulnerable people." *UNDP Programme Narrative 2016-2017* (19 Nov 2015)



|  |   |  |   |
|--|---|--|---|
| <b>Parliamentary Strengthening</b><br>(Output 2)       | Pyidaungsu Hluttaw; Pyithu Hluttaw, Amyotha Hluttaw; Region/ State Hluttaws   | Inter-Parliamentary Union (Inter-Governmental)   | UK House of Commons, Australia House of Representatives, Parliaments of New South Wales and Denmark and the Hong Kong Legislative Council (LEGCO) |
| <b>Rule of Law and Access to Justice</b><br>(Output 3) | Office of the State Counselor, Office of the Supreme Court of the Union (OSCU) and state/regional High Courts, Union Attorney General's Office (UAGO) and state/regional Advocate General Offices; Ministry of Home Affairs (Police Force, General Administration Department), Parliament (Rule of Law, Human Rights Committees); Judicial Training Centre; Ministry of Education - Department of Higher Education, Legal Studies Board (linked to partnership with BABSEA CLE) | International Development Law Organization (IDLO); Bridges Across Borders Southeast Asia Community Legal Education Initiative (law departments at 18 Myanmar universities through BABSEA CLE partnership); United Nations Office for Drugs and Crime; UNFPA; Legal Clinic Myanmar; International Commission of Jurists; Enlightened Myanmar Research; Federal Court of Australia | Mae Doe Kabar Women's Network; Union Civil Service Board; Advocats San Frontieres; Rule of Law Coordination Group                                 |
| <b>Public Administration Reform</b> (Output 4)         | President's Office; Union Civil Service Board (UCSB) (Central Institute of Civil Service, Civil Service Selection and Training); Ministry of Home Affairs (General Administration Department; State Counsellor's Office   | Unitar, Geneva   | Centre for Civil Service Excellence, Singapore (UNDP);  |

#### **A5. THE RESULTS FRAMEWORK AND MONITORING SYSTEMS**

The circumstances of the development of the Pillar 3 Programme have had major implications for the results framework. The initial results framework was based on very limited information, and it was not possible to put in place a baseline against which to measure progress. At the outcome level, a decision was made to utilize global comparative measures to assess Myanmar's

progress in democratic governance, and to link output-level results and indicators to these. The indicators were selected from macro-level country indicators drawn from the World Bank's World Worldwide Governance Indicators and the World Justice Project (level of government effectiveness, level of rule of law, and accessibility and affordability of the civil justice system).<sup>6</sup> In these cases, annual results performance against the selected indicators are taken directly from the global data compiled and analyzed by the World Bank and World Justice programmes.

As to the Output level, two comprehensive efforts (March 2014 and March 2016) were made to develop detailed Results and Resources Frameworks which fitted better the realities of the Programme. The documents produced some extremely detailed sets of indicators linked to activities, intended to measure progress towards the results set out for each output. While no formal system of monitoring results has been put in place, tabular summaries of progress against key indicators are provided in annual Pillar-and output-level reports.

In addition, in 2016, a Theory of Change (TOC) was developed through a workshop involving members of the Yangon-based Programme staff, to capture the overall logic of the DG and ROL Programme, as well as linkages across Programme components. Engagement by staff members from the four component areas was also intended to provide a greater sense among Pillar 3 team members of working towards a common objective and to assist in identifying possibilities for cross-component cooperation. The value of both the Results and Resources Framework and the TOC will be considered in Part B, below.

#### **A5.1. Programme Planning, Results and Gender Equality**

In its valuable 2013 document, *Democratic Governance: A Situation Analysis* (December 2013), UNDP suggested that: *A human-rights-based approach requires governments and development partners to address squarely the issues of gender equality and women's empowerment in the context of democratic governance.*

The report went on to note that: *Myanmar is a signatory to the Convention on the Elimination of Discrimination against Women (CEDAW), but there remains much to be done to implement the terms of the treaty. A significant effort is needed to improve women's representation in public life, understand socio-cultural norms and changing mind-sets, respond to gender-based violence, and strengthen women's rights through the law and legal empowerment.*

In *the Pillar 3 Project Document*, reference is made to four expected Country Programme Outputs, to which the DG & ROL Programme is expected to contribute.<sup>7</sup> The four include several references to women: as stakeholders, participants and beneficiaries. In the text of the Pro Doc, Gender equality and Women's Empowerment is identified as a "cross-cutting issue", and it is affirmed that GE and women's participation will be mainstreamed in all project activities.<sup>8</sup> A number of UN and Myanmar organizations focused on GE are listed as possible partners for the

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<sup>6</sup> See: <http://info.worldbank.org/governance/wgi/index.aspx#home>; <http://worldjusticeproject.org/rule-of-law-index>

<sup>7</sup> See *Project Document*, page 124.

<sup>8</sup> See: *Ibid*, p.134.

Programme (p.136). There are also focused discussions of GE-related issues concerning both the parliament and rule of law components.

The Programme's revised Results and Resources Framework (second revision, March 2016), includes a small number of references to gender-targeted activities, or gender-disaggregated data to be collected against specified indicators. The Theory of Change graphic (2016) appears to include additional outcome indicators, relating to: *inclusion of gender equity objectives in strategies and plans; inclusiveness of policy and legislative development processes; and public and civil service awareness of governance, gender equality and human rights*. However, these indicators are not integrated in the Results and Resources Framework. The Evaluation Team has been advised that the indicators will be used in the 2016 Annual Report to the Pillar Board.<sup>9</sup>

## **B. ANALYSIS**

### **B1. PROJECT STRUCTURES, MANAGEMENT SYSTEMS AND PROCESSES**

#### **B1.1. Programme Design and Proposed Strategy**

As discussed above, the Programme Document was developed under time pressure and under highly unusual conditions, as the Government of Myanmar indicated an opening to the international community and normalizing foreign relations, following a 40-year period of relative isolation. From 2011 onwards, the Government committed itself to a series of governance and economic reforms. This led to major shifts in the character of UNDP programming.

From 1993 until 2012, the organization had supported the Human Development Initiative (HDI): a programme with a network of activities across the country, mainly focused on micro-finance. With the growing strength of the National League for Democracy and the government's new willingness to engage in democratic reforms, UNDP identified the opportunity to introduce a more conventional and more broadly-based country programme.<sup>10</sup>

The new Country Programme Action Plan (CPAP) sought to support the Government in undertaking "a democratic transformation", while also addressing poverty reduction. Pillar 3 is a core part of the Programme, as is Pillar 1, which focuses on local governance, civil society and community development. The intended focus for Pillar 3 under the CPAP was as follows:

***Pillar III: Democratic governance (DG) and development effectiveness.*** *This pillar will support policy and governance changes through analysis of data (both existing and newly gathered) and lessons learned from grass-roots level experience, to strengthen poverty reduction strategies and democratic governance in Myanmar. Analysis and policy advocacy will focus on poverty and specific thematic issues including gender, HIV, inclusive development and access to justice. The programme will provide support to the formulation and implementation of national development and governance reform strategies, and provide policy advice for advancing regional development, decentralization, and economic governance. UNDP will also help improve gender-sensitive data*

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<sup>9</sup> Email Correspondence between Ms. Jessica Price and Evaluation Team Leader, November 16-17, 2016. The full list of indicators is included here as Appendix F4. Items 1-7 are relevant to Pillar 3.

<sup>10</sup> See: Country Programme Action Plan (CPAP), April 2013, "Past Cooperation and Lessons Learned", p.5.

*and statistics that strengthen national monitoring and evaluation systems pertinent to human rights based approach to poverty reduction and MDG achievement.*<sup>11</sup>

In practice, it has been difficult to live up to these programme commitments. A content analysis of Pillar 3 reports would indicate that most of these themes have been addressed through activities. However, the implied integration of the themes, such as poverty reduction strategies and DG, or the use of data analysis to drive policy and governance changes, has proved to be elusive. While important work has been done on improving national statistics, with attention to gender concerns, little progress has been made in improving national monitoring and evaluation systems, or in enhancing government sensitivity to human-rights-based approaches.

Similarly, high-level policy advocacy has not been a strong feature of the Programme. However, as has been recognized by the Pillar Team, pressing for policy change and reform without attention to systems and processes and considering institutional capacities to implement new policies carries with it significant risks. A further difficulty to be confronted in promoting policy initiatives and reforms, discussed in more detail below, is the lack of a well-defined government policy-making structure and process. Hence, advocacy efforts have focused on more modest adjustments in systems and processes, such as consultations by Parliamentary Committees and, how the executive considers data in planning and policy development.

This comparison of “what should be” and “what is” underscores the challenge faced by UNDP in building its new programme at a time of dramatic change, when programme plans lacked grounding in experience, and when government was embarking on an entirely new course without the knowledge and expertise it needed. Under the circumstances, UNDP moved carefully and without a script; there was no other choice.

UNDP was on the ground early, two years before the dramatic parliamentary elections of 2015, and at a time when most international donors were unwilling or unable to invest in direct programming. Government institutions were extremely cautious in dealing with, or even meeting, members of the international community. The UNDP component teams began implementation by identifying a short list of discrete activities to demonstrate good will and to pave the way for larger-scale undertakings. Effectively, there was no Programme design. Pillar 3 moved forward on an iterative basis, as all four Programme components focused on the effort to develop sector strategies. This effort continues.

Many initiatives were adopted as “part of a concerted effort to get understanding and by in for comprehensive reform.”<sup>12</sup> On this basis, the initial implementation strategy sought, successfully, to take advantage of emerging opportunities for engagement as they emerged, and to be responsive to government needs at a politically-sensitive moment. Yet, while most activities are relevant to the stated outcome in the broadest sense, a consequence of the approach adopted, while understandable, is that the Programme lacks overall coherence and focus. It is spread thinly across many disparate activities and partners. This may be acceptable if the overriding objective

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<sup>11</sup> See *Ibid*, pp.7-8.

<sup>12</sup> Source: UNDP Comments on Draft Report, December 2016.

is to support the government's reform priorities. Yet, from a development perspective, it risks undermining the capacity of the Programme to produce results in institutional and sub-sector capacity and performance at Output and Outcome levels within the short or medium term. Resolving or reconciling this dilemma will require careful attention in planning for the next phase of the Programme.

A significant feature of the early phase of Programme implementation was the careful attention given to analytic work to inform sector and institutional work and to standalone training exercises to provide exposure to new approaches and concepts, essential in opening minds to new possibilities in ways of planning and working. Training in planning methods provided an important foundation for the subsequent development of institutional strategic plans and to broader national planning initiatives with the Ministry of Planning and Finance.<sup>13</sup>

In the absence of overall policy guidance, government institutions shifted direction and priorities frequently. Following the 2015 Parliamentary Elections, once the new government was established, matters improved considerably. Over time, the teams in each of the four programming areas could move towards more coherent programming strategies. However, the context which was present, and which had constrained programming during the initial phase, resulted in a scattered menu of activities. With changing circumstances, it appears to have been difficult for the Pillar 3 Team to entirely change what had become an opportunistic way of working, or to assert a more compact set of priorities and, understandably, to abandon lines of activity and working relationships, once established.<sup>14</sup>

The absence of an overarching vision for the Programme has led to a tendency for the four components to be managed as separate projects, in part, reflecting the "silo-ization" of counterpart organizations, although there have been examples of collaboration across components. The apparent lack of coherence across activities was raised by representatives of several counterpart organizations. As one Deputy Director-General, generally well-disposed to the Programme, commented to the Evaluators, "among all these activities, there is a need for something consistent and systematic."

There is clearly a concern on the part of the Pillar Leader, Chief Technical Advisors in Nay Pyi Taw, and Output Team Leads in Yangon, to strive towards greater coherence within and across outputs. Yet, given the wide range of investments in some of the components, notably Rule of Law and Development Effectiveness, this will be difficult to accomplish. In Rule of Law, Parliamentary Support and Public Administration Reform, an important emergent focus has been the development of strategic plans with key government institutions.

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<sup>13</sup> A brief description of this phase of Programme implementation may be found in *Annual Report: Pillar 3 Democratic Governance Board Meeting, 2013*.

<sup>14</sup> Some modest efforts to do so were evident in 2015, following on from the Pillar Team's Theory of Change exercise.

## ***B1.2 Organization and Management Systems; Planning and Decision-Making***

### **Organization and Decision-Making Within the Pillar 3 Team:**

In establishing management arrangements and systems, as with the other Pillars, Pillar 3 was hampered by the geographic distance between the government in Nay Pyi Taw (NPT) and UNDP, like other international organizations and embassies, in Yangon. This resulted in a division in the location of the staff members of the Pillar 3 Programme.

The Programme's senior professional experts, in the fields of parliamentary support, public administration reform and rule of law, the Chief Technical Advisors, appointed at P5 level in the UNDP staffing system, are based in NPT, with offices in the premises of the major counterpart institutions.<sup>15</sup> An additional technical advisor, a statistician, is also based in the capital in the Central Statistical Organization.

The Pillar Team Leader and the rest of the staff are based in the UNDP Country Office in Yangon, except for three UN Volunteers (UNVs) supporting the Rule of Law Programme, located in Mandalay, Taunggyi and Myitkyina, along with national officers, also based in Mandalay and Myitkyina, and with a project associate in Taunggyi. In addition, an Australian International Volunteer (a New Zealand national), working as an English-language teacher on behalf of the Rule of Law programme, is currently based in Mandalay, but who has also served in Taunggyi and Nay Pyi Taw. Each of the four Programme component teams in Yangon is led by a Programme Specialist, appointed at the P4 level.

The geographic division has caused difficulties in communications and shared decision-making. In the judgment of many participants and observers, it has also left the STAs (except in the case of the Parliament component) bereft of the necessary level of support to enable them to operate at optimal level. As "technical experts", rather than managers, they are not included in routine decision-making, since regular management meetings are held in Yangon and involve the Pillar Team Leader (PTL) and the Programme Specialists, designated as the Output Team Managers.

The structure of the Programme organization is built around the PTL, who is responsible for setting overall direction and strategy, as well as supervision of the management of the four output components, and the orientation towards results as set out in the Annual Work Plans (AWPs). All recruitment and concept notes and budgets concerning individual activities require the approval of the PTL.

In the initial years of the Programme, there was very real uncertainty on the direction taken by the government, given its hesitant commitment to reform. Government officials were wary and unsure of cooperation with the UN and the international community, particularly while international sanctions on Myanmar were in place. Cooperation in the democratic governance and legal reform spheres were particularly sensitive. Under these conditions, there was a legitimate need to maintain strong central controls vis-à-vis decision-making concerning

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<sup>15</sup> The Term "Senior Technical Advisor" has been adopted at the request of the government of Myanmar in place of the normal Chief Technical Advisor, or CTA, in the case of the Parliament component only.

recruitment of experts and staff members, and the launching of new initiatives. For the PTL and for senior management, particularly given the wide-ranging scope of the Programme, it was essential to take the necessary steps to ensure that the Pillar 3 team operated carefully and consistently at all levels to avoid anything that might disturb the effort to build up working relationships and mutual understanding with government.

Today, under more relaxed circumstances, these precautions no longer seem necessary. The CTAs are highly-experienced experts in their respective fields and all have substantial managerial experience. In any other UNDP country programme, they would expect to enjoy considerable autonomy in activity-level decision-making within the framework of the overall programme design and the AWP. Similarly, the Programme Specialists who lead the output teams in Yangon were all recruited, at least in part, for their management capabilities.

The Evaluators are favourably impressed by the quality and performance of the professional team carefully assembled for Pillar 3 by the PTL. Despite the geographical division of the team and the awkwardness of the division of labour between the CTAs (P5s) in NPT and the Programme Specialists (P4s) in Yangon, the members of the various teams seem to have found ways to make the relationships work effectively, if not at maximum efficiency.

It is understood why the current model of centralized decision-making was adopted. However, given the capacity of the senior members of the Pillar 3 team, as well as the direction of current political and institutional developments, it will now be advisable for UNDP to rethink the current alignment of roles and responsibilities, with a view to strengthening the position of both the CTAs and Programme Specialists and taking some of the pressure of administrative workload from the PTL (for a more detailed discussion, see “Effective Use of Human Resources” under B2.2, below).

The PTL has a vital role as strategic leader and senior advisor to the Country Director on democratic governance and Rule of Law. These roles may well become more demanding as it seems likely that UNDP will be drawn more directly into supporting the peace process. Delegating greater responsibility to CTAs and Output Leads will enable her to give greater attention to performance of these roles.

Even where such adjustments are made, the PTL will retain responsibility and accountability for the overall direction and performance of the Programme, and for quality control. While invaluable support is provided at present by the P2 Programme Analyst, it is insufficient to meet the broader needs of the programme. For this reason, it is recommended that a Deputy Programme (Pillar) Manager, with substantial experience in large UNDP projects and programmes, be recruited to support the PTL.

#### Current Staffing Levels:

The number of staff members supporting Pillar 3 programming is quite substantial, as is the number of internationals involved. This reflects the current situation for UNDP Myanmar, where through no fault of their own, and because of the forty years of relative international isolation, Myanmar nationals, for the most part, while capable, lack the experience and exposure to

international practice to enable them to perform at the level expected of them in UNDP Country Offices.<sup>16</sup> Over time, the situation will improve, but this is not likely in the short term.

Another aspect of the impact of the capacity limitations of national staff is to be found in the status of operational support services in the Country Office. As discussed below (B2.3), services provided by Finance, Human Resources and Procurement, are operating well below the expected standard. Thus, the Programme output teams are obliged to devote considerable time and effort in managing and troubleshooting operational support services.

More broadly, when assessing the reasons for the numbers of personnel engaged on the project, it must be borne in mind that Myanmar is encountering ideas of democratic governance and rule of law for the first time. Under such conditions, it is not surprising that implementation of the Programme for Pillar 3 is labour-intensive.

The process of transferring and adapting international knowledge, skills and understanding and internalizing concepts affecting ways of managing and working, will necessarily be a protracted and difficult one. It will require continuing inputs of high-level expertise, combined with well-thought-out mechanisms to support learning and appreciation of how new ideas can be adapted to Myanmar requirements in the context of limited absorptive capacities. In addition, the importance of opportunities for government and civil society personnel to be exposed first-hand to international practice through carefully guided and curated visits, or periods of overseas study, cannot be overstated. Given these realities, in the view of the Evaluation Team, if anything, there is too little and not too much human resource and managerial support to the Programme.

### ***B1.3 Programme Governance and Partnership***

The principal form of Programme governance is through the Pillar or Outcome Board, as well as the Output Boards for each of the four components. Interviews with members of the Pillar 3 Team and representatives of government counterpart institutions, as well as of development partners indicate, as is appreciated by Pillar 3 management, that there are problems of various kinds with the functioning of the Boards. A key source of difficulty is the tendency for senior leaders in government to delegate to subordinates the responsibility for participating in meetings. The officials selected often lack the authority to make decisions, and the lack of

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<sup>16</sup> A major contributor to this is the poor quality of public education at all levels. Major efforts are underway to address this deficiency in the country's human development profile, and, according to UNICEF, spending on the sector has increased by 49 per cent between 2012 and 2014 (See: [https://www.unicef.org/myanmar/education\\_1360.html](https://www.unicef.org/myanmar/education_1360.html)). However, it will take some time before the new levels of investment show results. For now, the mean years of schooling, a key variable in calculating the Human Development Index, remains at only 4.1 years, and Myanmar ranks 148<sup>th</sup> of 188 countries and territories included in the UNDP HDI overall country rankings (see: [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/MMR.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/MMR.pdf)). On the poor state of higher education, see, for example, the 2013 report by the International Institute of Education: [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/MMR.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/MMR.pdf).



continuity that results from uncertainty about who will represent each institution also undermines a sense of shared engagement in a common enterprise.<sup>17</sup>

A factor which may contribute to this unfortunate trend is the nature of UNDP's formal relationship with its government partners. The document which authorizes cooperation between UNDP and its partners is the MOU signed at a high level by the Ministry of Planning and Finance (MOPF) and UNDP. While this is normal practice for UNDP, in a country which is unfamiliar with the ways of international cooperation, this may well have resulted in a weak sense of the formal linkage with individual governance institutions. This is particularly the case since UNDP's procedure is at variance with that of bilateral donors, which have MOUs with each partner institution. To address this awkwardness, it may be advisable for UNDP to consider utilizing a series of Letters of Agreement to complement the overarching MOU, and thus confirm the official link between it and each of its government partners.

For the Pillar Board, a further source of its limitations as a programme forum, limiting its effectiveness, is the apparent lack of interest of the leaders of each institution in developments with their peers. This "silo-ization" of institutions within government is not unknown elsewhere, but it reduces the prospect for UNDP to utilize the meetings to engage with senior government representatives on the broader issues of democratic governance and rule of law. Engagement of this kind would be appropriate for an outcome-level board, which should function as a high-level forum for policy dialogue and discussion of issues common to all Programme components.

For a variety of reasons, neither the Pillar nor the Output Boards are functioning as mechanisms to reinforce and strengthen partnership. Although it appears to be the case that the level of engagement of government partners in Output Board meetings has increased recently, several, though not all, counterpart institutions are critical of the Boards and their relevance. The meetings which are mandated to approve AWP's would seem to be a particular focus of concern.

Development partners express concern at weak preparation for the meetings, citing inadequate lead time given, documents received too late to allow for detailed review, inadequate information (particularly on budgets and budget breakdowns), and inadequate opportunity for discussion of substantive matters. At the same time, for development partners with limited numbers of staff assigned to development cooperation, and investment in more than one Pillar, there is frustration at the sheer number of meetings to be covered.<sup>18</sup>

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<sup>17</sup> The exception to this is the Development Effectiveness component, which, from the beginning, has had the same senior counterpart involved in Board meetings, or an alternate mandated to make decisions and familiar with the Programme (information from UNDP, Comments on Draft Final Report).

<sup>18</sup> Regardless of their orientation towards the Pillar and Output Board meetings, many of those interviewed expressed surprise at the lack of frequency of the meetings in 2015 and 2016. Pillar 3 staff explain that the cause of this gap in the normal schedule was caused by the disruption of the 2015 Parliamentary Elections, followed by the time needed to adjust to a new government, quite different from its predecessor, and the "100 days of action" which followed the formation of the new government. The coming of the summer months, and, in the case of the Parliament, the recess between sessions, also led to an extension of the hiatus between meetings. It must be said that partners do not seem to be fully satisfied with these explanations.

From the perspective of senior government leaders, there has been a transition from an early phase of Programme inception, when they were uncertain of what they needed and were happy to follow the lead of the UNDP Team, to the current period, when they are more confident in dealing with their international partners. Now, after several years of experience, they have a better sense of priorities and of what UNDP technical assistance can deliver.

The frustration expressed at the value of Board meetings would also seem to be an indicator of some disenchantment at the extent of their participation in the planning and priority-setting process. There is common ground here with development partners with the concern to obtain more detailed information on plans, budgets and expenditures. As one senior manager explained: *“We get the general work plan, but we would like to see a detailed work plan; there is a need for greater transparency.”* As another senior representative commented in a separate meeting, *“There has been some consultation, but it has not been efficient.”*

As interviewees suggested, there is an unmet need for a more open dialogue, at an early stage, on plans for the coming year, and a review of the experience of the year ending.<sup>19</sup> Paradoxically, there is also general appreciation of the efforts of the CTAs and the Pillar 3 Programme to keep in touch with partners, and consult them. As with many a questionnaire, the response depends on the immediate context and sequence of the questioning. It is only when the topics of the Board meetings and the AWP are introduced that more critical concerns come to the surface.

In considering the Programme’s efforts in technical assistance and capacity development, as in discussion of issues brought forward at Board meetings, it is probably the case that the “language and culture barrier” is also a factor here, in that when information is provided it may not be fully comprehended. Senior managers and parliamentarians repeatedly emphasized the need for far more serious attention to English-language training at both basic and advanced levels.

Such classes, where planned and delivered with appropriate care, can be “a safe place” for learning about ideas and ways of translating Western terms into a Myanmar context.<sup>20</sup> Training courses and workshops may well assume too much internalization of terms and concepts on the part of participants, and, thus, much technical content may elude the trainees.

One senior advisor, with a good knowledge of English and familiarity with the approaches of the international community, commented on the level of difficulty of many UNDP documents, which make it difficult for even senior officials to understand them. Similarly, one of the House of Commons advisors, working on the development of the capacity of the Research Department, reflected that a relatively advanced level of English-language knowledge is required before a staff member can conduct reliable research and absorb technical material. Interviews conducted for the Parliamentary Support Output Evaluation also revealed that counterparts were concerned

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<sup>19</sup> It might be observed that the Rule of Law team has been considering responding to a recognized need for in-depth discussions with partners and the development of an improved work planning process (Justice Team Meeting Minutes, 12 July, 2016).

<sup>20</sup> Based partly on a discussion with the UNDP volunteer English-Language teacher in Mandalay, who is also an experienced lawyer (a New Zealand national, who came to Myanmar as an Australian International Volunteer).

that there be more attention to the careful translation of newly-introduced concepts into the Myanmar language, as well as relating them to the context in which Parliamentarians practiced.<sup>21</sup>

Clearly, there is much to be done in addressing this set of issues (partnership, governance, and consultative planning), and being realistic about the time it takes to transfer and adapt knowledge, and facilitating a sense of ownership among counterpart organizations in the Programme.

It is suggested that a detailed review be undertaken of options for improving the effectiveness and relevance of the Pillar and Output Boards. It may well be time for some rationalization of the overall Pillar governance process. Whatever the approach adopted, it is recommended that Programme governance be treated as a sphere of activity with results to be accomplished, and with an appropriate allocation of human resources, creative thinking and a budget to support it. Additional ideas on how the Board meetings might work are included in Appendix F1, Additional Notes, under B.1.3a.

#### ***B1.4 The Results Framework and the Theory of Change***

The Pillar 3 team has made several efforts to revise the Programme's ***results and resources framework (RRF)***. The initiative to develop a ***Theory of Change (TOC)*** in March 2015 to accompany the most recent revision to the RRF illustrates the difficulties in bringing together into a coherent whole a wide-ranging set of thematic initiatives under the four programming components. In this case, it is fair to conclude that the journey was more important than reaching the destination, in that the engagement of members of the Programme Team in working out the TOC facilitated a deeper appreciation of shared objectives and linkages across the thematic areas.

It is illustrative of the consequences of the absence of a conventional programme design that the Theory of Change itself was not produced until two years into project implementation. As to the TOC itself, it appears more as a wrap-around of the existing Programme than as a path, or set of paths, to institutional change. While it succeeds to a degree as an argument for the relevance of the outputs, it functions primarily as a *post-hoc* justification for ongoing activities, and has had only modest utility as a vision for implementation. During interviews, Programme staff and other stakeholders agreed that the Theory of Change lacked relevance to their work. Previous output evaluations reached the same conclusions.<sup>22</sup> At a minimum, the lack of a strategic vision and functional theory of change complicates decision-making around resource allocation, and contributes to an activity- rather than outcome-centred approach to implementation.

However, there were some important innovations: a set of gender equality outcome-level indicators and a set of intermediate outcomes. Whether these can be integrated in the current programme remains to be seen. As to the new indicators, it is far from clear that all of them

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<sup>21</sup> Information from National Consultant member of the Evaluation Team, who was also an evaluator for the output evaluation.

<sup>22</sup> UNDP Parliamentary Strengthening Output Evaluation Report (1 September 2016), at para. 45; Draft Rule of Law and Access to Justice Project in Myanmar Evaluation Report (June-August 2016), at paras. 48-49.

belong as Outcome-level indicators.<sup>23</sup> More broadly, though relevant to the effort to inject more GE content into reporting, they do not fit well with the existing Results and Resources Framework (the complete list is attached as [Appendix 4](#) to this report).

In addition, Development Effectiveness dropped several smaller programming initiatives to give greater emphasis to key areas of its work. Similarly, the Parliamentary Support component determined that an increased focus on outreach was required at Union, as well as the state/region level in 2016, to better meet expectations concerning participation, an important theme for the government leadership.

One of the difficulties facing the Programme Team in formulating an RRF or TOC lies in the Outcome Statement itself. Like the Impact Statement, it derives from the Country Programme Action Plan (CPAP), and appears as a call to action, rather than a result which can be achieved.<sup>24</sup> Under the best of circumstances, it is problematic to retrofit a project or programme with a new TOC or results framework. The TOC produced is a worthy effort, which may be most helpful in setting out directions for future programming through the introduction of intermediate outcomes, which are essential if the TOC or RRF are to be of value in directing, rather than reflecting, programming decisions. The new set of indicators is a building block for the future.

The current RRF dates from a revision and updating, which took place in March 2016. As noted above in A5, the outcome indicators included in it derive from global indicator sets consisting of indices on country performance. The connection between such macro-level performance measures and the possible impact of Pillar 3 programming is weak, given the weight of UNDP investment in the overall national governance system. At best, it might be claimed that, by investing in strategic activities which achieve output-level objectives, Pillar 3 is **contributing** to enhanced performance as measured by the indicators.

The output results for **Development Effectiveness** and **Parliament** are attainable, except that: i) for DE, there is an awkwardness in the two-part statement to accommodate the Development Cooperation component, which, despite its importance, does not fit well in Pillar 3 (or in any of the other Pillars); and, ii) for Parliament, the level of effort devoted to state and regional legislatures is insufficient for there to be any prospect of achieving a result at this level.<sup>25</sup> With these reservations, it may be noted that there are well-drawn linkages to activity results.

For Output 3 (**Rule of Law**), there is a difficulty in the framing of the results statement, which also relates to the challenge of accommodating the wide and uneven spread of partnerships and activities in this component of the Programme. Indicators are given for the different segments of ROL programming. The core problems deriving from the Output Statement are that (through no

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<sup>23</sup> There are 12 indicators listed. The list was developed jointly by Pillars 1 and 3. Of the 12 items, the first 7 pertain to Pillar 3.

<sup>24</sup> The **Impact Statement** is: "Promote poverty reduction and sustainable development that are rights-based, gender-sensitive, inclusive and equitable." The **Outcome Statement** reads: "Promote democratic governance and the rule of law to strengthen democratic institutions and the advancement of human rights." These results statements are taken, as is mandatory, from the Country Programme Document and cannot be modified.

<sup>25</sup> For reference, please note that the full Output Statements may be found in A4, above.

fault of the Programme), i) there is no overall justice reform strategy for Myanmar; and, ii), there is a divide between institutional reform programming, on the one hand, and activities reflecting the needs of vulnerable groups, on the other.

This might be regarded as a limitation of the effectiveness of Pillar 3 programming, but, more to the point, it speaks to the scattered character of partnerships and activities supported. It is work at the state and regional level through the Rule of Law Centres and civil society groups, which is addressing the needs of vulnerable groups. At this stage in institutional reform, there is little attention to such matters in Union-level reform programming.

The indicators are relevant to performance under the various segments of the Programme. However, their achievement would not add up to the output-level result, though they would contribute to it. This is not necessarily a negative comment on the value of the ROL programming component, but it does indicate a weakness in integrating its different constituent elements.

As to Output 4, on **Public Administration Reform (PAR)**, the framing of the results statement seems to lack synchronization with the major areas of work undertaken, and is too ambitious at this stage. The reforms and institutional strategic plans are of real significance for the overall administrative reform process. However, “*Strengthened capacity for service delivery*” would seem to be a “stage 2” reform, with current initiatives supporting the building of the institutional foundations on which this result might be built in the middle distance, but not in the life of the current Programme. The stated ambitions at state and regional level, as captured in the well-framed indicators, and presumably where the strengthened capacities for service delivery would be exhibited, would also seem to be unrealistic at this stage, particularly given the relatively low level of investment in the PAR component, whether at Union or region/state level. “*Improved responsiveness*” may be a more realistic aspect of the results statement.

The results framework has been used routinely and effectively as a mechanism for organizing the presentation of Programme results, as in the reports prepared for the Pillar and Output Boards. However, it has not been effective as a guide for making strategic decisions on programming, as it should have been, nor has it encouraged greater integration within and across components, or to make strategic decisions on resource allocation. It also provides readers of the reports with very little idea of how individual parts of a component contribute to the larger whole.

## **B2: RESULTS**

### **B2.1 Relevance**

*To what extent was the project, as designed and implemented, suited to context and needs at institutional and national levels?*

**Relevance to UNDP’s Mandate, National Priorities and Objectives.** The work of Pillar 3 is clearly relevant to the UNDP’s global mandate, and to its national priority *to contribute to poverty reduction and sustainable development in Myanmar by enhancing inclusive and responsive governance and the realization of rights.*<sup>26</sup> The activities conducted under each of the four

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<sup>26</sup> UNDP Country Programme Narrative 2016-2017 (19 Nov 2015)

outputs can be feasibly viewed as contributing to enhancing inclusive and responsive government, though a contribution to poverty reduction and sustainable development is difficult to assess. The Programme objectives remain valid despite changes to the political context, although this is unsurprising given the generality of outcome and output statements.

**Relevance to Partner Needs and Priorities.** Government counterparts reported that current project activities were relevant to their needs and priorities, and consistent with their own strategic planning. Given the political context at the time, the team understands that it was not possible for the UNDP to accurately assess the priorities of counterparts at the design stage. These priorities have evolved over time, and have been shaped to varying degrees by the UNDP-supported development of institutional strategic plans.

While counterparts did not express doubt about the Programme's overall relevance, they did call into question the relevance of some specific activities. For instance, university professors involved in the implementation of the BABSEA CLE reported that the Programme created an extra burden on law faculty due to its lack of integration with the official curriculum.<sup>27</sup> Judicial officers who participated in Fair Trial Standards training also questioned the relevance of some content to the Myanmar context, though they still described the training experience as valuable. Similarly, Parliamentarians at state and regional level, while appreciative of new knowledge acquired, were concerned that the Induction Programme in which they had participated devoted insufficient attention to addressing practical questions applicable to their own situation.

Regular engagement by CTAs and the Statistical Specialist with counterpart institutions has contributed greatly to the project's ability to respond effectively to changes in partner needs. For instance, responding to the priorities of the new government, the project shifted the focus of its PAR activities from broader public administration reform initiatives (focused on implementation of the National Framework for Administrative Reform) to more concentrated support to the civil service reform agenda (through the development of the Civil Service Reform Strategic Action Plan). The parliamentary output was also able to adjust its initially exclusive focus on staff to include MPs with changes in the political context.

**UNDP Comparative Advantages.** The Programme appears to have positioned itself strategically in the field of democratic governance in Myanmar, and despite an increasingly crowded development space, retains some notable comparative advantages moving forward.

*Cross-Sectoral Presence.* UNDP is the only organization with a broad cross-sectoral presence across the executive, legislative and justice sector institutions. The Programme's involvement

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<sup>27</sup> Some of these weaknesses appear to be due to limitations and demands placed on the programme by the Ministry of Education (with which the Evaluation Team did not meet). The Ministry requirement that all 18 law schools be part of the programme, and a reported reluctance to integrate the CLE into the official law school curriculum, have contributed both to the CLE Programme's over-extension and its perceived lack of sustainability. Future support to the BABSEA CLE component should be contingent on a realistic assessment of the likelihood of improved Ministry buy-in and cooperation.

with the strategic planning processes in several counterpart institutions has given it a unique perch from which to assess and contribute to the reform process.

*Embedded Staff.* The UNDP is the only organization with full-time staff embedded in Union-level institutions across the sector – at the Office of the Attorney General, Ministry of Planning and Finance, Union Parliament, and Central Statistical Organization of the Ministry of Planning and Finance, as well as the Union Civil Service Board. This places it in a privileged position to develop cross-sectoral work.

*Political Support.* Several of the Pillar’s Programmes have explicit high-level political support. These include: the Rule of Law Centres; civil service reform; the SDGs; and, Union parliamentary assistance. This alignment appears to be an overall advantage, though it may also make the Programme vulnerable to politically-motivated shifts in priorities.

*State/Regional Presence.* Though currently underdeveloped, UNDP has a potential advantage in vertically linking Union-level and sub-national activities run out of the Rule of Law Centres, along with Pillar 1 supported CSO and women’s network activities. Work with state and regional parliaments, and with state and regional level judges and law officers, could also create opportunities (for the most part, currently unrealized) for vertical linkages that could affect national policy development, in the long term.

**Addressing Gender Equality and Human Rights.** A commitment to gender equality and a human rights-based approach appears prominently in the Country Programme Narrative and the Pillar’s Theory of Change, and is part of the outcome statement. Nonetheless, the evaluation team found that treatment of these issues was inadequate. Gender equality and human rights concerns do not appear to have played a prominent role in the conceptualization or implementation of most activities. There are no gender or human rights-specific strategy documents, though the team was informed that an early draft gender strategy had been produced. Programme staff cited political sensitivities, and a lack of demand (particularly by parliamentarians), as obstacles to addressing these issues more explicitly.

There are some positive exceptions. Gender and human rights have been incorporated into the activities of the Rule of Law Centres, and several of the knowledge products produced by the programme have included a focus on gender.<sup>28</sup> The Rule of Law output has also provided support to Legal Clinic Myanmar, and (with Pillar 1) to the Mae Doe Kabar women’s network and for the development of the *iWomen* app. Development Effectiveness has also sought to introduce gender dis-aggregated data techniques through its assistance to the CSO. These activities could have been made more relevant by considering gender and human rights at the planning stage. Better linkages to Pillar 1, which has a strong gender component and works on issues with rights

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<sup>28</sup> For instance: the justice concerns of women were a focus of the Access to Justice mappings; the experience of women parliamentarians was included in the first MP survey; and, equal opportunities for and discrimination against women staff members was a focus area of the civil service perceptions survey on ethics, equal opportunities and meritocracy.

implications such as citizenship, as well as engagement with partners such as UNFPA, OHCHR and UN Women, might also augment gender and human rights relevance.<sup>29</sup>

**Enhancing Future Cross-Sector Relevance.** While all four of the output areas are likely to remain relevant to a future Country Programme, the Evaluation Team believes that the Programme can maximize its relevance by focusing its work. There are a few specific areas in which the team saw potential for a more focused and integrated approach, among them:

*Evidence-Based Policy Development.* Across all the output areas and with all government counterparts, the evaluation identified a need to build evidence-based policy development capacity. This could involve a cross-output focus on developing the capacity of counterparts through material and technical assistance to research and planning units, and linking data and survey research, policy development and strategic plan implementation.

*Public Administration.* The evaluation recommends that consideration be given to making the public administration output a more central, and better resourced part of the Pillar. In many ways, the ongoing work of all the outputs converge around issues of the transparency, accountability and effectiveness of public administration. One additional option could to fold some DE activities into a re-structured and better resourced PAR output.

*Linking National and Sub-National Initiatives.* While the evaluation recommends that the Pillar maintain its primary focus at the Union-level, the Programme can increase its relevance by strengthening linkages between the UNDP Pillar 1's work with local governance and civil society, and Pillar 3's institutional work. This could potentially be done by strengthening approaches that link civil society initiatives, social accountability, environmental governance, Rule of Law Centres, sub-national parliamentary work and peacebuilding.<sup>30</sup>

## **B2.2 Effectiveness**

*To what extent was the project, as implemented, able to achieve objectives and goals?*

**Overall Effectiveness, and Limitations.** The Evaluation Team found that the Programme was effective in identifying and exploiting 'pathways to change,'<sup>31</sup> building strong relationships of trust with government counterparts and taking effective initial steps at bringing together civil society and government at the sub-national level. *The Pillar has made a solid beginning in*

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<sup>29</sup> <sup>29</sup> It is worth noting positively that the UNFPA has committed to providing some funding to Pillar 3 to work on sexual and gender based violence in Rakhine and Kachin States in 2017, though the Evaluation Team did not have the opportunity to assess the relevance and feasibility of these specific activities.

<sup>30</sup> The Evaluation Team understands that a move towards 'area-based programming' would require a reconsideration of staffing structures and resource allocations across the UNDP Country Programme. Even a sequenced 'pilot' approach in a few select states and regions would come up against the current Government demand that UNDP state and regional assistance be delivered to *all 14 states and regions*. For UNDP state and regional programming to be effective in the future, re-negotiating such limitations with the government should be a priority.

<sup>31</sup> Pillar 3 Theory of Change, at pg. 4.



*contributing to enhancing understanding of the practice of democratic governance and the implications of rule of law.* While the approach to project delivery within the individual outputs appears sound, the breadth of the Pillar's work makes it difficult to assess overall effectiveness.

In addition to the managerial and structural limitations (discussed under section B1), the Programme has had to work under many externally-imposed constraints. Operating during a political transition introduced uncertainties and exacerbated already risk-averse tendencies in counterparts. Institutions lack absorptive capacity, and much of the legal and regulatory framework is weak or non-existent. In some cases, unreasonable requirements have been placed on the Programme (such as the highly problematic requirement to provide assistance to all or none of the 14 state and regional parliaments), substantial resources have had to be directed to politically important, but not necessarily strategic, activities (such as the Rule of Law Centres), and unanticipated shifts in political agendas have threatened the effectiveness of ongoing initiatives (such as changes in government priorities around administrative reform). The Evaluation Team found that the Programme has dealt effectively with these challenges.<sup>32</sup>

**Pillar-Wide Results and Impacts.** Notwithstanding these limitations and the difficulty in measuring progress against benchmarks in the results framework, the team found that the Programme to date has made a substantial difference in several areas. It is too early to see a change at the outcome level, but collectively these early project strengths point towards a potentially powerful future Programme direction, if properly focused. A more realistic set of interim indicators might have better captured some of these successes. That said, the team found substantial anecdotal evidence of impact, not fully captured by current reporting.

*Strategic Plan Development.* UNDP's assistance in the development of strategic plans in several of its counterpart institutions is a notable success of the Programme to date - including the Hluttaw Strategic Plan, Union Office of the Attorney General's Strategic Plan, the Civil Service Reform Strategic Action Plan, and the National Strategy for the Development of Statistics. Although the plans vary in quality, and questions remain about institutional capacity to effectively implement them, they are an important foundation for the institutions concerned, and a starting point for developing Programming in line with identified needs.

*Building Research Capacity.* UNDP has helped to establish rudimentary research capacity in parts of government – notably, the Parliament Learning Centre and Research Unit (with the House of Commons), the Planning Unit of the OAG, and the Centre for Economic Development Study at the Central Statistics Organization. Although in their infancy, these units represent a certain level of institutional commitment to improving research and analysis capacities, and could be viewed as an interim achievement of the project.

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<sup>32</sup> While Rule of Law Centre activities may be viewed as part of a larger strategy to affect national-level policy through enhancing understanding, and generating pressure for change from the grassroots level, the initial decision to invest in the Centres was clearly driven by political demands and opportunities. In the view of the Evaluation Team, the goal of affecting national-level policy making remains aspirational, and largely peripheral to the day-to-day activities of the Centres.

*Generating Research and Survey Data.* The project has produced, or is in the process of producing, some notable research products, including the MP Survey Report, Civil Service Perceptions Survey, Access to Justice Mapping and the Myanmar Living Conditions Survey (with the World Bank). Although questions remain about the capacity of government to utilize this data effectively, the production of baseline data, and associated capacity building, is a significant achievement for the project – and greatly appreciated by counterparts. Preliminary success in providing research assistance to the staff of Parliamentary Committees highlights both the great needs and opportunities in this area.<sup>33</sup>

*Enhancing Democratic Space at the State and Regional Level.* Although the team had concerns about the coherence and direction of the Rule of Law Centres, it is apparent that they have created a novel and valuable venue for civil society/ government engagement. Along with the CSO networks and the Mae Doe Kabar women’s network (support primarily by Pillar 1), UNDP appears to have made a noticeable – though difficult to measure - contribution to opening democratic space at the sub-national level. Some officials stated that participation in Programme activities was the first time that they had interacted with civil society in a formal setting. In addition, Programme work with state and regional parliaments, and with judges and law officers at the sub-national level, have created new opportunities for engagement. These activities, if properly focused and resourced, and linked strategically to Union-level engagement, could form the backbone of a future Programme design linking sub-national engagement vertically with policy development initiatives at the national level.

**Lack of A Shared Political Analysis.** The Programme lacks a shared political analysis that could guide programmatic decisions and help to identify areas of political risk. This is not to say that CTAs, Pillar and Output leads have not dedicated time to strategic matters within their respective areas of expertise and responsibility. There have been important strategy documents developed within each of the output areas. Indeed, this is a strength of the Programme. What is lacking is a shared analysis that situates the strategic work of each component, and links such work to the broader political context. For instance, there are no clear links to the political analysis capacities elsewhere in the UNDP Office, with the Peace and Development Advisor in the RCs office, or analytical capacities in UN other agencies. Such an analysis could be developed as part of a collaborative exercise involving the CTAs and the Pillar and Output leads.<sup>34</sup> The UN in Myanmar also does not currently have an UNDAF, or a Peace and Development strategy.

There is also no regular venue for CTAs to input their substantial intelligence and analysis into broader policy discussions at the Programme and Country leadership level. CTAs do not fully or

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<sup>33</sup> Much of this work is being conducted by the House of Commons, which plans to end assistance in 2017. MPs emphasized the need for a permanent research capacity. They easily identified specific areas where a lack of research has badly affected their ability assess laws or policies (aviation, ambassadorial appointments, consolidation of education laws, border ministry-run juvenile centres, and ratification of the CRC optional protocol).

<sup>34</sup> In October 2014, the UNDP, at country level, conducted a confidential Scenario Planning Exercise, which produced a political economy analysis. Many of the trends identified in that exercise remain relevant in the post-election context, and could inform the development of a shared political vision in the post-election period. Scenario Planning for UNDP Myanmar, Draft of 16 October 2014.

consistently participate in weekly meetings convened in Yangon, and while there are opportunities to share information at *ad hoc* knowledge sharing events and occasional management retreats, these do not create opportunities for systematic or regular conversations that feed into the development and maintenance of an overall strategic vision.

The evaluation identified areas of work which could benefit from and contribute to a Programme-wide political economic analysis. Such an analysis could consider contextual issues - such as the intersection of development work with the peace process, the likelihood and effect of a shift toward federalism, constitutional limitations on administrative reform, and unintended consequences of LDC graduation.<sup>35</sup> It could also address issues with immediate programmatic impacts – for example, internal politics surrounding a joint parliamentary service, intra-bureaucratic conflict over the role of the CSO, the implications of ministerial mergers such as in the Ministry of Planning and Finance, politicization of the judiciary, and human-rights consequences of the Rakhine State 5-Year Socio-Economic Plan.

**Building Effective Partnerships.** Implementing partnerships for the most part have served the Programme well. An example of effective cooperation has been the Parliamentary Learning Centre, where the CTA shares office space and liaises daily with staff of the Inter-Parliamentary Union and the House of Commons. The International Development Law Association, contracted to manage the Rule of Law Centres, also appears to be performing well – though at some expense for the Programme. The partnership between the World Bank and UNDP in support of the survey work of the Central Statistical Office has also been very effective. While not a partnership, the PAR component developed an excellent working relationship and mutually beneficial division of labour with the European Union in support to the UCSB.

There were places in which partnerships appeared problematic or inadequately transparent. Though it did not investigate in depth, the team had concerns about the work of the BABSEA CLE. It appeared that the Programme was spread too broadly (in 18 universities), and undermanaged at the state and regional level where the burden fell on the shoulders of sometimes reluctant law faculty.<sup>36</sup> BABSEA CLE reports lacked substance, as compared with the detailed IDLO reports under the same output. It is understood that the Pillar 3 Rule of Law Team devotes a disproportionate amount of time to managing the BABSEA CLE Programme.

Although there are cases of cooperation or consultation with other UN agencies, this has not been a strong feature of the Programme.<sup>37</sup> The team was only able to meet with representatives of two UN Agencies (OHCHR and UNHCR), neither of which had substantial involvement with the Programme, and despite other UN Agencies having been invited to the consultation. Although

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<sup>35</sup> A policy paper on LDC graduation was developed by the Pillar and shared with the Ministry of Planning in 2015.

<sup>36</sup> See Footnote 25, above.

<sup>37</sup> This is consistent with the findings of previous evaluations. *UNDP Parliamentary Strengthening Output Evaluation Report* (1 September 2016), at paras. 40; 95; *Draft Rule of Law and Access to Justice Project in Myanmar Evaluation Report* (June-August 2016), at para. 72; *Myanmar Country Programme Action Plan 2013-2107, Independent Midterm Evaluation*, at para. 108.

there has been some collaboration, particularly under the Rule of Law output, with UNODC and UNFPA, it has not been systematic or strategic in nature.

**Effective Use of Human Resources.** The team was impressed by the quality of the output teams assembled by the Programme. Staff appeared to be qualified, engaged and reasonably effective despite a lack of adequate operational support. The team did not agree with concerns of some donors that the project was over-staffed, or ‘international’ heavy. Given the context, and limited capacity of national staff, the current staffing arrangement is justified. In fact, additional support should be considered – for instance, a project manager to support the Pillar Lead, and additional Programme support to the Public Administration Reform component (see also B2.1, above).

*Pillar and Output Leads.* The Team had concerns about the effective use of the time of the Pillar and Output Leads. Output Leads devote significant time and resources to administrative issues that should be handled by operational staff. This has diminished their capacity to engage in strategic thinking, outreach and coordination. Procurement appears to be the most urgent area in need of attention in this regard. More inter-output (and pillar) cooperation, and eventual consolidation of aspects of Public Administration and Development Effectiveness, could also be part of a solution to increase management effectiveness. For the next Programme cycle, the team strongly suggests a re-evaluation of the division of responsibilities and lines of authority among CTAs, Output and Pillar Leads – as part of a broader joint review of current procedures.<sup>38</sup>

*Chief Technical Advisors.* The CTAs are among the Programme’s most important assets, and their relationships with their host institutions are a major comparative advantage. The Team identified several areas where their effective use could be improved. For instance, while CTAs meet informally, there are few formal avenues for sharing across their areas of expertise, and with UNDP leadership. The team saw untapped potential here, and CTAs offered compelling arguments for joint work (e.g., on legislative drafting, codes of conduct, competency frameworks).

Further, delegations of authority to CTAs and Output Leads seem unduly restrictive. Authorizing CTAs to formally engage with more senior counterparts, for instance, could improve effectiveness and decrease burdens on Programme staff.<sup>39</sup> Authorizing CTAs to exercise such responsibilities (which would require a negotiation with the Ministry of Planning and Finance), or jointly approve consultant TORs with Output Leads, for instance, could improve effectiveness and decrease burdens on Programme staff.<sup>40</sup>

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<sup>38</sup> This could necessitate additional changes to the Country Office Standard Operating Procedures and the Internal Control Framework, determined by the Country Director (most recently revised in 2016).

<sup>39</sup> Of course, such interactions would be discussed in advance with the Pillar lead on a regular basis, and would require her concurrence.

<sup>40</sup> The Evaluation Team understands that any substantial changes in roles and responsibilities could necessitate adjustments in TORs, and re-advertisement of posts. Such changes would best be addressed as part of the development of the next Country Programme. In the short term, however, an internal review could seek to find less formal solutions to facilitate the joint work of CTAs and Output Leads.

*National Staff.* The lack of a coordinated national staff capacity building strategy has affected national staff effectiveness. The Programme has a strong national staff, but without a coherent policy, it will be difficult to transition to a more ‘nationalized’ office. In particular, the Programme Analyst positions in each of the outputs are bogged down with administrative tasks, with few opportunities to develop their substantive expertise. National staff reported that they were not regularly included in strategy discussions or in meetings with government counterparts, and that they had minimal exposure to CTAs or other Programme expertise.

In this regard, the team would wish to acknowledge the efforts of the Rule of Law output, which has tried to build staff capacity by delegating substantial work to the Programme Analyst (such as drafting the annual work plan and leading sectoral coordination meetings), and assigning an international staff member as a ‘mentor’ to develop staff writing and analytical skills. The fact that these initiatives were not entirely successful highlights the need for a UNDP-wide staff development plan. Hence, the evaluation recommends, if possible, that the question of a capacity building strategy for national staff be addressed on a broad basis at the Country Office level.

**Effective Coordination and Outreach.** The effectiveness of the Programme’s coordination and reporting structures varies across outputs and could bear improvement. Donors expressed dissatisfaction with both the coordination mechanisms, and the relative lack of sharing by the Programme of knowledge products. Donors complained that they could not reliably attend the many Output and Pillar Board meetings (for which adequate notice was rarely given), and were often unaware of the existence of the Programme’s research products. The burdens and benefits of the current board system aside, the Programme needs to dedicate more resources to donor coordination (with possible staffing implications). Better communication with donors will increase effectiveness, and can help to share the political risk of the Programme’s interventions.

A diverse and seemingly disconnected set of broader coordination mechanisms also exist. Most of these mechanisms are not explicitly linked to the Programme but serve as a venue for discussion among development partners and government on issues affecting its implementation. These include meetings among development partners and implementing organizations, such as the Rule of Law Coordination Meeting, Democratic Institutions and Processes Working Group, and the Public Administration Reform Sub-Sector Working Group. Other mechanisms bring together government and development partners, such as the Joint Coordination Committee of the Parliament, which seeks to coordinate donor funding.

Mechanisms with more immediate impacts on Programme activities include the Coordination Committee on Rule of Law (chaired by the Union Attorney General’s Office, and for which the UNDP has been asked to act as a secretariat), which will play a role in guiding the work of the Rule of Law Centres. In addition, the Development Effectiveness output acts as the secretariat for the Cooperation Partners Group of development partners – a function which is difficult to situate conceptually within Pillar 3. Finally, UNDP sits on numerous UN coordination bodies such as the Gender and Human Rights Theme Groups.

In addition, the Development Effectiveness output acts as the secretariat for the Cooperation Partners Group of development partners – a function which is difficult to situate conceptually within Pillar 3. While the diversity of these mechanisms may be a natural consequence of the substantive breadth of the Pillar, the character of the evolution of its programming, as well as the uncoordinated preferences of Government, a more comprehensive approach to donor engagement would benefit a more streamlined Programme.

The evaluation did not find that a lack of coordination had hindered Programme implementation in any major way. However, as the development space becomes more crowded, as it will, weaknesses in coordination among implementers, donors and government counterparts will bring greater risks. The Westminster Foundation is poised to be a major player in the sphere of parliamentary assistance, and the British Council's My Justice Programme will be increasingly prominent on the justice sector landscape. The European Union is also poised to play a more dominant role on public administration, including support to the parliamentary Joint Public Accounts Committee.

### **B2.3 Efficiency**

*Have resources (funds, expertise, time, staffing) available to the program been used in the most appropriate and economic way possible towards the achievement of results?*

*Has the programme managed implementation in multiple locations efficiently?*

*Has the programme-based approach (including un-earmarked programme funding) been an efficient way to achieve results?*

*Were the budget and sub-budgets designed, and then implemented, in a way that enabled the project to meet its objectives?*

The major issue for the Programme in terms of its efficiency is the scattered nature of its investments, with too many different streams of activity and too many partnerships. As discussed earlier in the report, most government representatives from partner organizations expressed satisfaction with the partnership with UNDP and its contribution to meeting their objectives. However, there is also a perception on the part of many senior managers at a lack of focus in Programme planning and, in some cases, a lack of sustained engagement on major initiatives, with a failure to follow through on activities of importance to the partner organization.

Across the four programming components, there are examples of one-off training courses and workshops, and not only in the initial phase of Programme implementation, when no other option was available. As is widely understood, based on study after study since the 1970s on technical assistance, and, more broadly, adult education, no matter how well planned and implemented such programming may be, it is unlikely to contribute very much to either individual or organizational capacity development, and, hence, represents a poor investment of limited resources. The root of the problem would seem to lie in the absence of a capacity development strategy, or strategies, to guide and inform programming.

An associated limitation lies in the weakness of the Results and Resources Framework, discussed above. A well-crafted RRF, developed on a consultative basis prior to detailed programme design, as a management tool will promote integration of programming components and encourage a concentration of the budget on sets of activities likely to bring about proposed results.

Although much of the Programme's effort and budget has been focused on core activities, and Programme management has adopted a highly responsible approach to budget management, the scattered nature of Programme investments, particularly in Rule of Law, along with uncertainties across the components about how much weight to give to operations at region and state level, have reduced overall efficiency. Given the decision to operate at state/region level, as well as through civil society support and training to justice actors, government actors, parliamentarians and civil society, along with assessments and surveys, undertaken by all four components, resources would seem to have been managed responsibly.

The effort by the Rule of Law Programme Output Lead to bring together all members of the team, from all geographic locations on a quarterly basis represents a good investment in inclusive team-building, in ensuring that all understand current priorities, and that there is consistency on the approach adopted by staff members across all locations. This is likely to contribute to enhanced morale, greater efficiency in the utilization of resources and more effective partnerships.

*Did management systems, planning processes and partnership mechanisms promote cost-effectiveness and accountability?*

*Was UNDP (and its Programme support systems) able to meet its commitments as expected, including: timely transfer of funds as per agreements; timely recruitment of national and international staff and short-term consultants; and, procurement of equipment in timely fashion? Did the Programme and its partners meet normal standards of efficiency in the quality, thoroughness, transparency and timeliness of financial reporting?*

**Management Systems.** This topic has been dealt with in detail in Section BI.2, above. In terms of efficiency, the key drawbacks of Programme management concern the division of human resources between the UNDP Country Office in Yangon and Nay Pyi Taw and the heavy centralization of management decision-making. While understandable in the early phase of implementation, the lack of delegation to highly-qualified CTAs and Output Leads no longer seems necessary.

**Operational Support.** Although the Evaluation Team did not investigate the operational side of the Programme in any detail, it did discuss the overall adequacy of operational support with a diverse range of staff, and reviewed documents pertaining to recent efforts to improve operational performance.<sup>41</sup> The Team understands that the current operational support structure in the office was developed during a transitional period from the HDI, which had no direct

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<sup>41</sup> *UNDP Myanmar Operations Review* (31 August 2015); *Non-Stop Improvement Committee Report 1* (3 December 2015); *Non-Stop Improvement Committee- Progress Report 2* (January – May 2016); MTR(O) Implementation Workplan (30 May 2016).

engagement with the government, and so operated under different circumstances. It has not been easy to transition to a 100 per cent DIM (Direct Implementation Modality) programme, with a high volume of transactions, in a country with limited banking, ICT infrastructure and local staff capacity. While efforts have been made to improve the system, it was nonetheless evident to the Team that the Pillar has not received adequate operational support.

Nearly everyone on the programme side of the Pillar expressed concerns about the lengthy and bureaucratic procurement and recruitment processes. The work of the Output Leads, national Programme Analysts, CTAs and other substantive staff has clearly and adversely been affected by these operational deficits. Both international and national staff reported spending a significant proportion, sometimes a majority, of their time addressing administrative issues that they felt should be handled by human resources, procurement and finance staff. Most viewed this to be a consequence of a combination of factors, including a lack of capacity of operational staff, poor communication practices, and the absence of a shared understanding of the appropriate roles of operational support staff vis-à-vis their programme colleagues.

Efforts have been made to improve the quality of support, with some success. These are discussed in detail in Appendix 1, Additional Notes: see B2.3a. Although Programme staff agreed that improvements had been made, significant inefficiencies remain that continue to draw on the time and attention of staff which could be focused on the strategic planning activities encouraged by this evaluation. Although the Evaluation Team is not able to assess the effectiveness of the operational review and reform process, improving efficiencies in operational support will clearly be a major factor affecting staffing structure, roles and responsibilities moving forward.

One positive factor in terms of programme support, which should be acknowledged, is the critical support provided to Programme staff, the organization of field activities, and provision of local intelligence, by the local UNDP offices. The presence of these facilities and staff in key centres in the country provides UNDP with a considerable advantage in undertaking programming and managing logistics in Nay Pyi Taw and in state/regional centres.

**Financial Reporting.** From the perspective of both development partners and counterpart organizations, financial reporting is inadequate in terms of the level of detail provided. In the view of stakeholders, there is a lack of transparency in terms of the breakdown of budget allocations through indication of detailed budget lines. This is undermining to a degree the sense that government partners have of their ownership of the Programme, as they become more assured in playing an active role in their partnership with UNDP. It is also causing frustration among development partners, who advised the Evaluation Team that they need better information to inform their own reporting to headquarters.

UNDP advises that financial reporting practices in the programme follow the terms set out in “standard agreements negotiated between HQ and Embassy Head Offices.”<sup>42</sup> This may be so, but despite this, there is clear dissatisfaction among Pillar 3 stakeholders at the adequacy of current

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<sup>42</sup> UNDP Comments on Draft Final Report.



practice. It will be advisable for Pillar leadership to discuss with its partners how to do better in meeting their expectations and needs.

## **B2.4 Sustainability**

*What indications are there that achievements so far will be sustained (e.g. national ownership, national systems and structures, individual capacity)?*

**National Ownership.** Notwithstanding the fact that the Country Programme is implemented through a Direct Implementation Modality (DIM), and despite some reservations noted above, government counterparts reported a sense of ownership of project activities.<sup>43</sup> Activities have generally been conducted in line with government priorities, and were found to be responsive to partner needs. This is at least partly due to the close engagement by CTAs with their institutional counterparts, and the fact that the Programme provided support for the development of strategic plans in most of its primary counterpart institutions. The Programme has also made strides in developing the structural capacity of those institutions through support to establishment of research units, survey (in the CSO) and training capacity (for instance, through the UCSB bi-annual courses). Whether these efforts will provide the basis for actual changes in the policies and practices of the government remains to be seen, and will be hard to discern.

Obstacles to national ownership identified by Programme stakeholders include the inflexible bureaucratic culture, a lack of absorptive capacity and political uncertainty. Many individuals with whom the team met raised the issue of the conservative ‘mind set’ of the civil service, judiciary and other institutions. Deeply embedded hierarchical and centralized institutional norms discourage risk-taking, delegation and transparency. This will take many years to change. All the Programme’s counterpart institutions have a limited absorptive capacity. For instance, the Parliament and the Office of the Attorney General, are both in need of assistance and overwhelmed by it. Initiatives need to be carefully calibrated so as not to overburden or distract beneficiaries. Finally, the political imperatives of both the civilian and military-controlled parts of government will change with shifts in the political context – particularly in relation to the peace process and associated constitutional reform efforts. The Programme will need the flexibility to respond and adjust to these changes, especially as UNDP gets drawn into playing a more substantial peace process support role.

**Generating and Maintaining Support for Gender Equality and Human Rights.** There are also indications that government counterparts may be reluctant to take forward parts of the UNDP agenda, particularly the agenda around gender equality and human rights. Given the somewhat conservative nature of the institutions in question, it is not surprising that the Programme has encountered some resistance to gender and human rights-focused programming. An additional factor, compounding the problem, is that there appears to be a perception at the Parliament,

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<sup>43</sup> The Evaluation Team has concluded that, for the present, and for the next phase of programming, given that so much remains to be done in building up the institutional capacity of government partners, it will be advisable for UNDP to continue to implement programming through the DIM modality.

and, more broadly, in government, that ethnic inclusion should take priority over gender.<sup>44</sup> For these reasons, it is important that the Programme maintain and strengthen its civil society support, either in a more integrated set of activities, or through stronger collaboration with Pillar 1, other UN bodies and national civil society initiatives.

**Institutional Capacity Development Assessment and Strategy.** All these concerns point toward the need for the Programme to develop an appropriate and coherent *capacity development strategy*. Although efforts have been made at the output level to identify institutional strengths and weaknesses, and strategic plans take account of individual, institutional and strategic capacities, these initiatives fall far short of a comprehensive capacity development approach. No Pillar-wide assessment of government institutional capacity has been conducted to inform cooperation and identify cross-institutional capacity gaps. This evaluation has identified a few of these areas, but a more thorough and dedicated assessment should be made prior to, or as a part of, the development of a new country Programme.<sup>45</sup>

Counterparts in the Union Office of the Attorney General, the Supreme Court and the Planning Department of the Ministry of Planning and Finance all expressed concerns that UNDP institutional support has been, at times, *ad hoc* (picking and choosing discrete pieces of the strategic plans to support), and raised the need for the development of a more coherent capacity development strategy. Counterparts in MoPF could easily identify *their* most critical capacity gap in the analysis and interpretation of data – for instance, how to practically utilize SDG indicators, and how they related to the data collected as part of the MLCS process. They also expressed concern about a lack of integration between Pillar 1 work (for instance, on SDGs and township development plans), and Pillar 3 work at the state and regional level. It appears to the Evaluation Team that the time has come, now that the Programme has established relationships of trust with its counterpart institutions, to plan more comprehensive institutional capacity development strategies for the next phase.<sup>46</sup>

Regarding capacity building of its own national staff, the Programme might look to some of the efforts of the Rule of Law output, as well as IDLO, which has had some success in transitioning to a ‘national’ staffing model. As for civil society, it is worth noting that the Rule of Law Centres have

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<sup>44</sup> Information on the latter point from UNDP, Comments on Draft Final Report.

<sup>45</sup> It is appreciated that there may be barriers to institutional buy-in to building capacity development frameworks, which requires detailed research on the way organizations function. Objections may be overcome by devising mechanisms for work to be conducted jointly with teams drawn from the “host” institutions. This would also involve detailed discussions on “the how” of capacity development, with careful attention to learning processes, sequencing and ongoing monitoring and troubleshooting. A strategy, or strategies, would be designed with the particular needs arising from the institutional context in mind, and a “way of working” and a schedule for implementation devised to fit the conditions.

<sup>46</sup> It has been observed that there are nascent, iterative capacity development strategies being developed for the PAR and Parliament components, while, the ROLC Programme also has adopted an explicit capacity development strategy. While, in the View of the Evaluation Team, there is a need for a far more comprehensive approach, it should be developed in close consultation with the Programme Team, and particularly the CTAs, in order to build on what is already working well.

generated locally-led graduate networks, which may offer an avenue for enhancing sustainability of the Programme's state and regional engagement.

**Budget Support.** A comprehensive capacity development strategy will also have to consider the possibility that donor support to the UNDP Programme, as well as governmental budgetary support to the reform initiatives on which the Programme is focussed, could be reduced. This reality argues for a more streamlined and focused approach that targets interim goals that, if achieved, could generate continued support from both donors and government budgetary sources.

**South-South Cooperation and Building Regional Relationships.** The Programme has made some, but perhaps not enough, effort to encourage South-South cooperation and knowledge sharing. With Myanmar poised to take a prominent role within ASEAN, regional exchanges and experience sharing could be particularly effective. This will require a careful approach, however, as there is a danger of promoting bad examples, given the wavering commitment to democracy and freedom of expression among Myanmar's neighbours.

Regional cooperation should build upon existing Programme strengths, for example, through parliamentary exchanges. To date, parliamentary expertise has relied heavily on the UK, Australia and New Zealand models. UNDP support to the ASEAN Inter-Parliamentary Assembly held in Nay Pyi Taw in September was greatly appreciated, though it was unclear how this might generate more sustained cooperation. The Public Administration Reform output has also drawn on in-region expertise, such as that sourced through the UNDP's Global Centre for Public Service Excellence in Singapore, and BABSEA CLE regional linkages (through internship opportunities, and the Asia Law Student Association). These connections could be further developed.

### ***C. PRINCIPAL FINDINGS AND CONCLUSIONS***

#### **a). Programme Design, Organization, Governance and the Results Framework**

1. UNDP was obliged to build its new programme at a time of dramatic change, when programme plans lacked grounding in experience, and when government was embarking on a new course without the knowledge and expertise it needed. Under the circumstances, it proved difficult to implement many of the commitments made in the Programme Document. Most of its principal themes have been addressed in some way through activities. However, the implied integration of key issues set out in the Programme Document, such as poverty reduction strategies and DG, or the use of data analysis to drive policy and governance changes, has proved to be elusive.

2. In its initial approach to programming, Pillar 3 sought, successfully, to take advantage of emerging opportunities for engagement across the sector, and be responsive to government needs at a politically-sensitive moment. Because of the nature of its origins, while most of the programme's activities are relevant to the stated outcome in the broadest sense, the Programme lacks focus. It is spread thinly across many disparate activities and partners.

3. The absence of an overarching vision for the Programme has led to a tendency for its four components to be managed as separate projects, in part, reflecting the “silo-ization” of counterpart organizations, although there have been examples of collaboration across components.
4. The geographic separation between the Chief Technical Advisors in Nay Pyi Taw (NPT) and the Pillar Team Leader and the rest of the Programme Team in Yangon has caused difficulties in communications and shared decision-making. There is also some imbalance in the assignment of roles and responsibilities within the team. However, despite the awkwardness of the division of labour between the CTAs (P5s) in NPT and the Programme Specialists (P4s) in Yangon, the members of the various teams seem to have found ways to make the relationships work effectively, if not at maximum efficiency.
5. Considering the political uncertainties of the initial phase of the Programme, it is well-understood why the current model of centralized decision-making was adopted, with all decisions on the organization of individual activities, recruitment and procurement, as well as formal communications with government, referred to the Programme Team Leader for approval. However, given the capacity of the senior members of the Pillar 3 team, as well as the direction of current political and institutional developments, it will now be advisable for UNDP to rethink the current alignment of roles and responsibilities.
6. The number of staff members supporting Pillar 3 programming is quite substantial, as is the number of internationals involved. This reflects the current situation for UNDP Myanmar, where through no fault of their own, Myanmar nationals, while capable, for the most part (and with some exceptions), lack the experience and exposure to international practice to enable them to perform at the level expected of them in UNDP Country Offices. Over time, the situation will improve. What will be required to speed up the process will be a professional development plan to facilitate a gradual transition to a situation where Myanmar nationals can take on roles with greater responsibility.
7. The process of transferring and adapting international knowledge and skills to the needs of Myanmar institutions, and facilitating the understanding and internalization of concepts affecting ways of managing and working, will necessarily be a protracted one. It will require continuing inputs of high-level expertise, combined with well-thought-out mechanisms to support learning in the context of limited absorptive capacities. Given these realities, in the view of the Evaluation Team, if anything, there is too little and not too much human resource and managerial support to the Programme.
8. The principal form of Programme governance is through the Pillar or Outcome Board, as well as the Output Boards for each of the four components. For a variety of reasons, as observed by interviewees from both counterpart organizations and development partners, neither the Pillar nor the Output Boards are functioning as mechanisms to reinforce and strengthen partnership. The effectiveness of coordination and reporting structures varies across outputs. Development partners expressed dissatisfaction with both the coordination mechanisms and the failure to share knowledge products.

It is suggested that a detailed review be undertaken of options for improving the effectiveness and relevance of the Pillar and Output Boards. It may well be time for some rationalization of the overall Pillar governance process. Further, it is recommended that Programme governance, along with donor coordination and communication, be treated as a sphere of activity with results to be accomplished, and with an appropriate allocation of human resources, creative thinking and a budget to support it.

9. The Pillar 3 team has made several efforts to revise the Programme's *results and resources framework*. The initiative to develop a *Theory of Change* in March 2015 to accompany the most recent revision to the RRF illustrates the difficulties in bringing together into a coherent whole a wide-ranging set of thematic initiatives under the four programming components. As to the TOC itself, it appears more as a wrap-around of the existing Programme than as a path, or set of paths, to institutional change. However, there were some important innovations: a set of gender equality outcome-level indicators and a set of intermediate outcomes.

10. The current Results and Resources Framework dates from March 2016. The outcome indicators included in it derive from global indicator sets consisting of indices on country performance. The connection between such macro-level performance measures and the possible impact of Pillar 3 programming is weak, given the weight of UNDP investment in the overall national governance system. At best, it might be claimed that, by investing in strategic areas with programming which achieves output-level objectives, Pillar 3 is **contributing** to enhanced performance as measured by the indicators.

11. The results framework has been used routinely and effectively as a mechanism for organizing the presentation of Programme results, as in the reports prepared for the Pillar and Output Boards. However, it has not been effective as a guide for making strategic decisions on programming and resource allocation, nor has it encouraged greater integration within and across components. It also provides readers of the reports to the Boards with very little idea of how individual parts of a programming component contribute to the larger whole.

## **b). PROGRESS TOWARDS RESULTS**

1. The work of Pillar 3 is clearly relevant to the UNDP's global mandate, and to its national priority *to contribute to poverty reduction and sustainable development in Myanmar by enhancing inclusive and responsive governance and the realization of rights*. The activities conducted under each of the four outputs can be feasibly viewed as contributing to enhancing inclusive and responsive government, though a contribution to poverty reduction and sustainable development is difficult to assess. The Programme objectives remain valid despite changes to the political context. Government counterparts reported that current project activities were relevant to their needs and priorities, and consistent with their own strategic planning.

2. The Programme appears to have positioned itself strategically in the field of democratic governance in Myanmar, and despite an increasingly crowded development space, retains some notable comparative advantages moving forward. These include a Cross-Sectoral Presence across the executive, legislative and legal/judicial branches of government; Embedded Staff with core Union-level institutions; High-Level Political Support for several of the Programme's principal

areas of focus; and, a Presence at State/Regional Level, with the potential to link its activities to policy development at the national level.

3. A commitment to gender equality and a human rights-based approach appears prominently in the Country Programme Narrative and the Pillar's Theory of Change, and is part of the outcome statement. Nonetheless, the Evaluation Team found that treatment of these issues was inadequate. For the most part, gender equality and human rights concerns do not appear to have played a prominent role in the conceptualization or implementation of most activities. There are exceptions, particularly through the Rule of Law centres and civil society organizations at state/regional level, as well as in several of the Programme's research and survey products.

4. While all four of the output areas are likely to remain relevant to a future Country Programme, the Evaluation Team believes that the Programme can maximize its relevance by focusing and concentrating its work. There are a few specific areas in which the team saw potential for a more focused and integrated approach, among them:

*Evidence-Based Policy Development.* Across all the output areas and with all government counterparts, the Evaluation identified a need to build evidence-based policy development capacity; *Building Research Capacity*; *Generating Research and Survey Data*; Strengthening and broadening support to the *Public Administration Reform* component: making the Public Administration Reform output a more central, and better resourced part of the Pillar (In many ways, the ongoing work of all the outputs converge around issues of the transparency, accountability and effectiveness of public administration); and, *Linking National and Sub-National Initiatives*.

5. The Evaluation Team found that the Programme was effective in identifying and exploiting “pathways to change”, building strong relationships of trust with government counterparts and taking effective initial steps at bringing together civil society and government at the sub-national level. The Pillar has made a solid beginning in contributing to enhancing understanding of the practice of democratic governance and the implications of rule of law. Beyond this, while the approach to Programme delivery within the individual outputs appears sound, the breadth of the Pillar's work makes it difficult to assess overall effectiveness.

6. Notwithstanding the difficulty in measuring progress against benchmarks in the results framework, the team found that the Programme to date has made a substantial difference in several areas. It is too early to see a change at the outcome level, but collectively these early project strengths point towards a potentially powerful future Programme direction, if properly focused. A more realistic set of interim indicators might have better captured some of these successes. That said, the team found substantial anecdotal evidence of impact, not captured fully by current reporting.

7. The Programme lacks a *shared* political analysis that could guide Programmatic decisions and help to identify areas of political risk. Strategic thinking could be better linked across outputs, and to political analysis capacities elsewhere in UNDP, with the Peace and Development Advisor in

the RCs office, and in UN other agencies. Opportunities for CTAs and Output Leads to input their substantial intelligence and analysis into broader policy discussions at the Programme and Country leadership level could also be enhanced.

8. Implementing partnerships, for the most part, have served the Programme well. Positive examples include the close working relationship between the Programme and the Inter-Parliamentary Union and the House of Commons, and cooperation with the International Development Law Organization in leading the work of the Rule of Law Centres. The Programme has also forged a strong partnership with the World Bank in supporting the Survey Division of the Central Statistical Organization. The partnership with BABSEA CLE seems to have been less effective.

9. The major issue for the Programme in terms of its efficiency is the scattered nature of its investments, with too many different streams of activity and too many partnerships. Most government representatives from partner organizations expressed satisfaction with the partnership with UNDP and its contribution to meeting their objectives. However, there was also a perception on the part of many senior managers at a lack of focus in Programme planning and, in some cases, a lack of sustained engagement on major initiatives, with a failure to follow through on initial activities of importance to the partner organization.

10. Although much of the Programme's effort and budget has been focused on core activities, and Programme management has adopted a highly responsible approach to budget management, the broad array of Programme investments, particularly in Rule of Law, along with uncertainties across the components about how much weight to give to operations at region and state level, have reduced overall efficiency.

11. Although in line with UNDP guidelines, Financial Reporting is inadequate in terms of the level of detail provided. In the view of stakeholders, there is a lack of transparency in terms of the breakdown of budget allocations through the indication of detailed budget lines.

12. There are significant issues for Pillar 3 concerning operational support from the UNDP Country Office in such areas as procurement, human resources and finance. The scale of this problem has been recognized by UNDP senior management, and efforts to address the problems are underway. However, it is apparent that significant inefficiencies remain, impacting negatively on the administrative burden on Programme staff.

13. Notwithstanding the fact that the Country Programme is implemented through a Direct Implementation Modality (DIM), and despite some reservations, noted above, government counterparts reported a sense of ownership of project activities. Activities have generally been conducted in line with government priorities, and were found to be responsive to partner needs.

14. The Evaluation Team has concluded that, for the present, and for the next phase of programming, given that so much remains to be done in building up the institutional capacity of government partners, it will be advisable for UNDP to continue to implement programming through the DIM modality.

15. Obstacles to national ownership identified by Programme stakeholders include the inflexible bureaucratic culture, a lack of absorptive capacity and political uncertainty. Each of the Programme's counterpart institutions has limited absorptive capacity. For instance, the Parliament and the Office of the Attorney General, are both in need of assistance and overwhelmed by it. Initiatives need to be carefully calibrated so as not to overburden or distract beneficiaries.

16. There are indications that government counterparts may be reluctant to take forward parts of the UNDP agenda, particularly the agenda around gender equality and human rights. This reluctance is compounded by a sense within government, and among parliamentarians, that ethnic inclusion must take priority over attention to gender matters. Given the relatively conservative nature of the institutions in question, it is not surprising that the Programme has encountered such resistance. For these reasons, it is important that the Programme maintain and find ways to strengthen its civil society support.

17. All these concerns point toward the need for the Programme to develop an appropriate and coherent *capacity development strategy*. Although efforts have been made at the output level to identify institutional strengths and weaknesses, no Pillar-wide assessment of government institutional capacity has been conducted to inform cooperation and identify cross-institutional capacity gaps. A second phase of programming will be well-advised to develop an overall capacity development strategy.

18. In devising such a strategy, it will be advisable to consider the possibility that donor support to the UNDP Programme, as well as governmental budgetary support to the reform initiatives on which the Programme is focussed, could be reduced. This reality argues for a more streamlined and focused approach that targets interim goals that, if achieved, could generate continued support from both donors and government budgetary sources.

#### **D. LESSONS LEARNED**

1. Where there is uncertainty about the priorities and level of commitment to reform by the host government, and where there is insufficient local knowledge, UNDP regulations permitting, it will be advisable for UNDP to employ a preliminary plan in its Project Document. The initial period of implementation would then be designated as an inception phase, during which a more detailed plan and budget will be developed and key results and benchmarks for an RRF and a Theory of Change will be elaborated.

2. Where a project operates without a capacity development strategy and grounded results framework, it is more likely to spread its investments over too broad a canvas and too many activities, many of which will not be sustained.

3. It will be advisable for new programmes to invest greater efforts in determining how to anchor ownership for programme investments and results with government and civil society counterparts. A lesson of the current programme is that existing UNDP protocols and practices may not be adequate to ensure full buy-in from counterpart institutions. In addition, much more



attention is required to adopting on a consistent basis an open, consultative approach to programme planning, technical assistance and governance.

4. If a programme wishes to make and sustain a commitment to gender equality and implementation of a human-rights-based approach, and where there is limited interest from government counterparts, creative strategies may be considered for working with civil society in supporting key activities and in seeking to open the programme to dialogue on these matters.

5. UNDP Myanmar made a deliberate decision to organize its Pillars as multi-component *programmes*, rather than building a series of separate projects. Particularly because UNDP systems still work on a project-focused basis, a programme of this kind is at risk of its component teams planning and operating in silos. While preserving the authority of management to make final decisions, adopting a fully inclusive model of staff engagement across components in addressing major substantive and process issues will assist in avoiding the negative effects of multi-pronged programmes. Management decision-making will also benefit from the creativity of a diversity of ideas, while there will also be the opportunity to build a shared understanding of “the big picture.”

6. Due in part to the uncertain context in which it was first established, and the need to take advantage of opportunities for engagement wherever they appeared, the Programme is doing too many things with too many partners in too many places. Consequently, Programme staff are over-extended, and objectives inadequately focused. In the future, consideration should be given to the possibility of eliminating, or at least limiting expansion of, some non-core activities. For instance: within the Rule of Law output, BABSEA CLE activities could be limited to geographic areas in which UNDP has a substantial presence, and a cautious approach could be taken to expansion of Rule of Law Centres. The coordinating role under Development Effectiveness does not fit conceptually within the Pillar, and could be moved, for instance, into the Office of the Country Director. Expansion of Parliamentary work to the states and regions, while valuable, could further stretch the resources and conceptual clarity of the Pillar if not approached judiciously. Civil society engagement remains scattered throughout the Outputs and across the Pillars, and could be consolidated.

## **E. RECOMMENDATIONS**

### ***It is recommended that:***

1. –Pillar 3 management re-assess the current alignment of roles and responsibilities, with a view to strengthening the position of both the CTAs and Programme Specialists (Output Leads), and taking some of the pressure of administrative workload from the PTL.
2. –A Deputy Programme Manager, with substantial experience of UNDP projects, be recruited, to support the PTL.
3. –To enhance a sense of commitment on the part of the leadership of counterpart institutions, it may be advisable for UNDP to consider utilizing a series of Letters of Agreement to complement the overarching MOU, and thus confirm the official link between it and each of its government partners.
4. –Pillar 3 management initiate an informal consultative review of the practice pertaining to the Pillar and Output Boards, with a view to improving their effectiveness, as well as their relevance to both government counterparts and development partners. Greater involvement of civil society might also be considered.
5. --Programme governance, along with donor coordination and communication, be treated as a sphere of activity with results to be accomplished, and with an appropriate allocation of human resources, creative thinking and a budget to support it.
6. –For Phase 2 of the Programme, a senior capacity development and performance management adviser be recruited (on a retainer basis, to be involved on a continuing, occasional basis) to work consultatively with the Pillar management and team on development and implementation of a capacity development strategy, and to facilitate the preparation of an RRF and Theory of Change. In addition, a gender equality advisor might be engaged on a similar basis to work with the capacity development advisor.
7. –In developing a future programme, UNDP gives priority to areas of engagement, which cut across programming components, and which have shown real promise: One of the most promising of these is *evidence-based policy development and the presentation and utilization of research data to support policy decision-making*.
8. --Due in part to the uncertain context in which it was first established, and the need to take advantage of opportunities for engagement wherever they appeared, the Programme is doing too many things with too many partners in too many places. ***It is, therefore, recommended that*** -In the future, consideration should be given to the possibility of eliminating, or at least limiting expansion of, some non-core activities.

9. –Given the ongoing need to maintain involvement in building the capacities of core governance institutions, the Pillar maintains its primary focus at the Union level. However, through close cooperation with Pillar 1 and building on the work of Pillar 3 in the states and regions, the Programme’s relevance can be enhanced by strengthening links between local governance and civil society, and Union-level institutions. Rapid expansion at the state and regional level should be resisted, with consideration given to sequenced or ‘pilot’ approaches
10. –The Programme develop an explicit, shared political analysis to guide programming decisions and priority-setting.
11. –Higher priority is given to facilitating cooperative work with other UN agencies, where such cooperation would add value to the Programme.
12. –Through the Country Office, and in conjunction with the other Pillars, Pillar 3 management advocate for, and contribute to preparing, a plan to develop on a continuous basis the capacity of national staff and mentor their professional development.
13. –Pillar 3 management makes a deliberate effort to strengthen the quality and detail of financial reporting and enhance transparency of financial information to meet the needs of its partners and stakeholders.
14. —Recognition be given to the central importance of Public Administration Reform as the core of overall democratic governance reform and the focus for specific reform initiatives impacting on all other components of governance and rule of law. ***It is also recommended that*** there be an enhanced budget and improved staffing levels for the PAR component.
15. --In planning future programming, focused attention is given to thinking through how to ensure that a rights-based approach and gender equality are integrated in a realistic way into programme design and results frameworks.

## **F. APPENDICES**

### **APPENDIX F1: ADDITIONAL NOTES**

#### **B1.3a On Pillar and Output Boards**

SOME OPTIONS: If *the Pillar Board* is to work, it must be treated as “an event”. As such, it will need preliminary meetings at senior level with all major counterpart organizations as part of the preparation. An agenda should be developed reflecting needs and issues which have arisen over the year. There should be a formal opening and a focus session on a pertinent core topic of DG which is of current concern. There should be sessions where each institution and STAs and Programme Specialists could highlight important results which have been achieved, or are in progress towards achievement, with a discussion involving other institutional partners and development partners, which attempts to draw out lessons for other parts of the Programme. In addition, there would be one or two sessions to discuss and consider solutions to common issues which have emerged affecting all partners. Documentation should be of high quality, “user-friendly”, and prepared well in advance. This will require the acquisition of a staff member to work with the PTL as a communications and documentation officer.

A special extended session would be called to review the proposed AWP, with the opportunity for presentations by UNDP on the overall draft document and its components, and the rationale for what is included and what is excluded, and for budget allocations. Time would be allowed for detailed discussions on all elements of the plan and its budget. Detailed documents would be prepared and made available well in advance of the meeting. At the end of the meeting, a decision would be made to adopt the document as is, or amended, or to request further adjustments to be made, with a further meeting to be held to consider a revised version of the AWP. It is suggested that with careful, detailed pre-meeting consultations, including special meetings of the Output Boards, as discussed below, an additional meeting would be unnecessary.

**Output Boards** will necessarily be more modest affairs. They might be viewed as working level meetings to feed the Pillar Board, but also to deal with practical Programme issues. Again, if they are to work well, it will be necessary to have preliminary discussions to engage the participants and ask them to play important roles in introducing or commenting on topics for discussion. One meeting each year would focus on preparatory work planning. This might be a one-day meeting (or two half days), where there would be an opportunity to consider alternative options and to assess their value in terms of the overall capacity development strategy for the institution, sub-sector, or thematic area.

As to the concerns of overload expressed by *development partners*, it is recommended that the Pillar 3 donors make it a priority to attend Pillar meetings, but take a selective approach to participating in the Output Board meetings. It is suggested that they introduce the practice of meeting informally on an occasional basis, after the documentation for the next Output Board is distributed, to select a representative to attend each meeting and agree on a list of points to be pursued on behalf of the group. This would not prevent members of the group who do attend from raising additional points. Such a procedure would also place the onus on UNDP to ensure

that the meeting agenda and documentation is distributed early. The group may also wish to invite the UNDP Output Lead to attend the first part of the meeting. For its part, UNDP may also wish to invite the development partners in advance to raise issues to be placed on meeting agendas.

#### **B2.3a On Efforts to Improve Operational Support in the UNDP Myanmar Country Office**

Most notable among such efforts has been a mid-term review of operations, completed in August 2015. The Review made 41 recommendations to “enhance delivery in terms of general management, procurement, human resources, finance, and administration.” In line with its recommendations, an implementation team was formed, which meets twice monthly. A deputy head of operations was recruited to oversee the process, and build national staff capacity (though some expressed doubt that the post had been effective).

As of May 2016, the Team found that 20 recommendations had been implemented, including improvements in turnaround times for procurement, finance and recruitment. For example, average recruitment time for international staff had been reduced from five to three months. The delegation of smaller purchases to Pillar staff also seems to have helped efficiency and decreased the burden on operations. Capacity and communication weaknesses have been partly addressed through a procurement training exercise in May 2015, involving both administrative and programme staff, and regular meetings with a procurement focal point (who also attends Pillar team and output board meetings).

## **APPENDIX F2: EVALUATION TERMS OF REFERENCE**

### **United Nations Development Programme**



### **TERMS OF REFERENCE**

#### **EVALUATION OF THE UNDP DEMOCRATIC GOVERNANCE AND RULE OF LAW PORTFOLIO IN MYANMAR**

|                  |   |
|------------------|---|
| Title            | Evaluation of the UNDP Democratic Governance and Rule of Law portfolio in Myanmar |
| Type of Contract | Individual Contracts (International and National)                                 |
| Start/End Dates  | 29 <sup>th</sup> August- 1 <sup>st</sup> November 2016                            |
| Supervisor       | Team Leader   |
| Location         | Home-based with travel to Yangon, Nay Pyi Taw and other locations in Myanmar      |
| Country          | Myanmar   |

### **1 BACKGROUND AND CONTEXT**

UNDP's Democratic Governance and Rule of Law Programme started in 2013, with the UNDP Executive Board's approval of a new, more governance focused Country Programme for Myanmar- a country still emerging from long isolation and military rule, and still facing international sanctions. The new Country Programme marked a significant departure from previous UNDP interventions (since 1993) that focused on grass-roots livelihoods and microfinance support. It required UNDP to forge new partnerships with state institutions.

UNDP's Democratic Governance and Rule of Law Programme supports more open and responsive governance so that the state will be better able to improve the lives of Myanmar's poorest and most vulnerable people, and overturn a legacy of conflict and mistrust in favour of sustainable development and inclusive growth. The official outcome statement is: 'Promotion of democratic governance and the rule of law to strengthen democratic institutions and the advancement of human rights.' UNDP works in all three branches of government- the executive,

the parliaments and the courts, and at the Union and State/Region level- and with civil society, the private sector and other actors towards that goal. The programme has four outputs, which carry out the following work:

- **Development Effectiveness:** building capacities of the government to collect, analyse and use poverty and development data, and strengthening effective development cooperation to define and achieve Myanmar's development goals.
- **Parliamentary Strengthening:** strengthening the Union, and Region/State Parliaments' capacity to drive reforms, engage with the public and perform core functions in legislation, oversight and representation.
- **Rule of Law and Access to Justice:** promoting rule of law and increasing people's access to justice, building capacities for coordinated justice sector reform and increasing legal awareness.
- **Public Administration Responsiveness:** improving the capacity of the administration to be accountable and responsive to the needs of the people

UNDP has staff in Yangon and Nay Pyi Taw, and also in Taunggyi (Shan), Mandalay (Mandalay), and Myitkyina (Kachin). The programme receives un-earmarked funding from donors, except in special cases.

The Democratic Governance Programme has undergone some revisions since inception in 2013, to meet the changing context and emerging priorities in the country. The mid-point in programming provides an opportunity to undertake a comprehensive review of UNDP contribution to democratic governance and rule of law. It also comes at a time when UNDP is developing proposals for future programming, and when the new government is identifying and articulating its emerging needs.

## 2 PURPOSE OF THE EVALUATION

This is a mid-term evaluation of the Democratic Governance and Rule of Law portfolio, under the current Country Programme Action Plan for Myanmar (2013-2017).

It will primarily be used by UNDP to inform the development of the future Country Programme Document (2018-21) for UNDP in Myanmar, which will be developed from late in 2016. Among other factors, the recommendations will guide the extent and nature of UNDP's engagement in democratic governance and rule of law, peace, gender equality and sustainable development. In particular, it will inform decisions about: which focus areas among and within the four current outputs will continue to be a part of the programme, and possibly new areas for consideration within UNDP's comparative advantage; what the configuration of outputs would be and what the most efficient staffing and management arrangements would be within those outputs to achieve the suggested results; and whether a programme based approach (rather than a project based approach) will still be the main approach taken.

As evaluation results will only be available with one year left in programming, the evaluation will not be primarily used to establish significant course-corrections for the remaining year, however it will be used to inform how funding is prioritized for 2017, inform improvements to management and monitoring practices, and provide suggestions on preliminary work ahead of a the new Country Programme.

The evaluation comes after a 2015 midterm evaluation of the Country Programme, and after evaluations of two of the outputs under the Democratic Governance Programme- the Parliament, and Rule of Law Outputs. The Country Programme Evaluation considered largely process related issues, finding it too soon to gather information about change; however the Output Evaluations have a greater emphasis on results and linked changes. Additional evaluations will take place concurrently with this one: an Outcome Evaluation of Local Governance and Local Development, and potentially an evaluation of the gender impact of all UNDP Myanmar programming (which this

evaluation can inform). All of these evaluations will inform the development of the future programme. There is no planned evaluation of the two remaining Outputs under the Democratic Governance Programme- Development Effectiveness and Public Administration.

### 3 SCOPE AND OBJECTIVES

The evaluation's scope will be to measure UNDP's contribution to the achievement of the outcome. As such, it will consider all activities; results; strategies; operational measures; monitoring, implementation, management and staffing arrangements; and partnerships and resource mobilization of the Democratic Governance and Rule of Law Programme. It will consider all work between March 2013 and the start date of the evaluation (Q3 2016), and in all geographic areas of implementation. Target groups for the evaluation will include government (including political officials, and civil servants), parliament, justice institutions, implementing partners (including CSOs), funding partners, UN collaborating agencies, and UNDP staff and management.

The evaluation provides an objective and independent assessment of UNDP's contribution to higher level results so far, and recommendations on programme approaches, focus areas and management arrangements for the future. It should:

- Indicate the status of achievement of contribution towards the outcome, evaluating the programme's achievements and the resulting changes in the promotion of democratic governance and rule of law, towards strengthened institutions and human rights, using data and evidence
- Assess whether the outcome model<sup>47</sup> has been relevant and appropriate to promoting democratic governance and rule of law, and whether assumptions and risks remain valid
- Assess whether programme management and implementation have been effective to achieving sustainable results, and whether monitoring arrangements have been appropriate to measure progress - the evaluation will also assess the programme structure in place
- Provide clear guidance on which programme focus areas are the most strategic and relevant, and which UNDP is positioned to effectively and efficiently support, in line with the vision and priorities of the new government

Recommendations for future programming will be guided by considerations of: UNDP comparative advantage and mandate, national priorities, sustainability and potential for resource mobilization.

### 4 EVALUATION QUESTIONS

The evaluation will be guided by the following criteria and questions:

**Relevance:**

- To what extent is UNDP's engagement a reflection of strategic considerations, including UNDP's role and comparative advantages in Myanmar?

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<sup>47</sup> An outcome model (also known as results maps, logic models, programme logics, intervention logics, means-ends diagrams, logical frameworks, theories of change, programme theories, outcomes hierarchies and strategy maps, among other names)<sup>16</sup> is a (visual) map of the causal logic of an initiative being evaluated. It shows how certain initiatives (activities, outputs) are conceived as contributing to bringing about desired positive change.



- To what extent was the theory of change presented in the outcome model a relevant and appropriate vision on which to base the initiatives for the final three years of programming?
- How did the programme promote UNDP principles of gender equality, human rights based approach, and conflict-sensitivity?
- To what extent does this work respond to UNDP's mandate and to national priorities?
- Which of the existing programme areas are the most relevant and strategic for UNDP to consider going forward?
- How has UNDP positioned itself strategically in the development field in the area of democratic governance in Myanmar, and established its particular value-added/niche?

#### **Effectiveness:**

- To what extent has progress been made towards outcome achievement? What has been UNDP's contribution to change?
- What have the key results and changes been? How has delivery of the outputs contributed to outcome-level progress?
- To what extent did the results achieved benefit women and men equally or support the enhancement of gender equality?
- How has the programme's approach been effective, or ineffective, in ensuring progress towards the outcome?
- To what extent was UNDP's selected method of delivery appropriate to the development context?

#### **Efficiency:**

- Have resources (funds, expertise, time, staffing) available to the program been used in the most appropriate and economic way possible towards the achievement of results?
- Has the programme managed implementation in multiple locations efficiently?
- Has the programme based approach (including unearmarked programme funding) been an efficient way to achieve results?

#### **Sustainability:**

- What indications are there that achievements so far will be sustained (e.g. national ownership, national systems and structures, individual capacity)? Are there any indications that the agenda promoted by the programme (for democratic governance, rule of law, gender equality and human rights) will be taken forward by key stakeholders?
- To what extent has fostering international and South South Cooperation and knowledge management contributed to the sustainability of the programme?
- How will partnerships and current approaches to resource mobilization sustain the programme?

It will document lessons learned, and provide specific recommendations for future programming.

## **5 DELIVERABLES**

The evaluation team will be expected to produce the following deliverables:

1. **Evaluation Inception Report:** Prior to embarking on the data collection exercise, the evaluation team will be required to prepare an inception report which details the understanding of what is being evaluated and why; the methodology for the evaluation and any travel plans; along with an evaluation matrix.

2. **Draft Evaluation Report:** The team will be required to submit a draft evaluation report for review, this will be reviewed by UNDP for factual inaccuracies and be shared with the reference group for feedback.
3. **Evaluation Brief:** The team will be requested to present the initial findings and recommendations of the report to UNDP, Myanmar government counterparts, donors, and other justice sector development partners, as appropriate.
4. **Final Evaluation Report:** Following receipt of UNDP's initial comments, the team will be required to submit a final report which clarifies and addresses any clarifications requested in the initial review.

Technical criteria for these deliverables are as follows:

|                   | Technical Criteria   |
|-------------------|--|
| Inception Report  | <p>It will detail the evaluators' understanding of what is being evaluated and why, showing how each evaluation question will be answered by way of: proposed methods, proposed sources of data and data collection procedures (in an evaluation matrix). The inception report will propose revisions to the evaluation questions for consultation with the reference group. The inception report should include a proposed schedule of tasks, activities and deliverables, designating a team member with the lead responsibility for each task or product. It will be written in clear English.</p> <p>The overall approach and methodology should ensure the most reliable and valid answers to the evaluation questions and criteria within the limits of resources and time. The approach will include interviews with UNDP staff, government counterparts, responsible parties, donor representatives, and other parties relevant to this evaluation, and clearly identify required interviews in the evaluation matrix. The approach will be in line with UNDP Corporate Evaluation Policy, including Guidance on Outcome Evaluation, and the UNDP Handbook on Monitoring and Evaluation.</p> |
| Evaluation Brief  | This will clearly show the background, key evaluation findings, and recommendations, in a way that is quickly and easily grasped by partners. It takes the form of a Powerpoint presentation/handout and verbal presentation. It will avoid use of jargon, be of no more than 30 minutes in length.  |
| Evaluation Report | The evaluation report will address the key evaluation questions in as effective a way as possible given allocated resources, use and cite evidence to back up analysis, and provide clear recommendations which relate to future UNDP programming. It will be required to meet the detailed standards for the evaluation and annexes outlined on p.207 of the PME Handbook. The evaluation will be written in clear and succinct English, avoiding use of jargon wherever possible and deploying a clear paragraph structure and uniform language style in accordance with UNDP editorial guidance.  |

## 6 EVALUATION TEAM COMPOSITION AND COMPETENCIES

The Evaluation Team will be comprised of three (3) persons with the skills, knowledge and expertise detailed below:

### 1. International Evaluation Specialist (Team Leader)

- Master's degree in law, political science, development studies with additional 10 years' experience in development studies, political science or related field is required<sup>48</sup>
- Proven expertise and experience in conducting several evaluations and project/program assessments
- Knowledge and demonstrable experience in at least two fields related to democratic governance and rule of law and access to justice<sup>49</sup> is required
- Technical knowledge and/or experience in cross-cutting areas such as gender, rights-based approaches to programming and capacity development is required
- Relevant experience in contexts of transition is required, experience in Myanmar or Southeast Asia is an asset
- Familiarity with UNDP is an asset
- Strong analytical skills
- Strong interpersonal skills
- Ability to work in a multicultural environment
- Strong English language skills (both written and spoken)

## 2. **International Evaluation Consultant (Team Member)**

- Master's degree in law, political science, development studies with additional 3 years' experience in development studies, political science or related field is required
- Experience in conducting desk-based and social research on topics related to democracy and development such as community development, civil society, justice, corruption, or rule of law, is required
- Working experience in South East Asia is required, experience in Myanmar is an asset
- Knowledge and experience of democratic governance topics related to this assignment<sup>50</sup> is an asset
- Experience with UNDP is an asset
- Experience in conducting evaluations and project/program assessments is an asset
- Strong English language skills (both written and spoken)

## 3. **National Evaluation Consultant (Team Member)**

- Bachelor's degree or above is required
- At least 2 years of work in or with organisations working in fields relating to democratic governance, rule of law and access to justice, local governance, or civil society in Myanmar is required
- Experience in facilitation and interpretation, and written translation of documents between English and Myanmar is required
- Proven expertise and experience in conducting evaluations and project/program assessments is highly desirable
- Fluency in spoken and written Myanmar language
- Excellent command of the English language (written and spoken) is required
- Strong analytical skills
- Myanmar national

# 7 EVALUATION ETHICS

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<sup>48</sup> Or a Bachelor's degree, with additional 2 years of experience.

<sup>49</sup> These include: parliamentary strengthening, development effectiveness, justice sector and security sector reform, administrative and civil service

<sup>50</sup> These include: parliamentary strengthening, development effectiveness, justice sector and security sector reform, administrative and civil service

This evaluation will be conducted in accordance with the principles outlined in the United Nations Evaluation Group Ethical Guidelines for Evaluation (2008) and the UNEG Code of Conduct for Evaluation in the UN System. See attachments for reference.

## 8 MANAGEMENT AND IMPLEMENTATION ARRANGEMENTS

### **Roles and Responsibilities of Team Members**

The Team Leader will be responsible for:

- Providing overall leadership on the independent evaluation of the UNDP Rule of Law Program drawing on inputs and insights from the other consultants
- Conducting and analysing desk reviews of relevant documents and leading interviews with government partners, UN / UNDP staff, donors and other partners
- Reviewing the relevance, effectiveness, efficiency, sustainability, and value-added of UNDP's Programme in Myanmar
- Identifying UNDP's contribution to outcomes
- Ensuring completion of all the deliverables outlined below: evaluation inception report, draft evaluation report, evaluation brief (if required) and final evaluation report
- Manage the day to day work of the evaluation team

The International Team Member will be responsible for:

- Conducting desk reviews of relevant documents and data on democratic governance and rule of law to establish progress towards outcome
- Leading interviews with civil society actors, INGOs and other stakeholders to establish progress towards outcome
- Supporting the team leader by gathering evidence and collating notes from meetings and other sources of information
- Providing inputs and insights (based on the data about democratic governance in Myanmar) to the independent evaluation of UNDP's Programme in Myanmar
- Provide inputs to the deliverables: inception report, draft evaluation report, evaluation brief and final evaluation report

The National Team Member will be responsible for:

- Providing inputs and insights (based on the context in Myanmar) to the evaluation
- Participating in meetings with governments counterparts, UN/UNDP staff, donors and other partners with the Team Leader
- Providing Myanmar language interpretation and translation for meetings as required, in order to ensure clear communication between the international consultant and meeting participants
- Providing support and assistance to finalize the mission agenda, meetings and required visits
- Provide inputs to the deliverables: inception report, draft evaluation report, evaluation brief and final evaluation report

### **Peer Group**

- The Programme Analyst for Democratic Governance and the Programme Analyst for Rule of Law will act as a peer group for this evaluation. They act as a sounding board and will be available for feedback and advice.

### **Reference Group**

- UNDP will establish a reference group. Its representation could include the UNDP M&E Specialist, the Team Leader, other UN agency or multilateral representatives, a 'responsible partner' representative, donor representatives and government representatives.
- The reference group members will provide detailed comments on the inception report (and thus the methodology for the evaluation), the early draft of the evaluation report and/or sections of the report as required, as well as the final draft. They will provide guidance on how to strengthen the quality of the report, including sources of evidence, and quality of analysis and use of evidence.

#### **Travel**

- The evaluation will involve home-based work and mission travel to Yangon, Nay Pyi Taw, and other locations in Myanmar. Other locations will be determined in accordance with the agreed inception report, and can include: Taunggyi, Myitkyina, and Mandalay.

#### **UNDP Management Arrangements**

- The consultants will report to the Team Leader for Democratic Governance and Rule of Law on a weekly basis as work against deliverables progresses. They will be accountable to UNDP on the timeliness and quality of the deliverables.
- UNDP will coordinate feedback on deliverables, which will take a minimum of five- ten working days.
- The consultants are expected to work closely and collaboratively with UNDP staff in Yangon, Nay Pyi Taw, Mandalay, Taunggyi and Myitkyina for the duration of this assignment
- UNDP will secure government (and other counterpart) cooperation for this assignment, including visas and travel authorization, and will assist in the facilitation of introduction letters and/or requests for meetings upon request with stakeholders and beneficiaries
- The consultants will be entitled to apply for reimbursement of costs associated with necessary work-related in-country travel in accordance with UNDP's travel policy
- UNDP will provide workspace for meetings, and UNDP will strive to offer general workspace, but this cannot be guaranteed; the consultants should check in with UNDP ahead of arrival so that alternative arrangements can be made
- The consultants are responsible for providing their own laptop computers and mobile phones for use during this assignment
- UNDP will provide administrative and logistical support with travel and transport arrangements, visas, and processes necessary for successful completion of the assignment, and arrange the consultants' in-country work-related travel

## **9 TIMEFRAME**

The timeframe for key tasks is expected to be as follows:

#### **1. Home-based work:**

- Team Leader: Preparation for mission, review of background documents, briefings via skype, inception report, 7 days
- International Team Member: support to evaluation matrix and methodology, 5 days

#### **2. Mission to Myanmar: 15 working days**

- In-country briefings and discussion of inception report
- Field visits, interviews, review of documents etc.
- Presentation of initial findings and recommendations to UNDP and selected audiences

#### **3. Home-based work:**

- Team leader: drafting of first evaluation report (5 days), edits on report (5 days), submission of final report.

- International Team Member: inputs to draft evaluation report, compilation of final report (4 days)

The timeframe should consider that the inception report and draft evaluation report each require 5-10 days for review and approval.

## 10 REFERENCE DOCUMENTS

These will be provided to the evaluators at the start of their assignment.

1. Mid Term Evaluation of the UNDP Myanmar Country Program (2015)
2. Evaluations of the Rule of Law and Parliament Outputs (if available)
3. List of key stakeholders and partners and suggested resources
4. Democratic Governance Analysis in Myanmar
5. UNDP Programme Narrative (2015-2017)
6. Democratic Governance Outcome model
7. Results and Resources Frameworks (2014 – 2017)
8. Annual Workplans (2013 – 2016)
9. Output and Pillar 3 Reports (2013- 2016)
10. Monitoring Framework and Results Matrix
11. Organogramme
12. UNDP Evaluation Policy
13. UNEG Ethical Guidelines for Evaluation / Code of Conduct (2008)
14. Quality standards for evaluation
15. Example Evaluation Matrix

## **APPENDIX F3: LIST OF MEETINGS AND INTERVIEWS HELD FOR THE EVALUATION**

| Date                  | PLACE<br><br>Name – Title, Organization   |
|-----------------------|---|
| Monday,<br>October 3  | <b>YANGON</b><br><br>Emma Morley – Team Leader, Pillar 3 - Democratic Governance and Rule of Law<br>Jessica Price – Programme Analyst   |
|                       | Mascha Matthews – Programme Specialist, Rule of Law<br>Paula Doila – National Programme Analysts, Rule of Law   |
|                       | Edin Elgsaether – Programme Specialist, Parliamentary Support<br>Philipp Annawitt – Programme Specialist, Sub-National Parliament<br>Daw Hlaing Yu Aung – National Officer, Parliamentary Support   |
|                       | Peter Batchelor – UNDP Country Director   |
| Tuesday,<br>October 4 | <b>YANGON</b><br><br>Hyeran Kim – Development Planning and Effectiveness Specialist, Development Effectiveness<br>Frank Natsuki Thomas – Development Cooperation Specialist, Secretariat of the Cooperation Partners Group<br>Minn Sann – National Officer, Development Effectiveness |
|                       | Nikola Errington – Protection Officer, UNHCR<br>Andrew MacGregor – Senior Human Rights Officer, OHCHR   |
|                       | Lat Lat Aye – Team Leader, Pillar 2 - Disaster Risk Reduction, Environment and Energy   |
|                       | Christian Hainzl – Team Leader, Pillar 1 – Local Governance   |
|                       | Jessica Price – Programme Analyst, Public Administration  |

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| Wednesday,<br>October 5 | <p><b>YANGON</b></p> <p>Kyoko Yokosuka – Program Manager (Governance), Australian Embassy<br/>Charles Prestidge-King – Second Secretary, Australian Embassy</p>  |
|                         | <p>George Dura – Second Secretary, Deputy Head of Cooperation, European Union Delegation<br/>Vaclav Svedja – Programme Officer, Governance and Human Rights, European Union Delegation<br/>Diana Garcia-Alcubilla – Programme Manager, Governance and Elections, European Union Delegation</p> |
|                         | <p>David Holmertz – Counsellor – Development, Embassy of Sweden</p>  |
|                         | <p>Dorte Chortsen – Deputy Head of Mission, Embassy of Denmark<br/>Khin Maung Lwin – Development Advisor, Embassy of Denmark</p>   |
|                         | <p>Andrea Sawka – Deputy Director, Office of Democracy and Governance, USAID<br/>Mark Silva – Senior Rule of Law and Governance Advisor, Office of Democracy and Governance, USAID</p>   |
| Thursday,<br>October 6  | <p><b>YANGON</b></p> <p>Elaine Chan – Access to Justice Mapping Team Leader</p>  |
|                         | <p>Claire Vallings – Senior Governance Advisor, DFID</p>   |
|                         | <p>Kartik Sharma – Country Director, IDLO<br/>Christina Beninger – Field Program Manager, Rule of Law Centres Project, IDLO</p>  |
|                         | <p>Reena Badiani-Magnusson – Economist, World Bank</p>   |
|                         | <p>Dania Marzouki – Monitoring and Evaluation Specialist, UNDP</p>   |
|                         | <p>Hang Za Thawn – Manager – International Development, AECOM; former Supreme Court officer</p>  |
|                         | <p>Daw Khine Khine Nwe – Joint Secretary of the Union of Myanmar – Federation of Chambers of Commerce and Industry</p>   |



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| Friday,<br>October 7   | <b>YANGON</b><br><br>Caitlin Reiger – Team Leader, British Council My Justice Project  |
|                        | Thi Thi Han and Ha Tha Ma – Yangon University Law School Association   |
|                        | Thet Thet Han and Saun Kyaw Win – Yangon University law students trained at Rule of Law Centre, Yangon   |
|                        | Daw Z Naing Raw - Assistant Director Policy and Strategy, Shalom   |
|                        | Daw Khin Mar Yee – Professor, Yangon University  |
|                        | U Aung Myo Min   |
| Monday,<br>October 10  | <b>NAY PYI TAW</b><br><br>Christopher Politis – Chief Technical Advisor, Public Administration Reform Programme, UNDP  |
|                        | <u>Ministry of Planning and Finance</u><br>U Tun Tun Naing - Permanent Secretary/ Director General<br>Daw Khin Mar Aye - Deputy Director General<br>Daw Thidar Myint - Deputy Director General<br>Daw Thuzar Khin - Deputy Director<br>Daw Moh Moh Naing - Deputy Director |
|                        | Daw Khin Sett Yi – Director, Central Statistics Organization   |
| Tuesday,<br>October 11 | <b>NAY PYI TAW</b><br><br>Scott Ciment – Chief Technical Advisor, Rule of Law, UNDP  |
|                        | <u>Union Attorney General’s Office</u><br>Daw Khin Cho Ohm - Director General<br>Dr. Thida Oo - Director General   |
|                        | <u>Office of the Supreme Court of the Union</u><br>U Ko Ko Naing - Director General<br>Daw Tin Nwe Soe - Deputy Director General   |

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|                          | Daw Khin Khin Cho - Director<br>Daw San San - Director<br>U Moe Kyaw - Assistant Director  |
|                          | <u>Planning Department, Ministry of Planning and Finance</u><br>Daw Thway Thway Chit - Deputy Director General<br>U Kyin Htay - Director<br>Daw Khin Nwet Yi - Director<br>Daw Nyunt Nyunt Shwe - Deputy Director  |
| Wednesday,<br>October 12 | <b>NAY PYI TAW</b><br><br>Warren Cahill – Chief Technical Advisor, Parliamentary Support, UNDP   |
|                          | Daw Thida Tun – Deputy Director General, Amyotha Hluttaw<br>U Khin Maung Oo - Deputy Director General, Pyithu Hluttaw  |
|                          | Daw Su Su Lwin - MP, Pyithu Hluttaw (First Lady)<br>U Zaw Thein - MP, Pyithu Hluttaw (Pyithu IR committee chair)<br>Daw Pyone Kathi Naing - MP, Pyithu Hluttaw (Pyithu IR committee member)<br>U Aung Kyi Nyunt - MP, Amyotha Hluttaw (JCC vice-chair)   |
|                          | Mr. David Hirst - House of Commons’ Hluttaw Research Project Manager   |
| Thursday,<br>October 13  | <b>NAY PYI TAW</b><br><br><u>Union Civil Service Board</u><br>U Saw Valentine - Member<br>Dr. U Pwar - Member<br>U Khin Maung Win - Permanent Secretary<br>U Kyaw Soe - Director General<br>U Zaw Moe Win - Deputy Director General<br>U Myo Lwin - Director<br>Daw Nan Phyu Phyu Pwint - Deputy Director<br>Daw Zin Moe Thu - Staff Officer |
|                          | U Zaw Hein - Deputy Director General, Pyidaungsu Hluttaw<br>U Kyi Thein - Deputy Director General, Pyidaungsu Hluttaw<br>Daw Thi Thi New - Deputy Director General, Pyidaungsu Hluttaw   |

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|                       | U Bharat Singh – Deputy Director General, Office of the President  |  |
|                       | Felix Schmieding – Statistics Specialist, Development Effectiveness, UNDP  |  |
|                       | Dr. Wah Wah Maung – Director General, Central Statistics Organization  |  |
| Friday,<br>October 14 | <b>NAY PYI TAW</b><br><br><u>Union Election Commission</u><br>U Tin Tun - Director General<br>U Tun Tun Oo - Deputy Director<br>U Thuta Oo - Staff Officer<br>Daw Hay Thu Swe Mon - Staff Officer<br>Daw Swe Zin Yee - Staff Officer<br>Daw Win Thaw Thaw Hlaing - Staff Officer<br>Daw Han Ni Win - Staff Officer |  |
|                       | <u>Office of the Supreme Court of the Union – Judiciary Supervision Directorate</u><br>Daw Aye Aye Kyi Thet - Director General<br>Daw Tin Tin War - Deputy Director General, Law, Procedure and Inspection Department<br>Daw Aye Aye Thein - Director, Law and Procedure Department                                |  |
|                       | <u>Union Civil Service Board</u><br>U Myo Lwin - Director<br>Daw Nan Phyu Phyu Pwint - Deputy Director<br>Daw Zin Moe Thu - Staff Officer<br>Daw Nan Lin Lin Htun - Staff Officer  |  |
|                       | U Kyaw San – Member, Constitutional Tribunal   |  |
| Monday,<br>October 17 | <b>MANDALAY</b><br><br><u>UNDP Office</u><br>U Aung Linn - Area Office Coordinator<br>U Hla Aung Myint – National Consultant for CSOs and Media<br>Zaw Min Naung – National Field Officer<br>Kyaw Mi Mi Htwe – Area Office Assistant   | <b>TAUNGGYI</b><br><br><u>UNDP Office</u><br>Chin Than Kham- Area Office Coordinator<br>Hnin Marlar Htun – Program Officer |

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|                     | Lydia Mudryi - Legal English Teacher   | <u>Shan State CSO Network</u><br>Daw Mo Mo Thida – Director<br>Aung Soe Moe – Joint Secretary<br>Shan Lae Yamin Thaw – Project Manager   |
|                     | <u>Mae Doe Kabar, Township Leadership Groups</u><br>Daw Nu Nu Yee – Board of Directors<br>Daw Than Than Htay – Board of Directors  | <u>Office of the Shan State Advocate General</u><br>U Wynn Htut – State Officer<br>Daw Nandar Hnin – State Officer   |
|                     | <u>Rule of Law Center Staff</u><br>U Win Aung - Administrator<br>Daw Yin Min Aye - National Trainer<br>Daw Bauk Taung - Outreach Officer<br>Daw Nan Hsu Mon Thar – Junior Trainer<br>Daw Wai Myat Mon, Junior Trainer  | <u>Rule of Law Centre Training Participants</u><br>Six participants: a paralegal from CSO Nanti, a lawyer from the Pa-O Youth Network, two former high court pleaders, a Pa-O law firm lawyer, and a member of the Anti-Corruption Team Taunggyi |
|                     | <u>Mandalay Region CSO Network</u><br>U Myint Tun - Project Director<br>Daw Zar Kyi Win Myint - Communication and Reporting Officer<br>U Win Myint - Admin and Finance Officer<br>U Than Tun Aung – Executive Committee Member<br>U Tun Tun – Executive Committee Member | <u>Taunggyi University Law Students</u><br>Three women students from Taunggyi University who had participated in the BABSEA CLE moot court and community teaching programs   |
|                     | Daw Aye Thandar - Regional Head and Advocate, Legal Clinic Myanmar   |  |
|                     |  |  |
| Tuesday, October 18 | <b>MANDALAY</b><br><br><u>Office of the Mandalay Region Advocate General</u><br>U Win Aung - Advocate General<br>U Daniel Kyi – Regional Law Officer<br>U Soe Soe - Deputy Director  | <b>TAUNGGYI</b><br><br><u>Shan State Parliament</u><br>U Sai Lone Seng - Speaker<br>U Kyaw Thu Saw - Director  |
|                     | <u>Myanmar Police Force</u><br>Police Colonel Han Tun<br>Police Lieutenant Colonel Win Chun  | Chaw Su Khin – CSO and Media Officer, UNDP   |

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|                          | <u>Myanmar Justice Association</u><br>Daw Tin Moe Khine – Chairperson<br>U Mg Mg Oo - Secretary General<br>U Wai Phyo Mg Mg – Advocate<br>U Aung Thura - Member<br>U Than Lone – Member   | <u>Mae Doe Kabar, Township Leadership Groups</u><br>Ma Bu Bu Ei – Secretary, Shwe Inle Self-Help TLG + two members  |
|                          | U Than Nyunt - Deputy Director,<br>Planning Department<br>Assistant Director, Central Statistics<br>Office  | Dr. Nilar Soe – Professor, University of Taunggyi Law<br>School   |
|                          | <u>Law Professors</u><br>Dr Wai Wai Myint - Professor and<br>Head of Law Department<br>Yadanabon University<br>Dr Khin Swe Oo - Professor and<br>Head of<br>Law Department, Mandalay<br>University of Distance Education  | <u>Rule of Law Center Staff</u><br>Daw May Han Aye – Head of Administration<br>Daw Myint Myint – Training Officer<br>Myo Myo Yee – Outreach Officer<br>Kyaw Kyaw Moe – Training Officer<br>+ an assistant and two newly recruited junior trainers |
| Wednesday,<br>October 19 | <b>MANDALAY</b><br><br><u>Mandalay Regional Parliament</u><br>U Aung Kyaw Oo – Speaker<br>U Khin Myung Htay - Deputy<br>Speaker<br>Daw Khin Mya Mya - Director<br>U Tin Aung – Chairperson, Region<br>Hluttaw Legislative Committee<br>U Aung Kyaw Oo – Chairperson,<br>National Races Affairs Committee<br>U Saw Thaung – Chairperson,<br>Representative Vetting Committee<br>U Aung Kyi – Chairperson,<br>Planning, Budget and Finance<br>Committee<br>U Zaw Mg Mg – Chairperson,<br>Public Affairs Committee<br>U Aung Than Tun – Chairperson,<br>Public Finance Expenditure Cmte<br>U Myint Swe – Chairperson,<br>Agriculture and Livestock Affairs | <b>TAUNGGYI</b><br><br><u>Taunggyi District Police</u><br>Deputy District Commander Thin Thin New<br>+ lower level officers who had participated in UNDP<br>trainings   |

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|-------------------------|--|--|
|                         | <p>U Aye Khaine – Chair, Natural Resources/ Environmental Conservation</p> <p>U Myint Aung Moe – Chair, Security, Management and Municipal Cmte</p> <p>Dr. Chit Ko Ko – Chairperson, Economic and Commerce Affairs</p> <p>U Win Myint Khaine – Chairperson, Religion, Social and Cultural Affairs</p> <p>Dr. Nyi Min Han – Secretary, Industrial, Energy and Electricity Affairs</p> <p>U Aung Kyaw Moe – Secretary, Transportation, Communication, and Construction Committee</p> |  |
|                         | <p><u>Mandalay Region High Court</u></p> <p>U Soe Thein - Chief Justice</p> <p>U Myint Soe - Regional Judicial Officer</p> <p>Daw Nyo Mi San - Additional District Court Judge,</p> <p>Daw Lay Kyi - Assistant Director</p>  | <p><u>Shan State High Court</u></p> <p>U Kywe Kywe – Chief Justice</p> <p>+ all judges, directors and ~15 staff and judges from district and township level courts who had participated in fair trial standards training</p> |
|                         | <p><u>Law Students</u></p> <p>Soe Yan Paing - Final Law Student</p> <p>Min Min Thu - Third Year Law Student</p>  |  |
| Thursday,<br>October 20 | <p><b>NAY PYI TAW</b></p>  |  |
|                         | <p>U tin Win Aung – Director General, Pyithu Hluttaw</p>   |  |
|                         | <p>U Yet Thura Aung – Inter-Parliamentary Union</p>  |  |
|                         | <p>U Kyaw Soe – Permanenet Secretary, Pyidaungsu Hluttaw</p>   |  |
|                         | <p>Daw Aye Aye Mu – former member Joint Coordination Committee, current member Commission on Legal Affairs</p>   |  |

|                         |  |
|-------------------------|--|
|                         | Meeting with three CTAs together: Scott Ciment, Warren Cahill, Christopher Politis   |
| Friday,<br>October 21   | <b>NAY PYI TAW</b><br>Joe Fisher – International Development Liaison, Officer of Daw Aung Aung San Suu Kyi   |
| Monday,<br>October 24   | <b>YANGON</b><br>Allison Hope Moore – Programme Specialist, Civil Society and Media, UNDP  |
|                         | Sanda Thant – former Gender Advisor, UNDP  |
|                         | Mascha Matthews – Programme Specialist, Rule of Law (follow-up)  |
| Tuesday,<br>October 25  | Christina Beninger – Field Program Manager, Rule of Law Centres Project, IDLO (follow-up)  |
|                         | Edin Elgsaether – Programme Specialist, Parliamentary Support (follow-up)  |
|                         | Peter Barwick – Peace and Development Advisor, UN Resident Coordinator’s Office  |
| Thursday,<br>October 27 | <b>YANGON</b><br>UNDP internal consultation re: preliminary findings with Pillar and Output Leads  |
|                         | Maria Suowko – Deputy Head of Mission, Embassy of Finland  |
| Friday,<br>October 28   | <b>YANGON</b><br><u>Findings Presentation for Donors</u><br>Maria Suowko – Deputy Head of Mission, Embassy of Finland<br>Charles Prestidge-King – Second Secretary, Australian Embassy<br>Claire Vallings – Senior Governance Advisor, DFID<br>Ei Hnin Phyu Htun – National Program Officer, Embassy of Sweden |

|                       |  |
|-----------------------|--|
| Monday,<br>October 31 | <b>YANGON</b>  |
|                       | Paul Doila – National Programme Analyst, Rule of Law           |
|                       | U Than Soe – National Officer, Parliamentary Support           |
|                       | U Minn Sann – National Officer, Development Effectiveness      |
|                       | Daw Hlaing Yu Aung – National Officer, Parliamentary Support   |
|                       | Ugo Okoh – Programme Management Specialist, Rule of Law Output |
|                       | Daw Mra Kyaw Su Aye – Programme Analyst, Public Administration |



**APPENDIX F4: INCEPTION REPORT**

***MID-TERM EVALUATION***

**United Nations Development Programme**

**Myanmar**

**Democratic Governance and Rule of Law Portfolio**

**March, 2013-2016, Quarter 3**

**Inception Report and Preliminary Work Plan**

**Prepared by**

**Phillip Rawkins and Frederick Rawski**

**September 2016**

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## 1. INTRODUCTION: OBJECTIVE, FOCUS, SCOPE AND MANDATE OF THE EVALUATION

The Mid-Term Evaluation of the UNDP Democratic Governance and Rule of Law Portfolio in Myanmar has the objective of assessing UNDP's contribution to the achievement of the Programme Outcome. The Outcome Statement indicates that the purpose of the programme is *"Promotion of Democratic Governance and the Rule of Law to strengthen institutions and the advancement of human Rights."*

While, technically, this is not an outcome statement, since no outcome result is indicated, it implies the accomplishment of measurable improvements in levels of institutional performance and demonstrable effectiveness of initiatives intended to enhance DG, ROL and Human Rights. The Programme and its partners have developed a results framework with a set of indicators through which to attempt to capture evidence of positive change and achievement of benchmarks to determine whether progress has been made along these lines.

The Programme is built around four outputs, each relating to a specific sub-sector of activities: Development Effectiveness, Parliamentary Strengthening, Rule of Law and Access to Justice, and Public Administration Responsiveness. The four are summarized, as in the Terms of Reference, under Programme Description in Section 7, below.

The Programme operates at both Union and Region/State levels and engages with the private sector and civil society, as well as with the three branches of government. The scope of the MTE takes in work in all geographic areas of activity, as well as all programme partners, governmental and non-governmental. It also includes funding partners, collaborating UN agencies and UNDP managers and members of staff.

The Evaluation team is mandated to conduct an independent and objective assessment of the contribution UNDP has made thus far to Outcome-level results, while also providing recommendations concerning programme approaches, areas of focus and management arrangements for the balance of the period of programme implementation, but, more particularly, for the future. The terms of Reference also indicate that the Evaluation Team should give priority attention to the following points:

- Indicating the status of achievement of contribution towards the outcome, evaluating the programme's achievements and the resulting changes in the promotion of democratic governance and rule of law, towards strengthened institutions and human rights, using data and evidence.

- Assessing whether the outcome model<sup>51</sup> has been relevant and appropriate to promoting democratic governance and rule of law, and whether assumptions and risks remain valid
- Assessing whether programme management and implementation have been effective to achieving sustainable results, and whether monitoring arrangements have been appropriate to measure progress - the evaluation will also assess the programme structure in place
- Providing clear guidance on which programme focus areas are the most strategic and relevant, and which UNDP is positioned to effectively and efficiently support, in line with the vision and priorities of the new government.

The MTE of the Governance and Rule of Law Portfolio follows on from a Mid-Term Evaluation of the Country Programme in 2015, which, in part because of its timing in the programming cycle, focused on process issues. Coming a year later, this more focused MTE will address issues relating to results, as well as matters concerning management and monitoring of the programme and its progress, and the continuing relevance of priorities for the allocation of Programme funds. It will also make recommendations on preparatory steps which may be considered prior to initiating the new Country Programme.

Provided the relevant documents are made available in timely fashion, the MTE will also be informed by the findings of two output-level evaluations, which have focused on the Parliament and Rule of Law components of the Programme. However, at the time of writing, the two reports have not been completed, and, hence, have not been available to provide input to the preparation of this report.

## 2. THE UNDP PROGRAMME IN THE CONTEXT OF THE STATUS OF DEMOCRATIC GOVERNANCE AND RULE OF LAW IN MYANMAR

Beginning in 2011, the government of Myanmar has been undertaking a progressive series of democratic reforms that have resulted in a broadened political space, a more open economy and increasingly more transparent and consultative government practices. The past five years have seen remarkable changes, among them - parliamentary elections run largely in line with international standards, the rapid expansion of commercial activity (and, importantly, internet connectivity), the release of political prisoners and emergence of a vibrant free press, and the initiation of reforms to the civil service, judiciary and other sectors. This initial reform period

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<sup>51</sup> (From TOR) An outcome model (also known as results maps, logic models, programme logics, intervention logics, means-ends diagrams, logical frameworks, theories of change, programme theories, outcomes hierarchies and strategy maps, among other names)<sup>16</sup> is a (visual) map of the causal logic of an initiative being evaluated. It shows how certain initiatives (activities, outputs) are conceived as contributing to bringing about desired positive change.

culminated in the electoral victory of the opposition National League for Democracy (NLD) in November 2015, and the installation of an NLD-led government in April 2016. It is widely believed that the new government will be more open to reform initiatives (and to international assistance) than its predecessor, though to what extent remains to be seen.

Previously closed to outside aid and technical assistance, particularly from the West, the government of Myanmar has gradually opened up to international assistance in formerly ‘off limits’ areas such as democratic governance and the rule of law. Notable initiatives to date have included: technical and capacity building assistance to the electoral process, efforts to improve the legal and regulatory framework for investment, and several large projects devoted to building the capacity of the parliaments, various ministries and the justice and security sectors. While there has been a heavy focus on governmental assistance, donors have also focused on improving the capacity of civil society, the media and community-based organizations.

The intensity of donor assistance in the sector has varied widely, with some sub-sectors appearing crowded and others under-served, and with more attention and resources directed to Yangon and Nay Pyi Taw than to the states and regions. Inter-organizational coordination has also varied widely, with positive experiences reported, for instance, in assistance to the elections and justice sector.<sup>52</sup> This evaluation will limit its assessment to the role of UNDP activities in the sphere of democratic governance as demarcated above - as it approaches the end of its current 2013-2017 programme cycle, but will also look at broader sector-wide relationships where relevant, and time permitting.

Despite the historic opportunities offered by the ongoing transition, there is much that has not changed, or that is changing very slowly. The opening up of democratic space has not come without compromises. The military’s influence over politics and governance remains protected by the 2008 Constitution, and former regime ‘cronies’ maintain substantial control and outsized influence over the pace of reform in both the private and public sectors. Recent surveys suggest that there is widespread mistrust of government throughout the country (and particularly in ethnic regions).<sup>53</sup> As the reform process moves forward, pressures on national and state/regional governments to respond to and address the needs of the population will only become greater – presenting challenges to a government with limited experience and capacity.

Effective assistance to democratic governance and rule of law in Myanmar faces serious challenges, many of which are identified in the UNDP’s own assessments as shared with the

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<sup>52</sup> For the latter, see UNDP, ‘Overview of Rule of Law Activities in Myanmar, February 2016.

<sup>53</sup> “Myanmar 2014: Civic Knowledge and Values in a Changing Society”, [The Asia Foundation](#), 2014; “Myanmar’s Political Aspirations & Perceptions”, [2015 Asian Barometer Survey Report](#).

evaluation team. An accurate evaluation of the successes and weaknesses of the program to date, and recommendations for the post-2017 program cycle, should seek to take into account contextual factors, such as:

- A lack of accurate, evidence-based, data available to inform policy-making, and inadequate capacity within government to conduct thorough research and analysis.
- Important institutions of government lack independence – for instance, the military retains control of Home Affairs which houses the General Administration Department.
- Political culture in Myanmar (both within and outside of government) is hierarchical, and centralized, with little tradition of delegating power.
- Notions of transparency and accountability to the public are new, and often conflict with governing practices inherited from a history of military authoritarianism.
- Justice sector institutions, including the courts, are weak and lack public credibility.
- Legal and regulatory frameworks do not take into account international norms such as human rights, gender equality, non-discrimination and corporate social responsibility.
- The media and civil society lack capacity to play an effective role in holding government accountable, and are subject to outdated and restrictive laws and regulations.
- Political impediments have prevented the constitutional reform needed to devolve political and economic power to the states and regions (as demanded by ethnic constituencies).
- A slowly progressing peace process, and lack of an inclusive nationwide ceasefire, has left large parts of the country outside of effective government control or assistance.
- An overwhelming majority of newly elected legislators, and many recently-appointed civil servants, have no experience in governance or policy-making.
- The potentially corrosive influence of Buddhist nationalist movements, and anti-Muslim discrimination in particular, in view of a history of violence in the recent past.

These are a few of the many factors that complicate assistance in the programming areas covered by existing UNDP Pillar 3 initiatives, and that make identifying causal relationships between Programme activities and outcomes difficult to assess. Nonetheless, the evaluation will, to the extent possible with limited time and resources, seek to understand how these and other contextual factors have presented challenges in the implementation of the current program cycle, and how they might be better addressed in post-2017 programming.

### 3. BRIEF PROGRAMME DESCRIPTION

This evaluation will focus on the implementation of activities under Pillar 3 of the UNDP's current 2013-2017 program cycle. The *Democratic Governance and Rule of Law Programme* is one of

three pillars of the UNDP's Country Programme.<sup>54</sup> The intended overall outcome of Pillar 3 activities is the "Promotion of democratic governance and the rule of law to strengthen democratic institutions and the advancement of rights." The activities of Pillar 3 are grouped into four broad areas of intervention/ outputs:<sup>55</sup>

- Development Effectiveness
  - Output 1: *National and state/regional development planning informed by robust data and broad consultations; capacities of stakeholders strengthened to manage development cooperation in line with GPEDC principles.*
- Parliamentary Strengthening
  - Output 2: *Legislative, oversight, and representation functions performed by Hluttaws<sup>56</sup> at Union and selected state and regional levels institutionalized.*
- Rule of Law and Access to Justice
  - Output 3: *Justice Institutions equipped to develop and implement frameworks for justice sector reform that reflects the needs of diverse groups, especially women and vulnerable groups.*
- Public Administration Reform
  - Output 4: *Strengthened capacity for service delivery and improved responsiveness of the public administration reforms*

In addition, following its mid-term programme review, during 2015, the UNDP Country Programme instituted a set of four cross-cutting themes:<sup>57</sup>

- (1) *Men, women and civil society are empowered to understand and advocate for rights and public services which respond to their needs;*
- (2) *Community strength and resilience to deal with local economic, disaster and conflict shocks, and environmental degradation;*
- (3) *Communities and institutions are able to better resolve conflicts, bridge differences and*

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<sup>54</sup> Pillar 1 is Local Governance and Local Development; Pillar 2 is Environment and Disaster Risk Reduction

<sup>55</sup> Pillar 3 Theory of Change: "Promotion of Democratic Governance and Rule of Law to Strengthen Democratic Institutions and the Advancement of Human Rights" (2015).

<sup>56</sup> *Hluttaws*: the national parliaments and state/ regional legislative assemblies.

<sup>57</sup> UNDP Programme Narrative in 2016-2017: Promoting Poverty Reduction and Sustainable Development in Myanmar (19 Nov 2015).

*build trust;*

*(4) Key government and public institutions have processes, laws and systems that are better able to reflect and respond to the needs of poor and vulnerable people.*

The Programme engages with a wide range of partners both within and outside of government (see below). Activities have been implemented primarily in Yangon and Nay Pyi Taw, with state and regional activities focused in areas where the UNDP has staff – in Taunggyi (Shan State), Mandalay (Mandalay Region) and Myitkyina (Kachin State).

#### 4. PROGRAMME PARTNERS: LISTING BY OUTPUT

The UNDP programme engages partners across multiple branches of government (legislative, executive and judicial), both at the union and state/ regional level - though activities to date have been focused at the national level (with the exception of the rule of law centers under Output 3 and preliminary engagement with state and regional parliaments under Output 2). Non-governmental partners include Myanmar universities, as well as national, regional and international non-government organizations and inter-government bodies.

A list of partners by output follows:<sup>58</sup>

- **Development Effectiveness (Output 1)**

*Governmental Partners:* Ministry of National Planning/ Finance (Planning Department, Foreign Economic Relations Department, Central Statistical Organization); Ministry of Health; Ministry of Social Welfare, Relief and Resettlement; and state and regional authorities.

*National Non-Government Partners:* Myanmar Positive Network

- **Parliamentary Strengthening (Output 2)**

*Government Partners:* Pyidaungsu Hluttaw; Pyithu Hluttaw, Amyotha Hluttaw; Region and state Hluttaws

*Inter-Governmental Partners:* Inter-Parliamentary Union

- **Rule of Law and Access to Justice (Output 3)**

*Government Partners:* Office of the Supreme Court of the Union (OSCU), Union Attorney General's Office (UAGO); Constitutional Tribunal; Ministry of Home Affairs, Police Force,

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<sup>58</sup> P3\_UNDP Pillar 3 Results and Resources Framework (2013-2017), and UNDP Fast Fact sheets



Parliament (Rule of Law, Human Rights Committees); Myanmar National Human Rights Commission; Judicial Training Centre

*National Non-Government Partners:* Yangon University Department of Law, and other universities in Myanmar

*International Non-Government Partners:* International Development Law Organization, Bridges across Borders Southeast Asia Community Legal Education Initiative

- **Public Administration Reform (Output 4)**

*Government Partners:* President's Office; Ministry of Planning/ Finance (Foreign Economic Relations Department, Planning Department, Central Statistics Organization); Ministry of Education; Ministry of Health; Union Civil Service Board (UCSB) (Central Institute of Civil Service, Civil Service Selection and Training); Ministry of Home Affairs (General Administration Department, Myanmar Police Force).

## 5. METHODOLOGY FOR THE EVALUATION

### 5.1 Conceptual Approach to the Evaluation, Data Collection and Analysis

The approach adopted by the Evaluators will be straightforward and direct. Given the objective of the MTE, to assess the UNDP Programme's contribution to the overall outcome and the four sub-sectoral output results, the emphasis will be on assessment of results accomplished to date, as well as progress made in reaching benchmarks *en route* to the achievement of broader results projected for the end-date of the programme. In the process, the Evaluators will examine the Programme's management and operating structures, working relationships and partnerships, and assess their utility in addressing challenges and achieving results.

Guided by the evaluation criteria and related questions, set out below, the Evaluation Team will utilize all forms of data available to assess what has been done, how, when, where and why – as well as, where relevant, the rationale for “roads not travelled” in pursuit of results. The Team will also go on to appraise whether and in what way project activities have made a difference and, in doing so, the extent to which they have contributed to higher-level results in DG, ROL and Human Rights.

The principal and primary source of data on which analysis for the evaluation will be based will be face-to-face interviews with programme principals: managers, technical advisors, implementers and other partners and beneficiaries. In some cases, to supplement individual interviews, where it is feasible and where it may be particularly helpful for the evaluation, efforts will be made to arrange small group and focus group meetings. Such meetings may be

particularly valuable where the concern of the Evaluators is to assess the relevance and effectiveness of training, and the extent to which trainees have been able to apply new knowledge and techniques acquired through it. Similarly, such an approach may be of assistance for meeting with those who can provide information on the effect of access to justice initiatives.

Interviews with programme principals and participants will be supplemented with selected interviews and meetings with other stakeholders, including representatives of funding partners, and, possibly with other international donors, INGOs and project contractors, engaged in parallel programming in the same sector. In addition, time permitting, a few interviews or informal discussions may be held with independent observers and analysts, knowledgeable about the UNDP Programme, and/or the programming areas in which it is operating.

A second source of data will be Programme documents and reports, as well as relevant materials on the Country Programme and Government of Myanmar priorities, along with UNDP and other analytic reports concerning the current situation in DG, ROL and Human Rights in Myanmar. Partial listings of documents on which the MTE may draw are included in the P3 Evaluation Documentation Outline, which is attached as [Annex 3](#). The Evaluators will draw on both documents (including work plans and other planning materials, expenditure summaries and reporting on results) and interviews to ensure that they may obtain a full picture of how the implementation of the Programme has taken place, what it has been able to accomplish and the barriers to smooth operations it has faced.

Once the first round of interviews and meetings has been completed, where necessary, the Evaluation Team will arrange additional interviews through which to attempt to fill in gaps in information, or to clarify apparent inconsistencies in data obtained. There will also be regular discussions with the UNDP Peer Group during the course of the field mission.

Given the primary focus of the Programme on supporting the three branches of the Union government, and the limited support thus far that it has provided at the Region/State level, the Evaluation Team will divide most of its time between Yangon and the capital, Nay Pyi Taw. However, in addition a few days will be spent in each of two other centres, probably Mandalay and Taunggyi, in order to give particular attention to the Rule of Law Centres and their work and to review other project activities conducted in those regions (the two international consultants may divide their labour for this component of the work programme). In addition, short trips may be made to other field locations from the four centres visited, where it may assist in understanding better the character of project activities, and to meet participants. The work of the ROL Centre in Yangon and its activities will also be a focus of interest for the Evaluation Team.

The members of the Evaluation Team will debrief on a continuing basis in the course of the field mission in order to capture the picture of the Programme as it emerges and to identify gaps in

coverage of key topics and/or interviewee groups to be addressed later. A preliminary analysis of data gathered will take place after the third week of the mission as a basis for preparation of the Evaluation Brief, which will form the basis for presentations to both UNDP and the funding partners. The presentations will take place during the fourth week of the mission (see Evaluation Schedule, [Annex 1](#)).

Full data analysis will take place on completion of the field mission. The two international Evaluators will develop a plan for completing the work prior to the departure of the Team Leader from Myanmar, which will include arrangements to divide the labour on preparation of inputs to the Draft Final Report. In preparing the report, the Evaluators will bear in mind their responsibility to produce findings and practical recommendations to inform future action with a view to bringing about improvements in programme focus and overall performance.

## 5.2 Key Tasks for the Evaluation Team

In gathering data for the Evaluation, there are two major tasks for the Evaluation Team. The first, **Part One**, will be to obtain an overall picture of “the story of the project”, as well as its structure and dynamics. This requires attention to the following topics, among others:

- Documentation of the context of initial conceptualization and planning, as well as an appreciation of any particular constraints and pressures faced at this stage, whether from UNDP itself, the Government of Myanmar and other national stakeholders, the wider UN, the international community, and/or potential funders;
- Obtaining an understanding of the initial Programme Plan and its evolution (who did what, when how and why?), and how it fitted with parallel preparations for programming under the other pillars;
- Documentation of the Programme management plan, including human resource planning and detailed management arrangements, including financial management; understanding how and why adjustments (if any) have been made;
- Similarly, documentation of management arrangements at the output level;
- Reviewing and understanding the Programme’s management systems and their robustness, along with their adaptation and adaptability to changing circumstances;

assessment of clarity and evolution of roles and responsibilities in management and coordination of Programme implementation;

- Reviewing and documenting the Programme's implementation strategy or strategies;
- Assessment of the factors which have contributed to the establishment of the project's current structures, systems and approaches; analysis of whether they are adequate in ensuring effective and efficient performance of core functions; and, their utility in facilitating the achievement of results;
- Documentation and understanding of the Programme strategy to set up operational offices in a number of centres within Myanmar and of how practice has emerged in terms of the activities of the smaller centres and their relationship to overall programme management;
- Gaining an appreciation of how Programme decision-making takes place, on a routine basis, as well as where unexpected developments occur, requiring urgent action;
- Assessment of how policy dialogue takes place with government partners on matters concerning the programme and DG reform, and the role, if any, funding partners play in such processes;
- Obtaining a picture of overall Programme governance and both senior management and working-level relations (also at output level) with government decision-makers and counterparts;
- Documentation and review of the mechanisms for, and dynamics of, partnership in the project; documenting and understanding the development of key partnerships, as well as an appreciation for any limitations, setbacks and disappointments in building cooperation and ownership;

- Documenting and understanding the process through which the Programme Results framework was arrived at, and understanding the rationale for any adjustments made to it;
- Reviewing and documenting Programme history in terms of recruitment of international and national staff, as well as of reporting arrangements;
- Understanding the roles performed by technical assistance personnel, including senior advisors; understanding any issues which may have emerged in terms of the deployment and activities of TA personnel;
- Assessment of Arrangements for coordination and communication among project implementers, partners and other beneficiary groups, as well as other stakeholders, including the clarity of roles and responsibilities;
- Documenting and understanding the Annual Work Planning and budgeting process;
- Reviewing procedures and practice concerning all forms of Programme monitoring and reporting.

Although working through this topic list will be the “first task” for the MTE, in fact, the Evaluators will continue to gather additional data on these topics as the work programme unfolds, often in the course of interviews conducted primarily for other purposes.

As will be appreciated from a scan of the preliminary Outline for the MTE Report (see Section 7, below), a clear distinction will be made between description and documentation of the structure and practice of the programme, on the one hand, and analysis of the programme and its results, on the other.

The second task, **Part Two**, will be to focus on what the Programme has done to date, how and why, as well as to consider the choices that have been made in programming (what has not been done, and why), and in adopting approaches and strategies for implementation. In addition, of course, the MTE will assess what has been accomplished through completed activities. Detailed question on these topics fall within the ambit of the questions and issues listed under the Evaluation Criteria as set out in the following section of the report. Taken together, completion of the two parts of the MTE data collection exercise will provide the basis on which analysis, leading to findings and recommendations will be undertaken.

### 5.3 Evaluation Criteria and Key Questions

| DAC Criterion        | Initial Evaluation Questions   | Related Sub-Questions and Issues   |
|----------------------|--|--|
| <b>Relevance</b>     | <p><b>Generic:</b><br/>To what extent was the project, as designed and implemented, suited to context and needs at institutional and national (sector) levels?</p> <p><b>MTE-Specific:</b><br/>To what extent is UNDP's engagement a reflection of strategic considerations, including UNDP's role and comparative advantages in Myanmar?</p> <p>To what extent was the theory of change presented in the outcome model a relevant and appropriate vision on which to base the initiatives for the final three years of programming?</p> <p>How did the programme promote UNDP principles of gender equality, a human rights based approach, and conflict-sensitivity?</p> <p>To what extent does this work respond to UNDP's mandate and to national priorities?</p> <p>Which of the existing programme areas are the most relevant and strategic for UNDP to consider going forward?</p> <p>How has UNDP positioned itself strategically in the development field in the area of democratic governance in Myanmar, and established its particular value-added/niche?</p> | <p>Are the results (achieved or planned) of the project in line with the needs and priorities of Myanmar partners as identified at design stage?</p> <p>To what extent are the objectives of the Programme still valid?</p> <p>Are the activities and immediate products of the Programme consistent with the intended results?</p> <p>Did the programme have the capacity to recognize and act on emerging priorities, while taking into account the availability of resources and the absorptive capacities of institutional partners?</p> <p>Were risks appropriately identified by the project? How appropriate are/were the strategies developed to deal with identified risks?</p> |
| <b>Effectiveness</b> | <p><b>Generic:</b><br/>To what extent was the project, as implemented, able to achieve objectives and goals?</p> <p><b>MTE-Specific:</b><br/>To what extent has progress been made towards outcome achievement? What has been UNDP's contribution to change?</p> <p>What have the key results and changes been? How has delivery of the outputs contributed to outcome-level progress?</p>   | <p>To what extent has the project made progress in working towards the Outcome and Outputs, as set out in the Logic Model/Theory of Change?</p> <p>To what extent has the programme been implemented as envisaged by the Programme Document (2013)? Which changes have been introduced, and why?</p> <p>Were programme activities adequate to facilitate progress towards programme objectives?</p> <p>Did the project manage, select and utilize human resources appropriately and effectively in pursuit of project outcomes?</p>  |

|                       |  |   |
|-----------------------|--|---|
|                       | <p>To what extent did the results achieved benefit women and men equally or support the enhancement of gender equality?</p> <p>How has the programme's approach been effective, or ineffective, in ensuring progress towards the outcome?</p> <p>To what extent was UNDP's selected method of delivery appropriate to the development context?</p>   | <p><i>From the perspective of the Myanmar partners, has the project made progress towards achieving the expected outputs?</i></p> <p>What are the major factors influencing the achievement or non-achievement of Programme objectives?</p> <p>Were Programme plans and activities developed in coordination with other donors to ensure complementarity of investments?</p> <p>Within the current context, is the Programme delivery model, including partnership structures, still relevant to the key partners, beneficiaries and other stakeholders of the Programme?</p> <p>Did the Programme adopt and implement an appropriate and coherent capacity development strategy? Were thorough and professional institutional capacity assessments conducted as a means of informing plans for cooperation and identifying capacity gaps?</p>  |
| <b>Efficiency</b>     | <p><b>Generic:</b><br/>To what extent was there a reasonable relationship between resources expended and project results?</p> <p><b>MTE-Specific:</b><br/>Have resources (funds, expertise, time, staffing) available to the program been used in the most appropriate and economic way possible towards the achievement of results?</p> <p>Has the programme managed implementation in multiple locations efficiently?</p> <p>Has the programme-based approach (including un-earmarked programme funding) been an efficient way to achieve results?</p> | <p>Did management systems, planning processes and partnership mechanisms promote cost-effectiveness and accountability?</p> <p>Were the budget and sub-budgets designed, and then implemented, in a way that enabled the project to meet its objectives?</p> <p>Was UNDP (and its Programme support systems) able to meet its commitments as expected, including: timely transfer of funds as per agreements; timely recruitment of national and international staff and short-term consultants; and, procurement of equipment in timely fashion?</p> <p>Was the Government of Myanmar (at Union level) and the senior leadership able to meet its commitments to facilitate the progress of the project (through availability of designated Programme managers/liaison officers; provision of counterpart staff; making available the appropriate managers, professionals and other staff, for training and other activities; provision of appropriate facilities for Programme activities; and, obtaining any necessary visas, permits and clearances).</p> <p>Have intermediate results been achieved on time and on budget?</p> <p>Did the Programme and its partners meet normal standards of efficiency in the quality, thoroughness, transparency and timeliness of financial reporting?</p> |
| <b>Sustainability</b> | <p><b>Generic:</b><br/>To what extent has the project, as designed and implemented, created what is likely to be a continuing impetus, beyond the project, towards the ultimate Outcome?</p>   | <p>To what extent has the project established processes and systems, and built what would appear to be sustainable capacities, that are likely to support continued progress?</p>   |

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|  | <p>What indications are there that achievements so far will be sustained (e.g. national ownership, national systems and structures, individual capacity)?</p> <p>Are there any indications that the agenda promoted by the programme (for democratic governance, rule of law, gender equality and human rights) will be taken forward by key stakeholders?</p> <p>To what extent has fostering international and South-South Cooperation and knowledge management contributed to the sustainability of the programme?</p> <p>How will partnerships and current approaches to resource mobilization sustain the programme?</p> | <p>Are there bottlenecks to sustainability deriving from capacity limitations? More broadly, are the absorptive capacities and resources (capital and recurrent budgets) of the sub-sectors, institutions and organizations supported sufficient to enable them to sustain intended capacity development results?</p> <p>More broadly, are the absorptive capacities and resources (capital and recurrent budgets) of the sub-sectors, institutions and organizations supported sufficient to enable them to sustain intended capacity development results?</p> <p>Have the Programme's capacity development plans and interventions been adequate as a means to address and reduce any such capacity limitations? What else may be required to achieve further steps forward in this regard that might be within the means of a future phase of programming?</p> <p>Which factors contributed to, or undermined, the sustainability of project results and the institutional and other reform processes which it supported?</p> <p>Is the external environment conducive to the maintenance of results?</p> |
|--|---|--|

#### 10.1 5.4 Risks and Limitations

There are a number of potential risks to be faced as the Evaluation Team works towards fulfilling its objectives. These may include:

- *Gaps in knowledge due to turnover of project staff and government counterparts.* It is possible that recent turnover in UNDP leadership and Programme staff could result in information gaps for the evaluation team. The team will seek to remedy this through in-person or Skype/telephone meetings with relevant former staff. In view of the recent change in government in April 2016, it is also possible that current government counterparts will not have adequate experience with past programme activities to provide necessary feedback. Where possible, the team will seek to meet with former counterparts.
- *Adequate time for field work and timely access to program materials.* The short timeframe for conducting field work will limit the evaluation team's ability to collect in-country data. The team is likely to visit only two UNDP programme field sites outside of Yangon and Nay Pyi Taw.



- *Access to, and reliability of, Programme documentation.* The evaluation assumes timely and comprehensive access to programme documents, evaluations, budgets and other relevant materials. Further, it assumes reasonable clarity, reliability and completeness of essential information provided in programme materials.
- *Reluctance of partners and counterparts to speak honestly about program activities.* Given the hierarchical bureaucratic culture and historically restrictive political context, it is possible that some counterparts will not feel comfortable speaking frankly with assessment staff. The team will seek to remedy this through follow-up meetings, and diverse contact with government counterparts at the leadership and staff level.
- *Accurate and professional interpretation and translation.* The effectiveness of the evaluation team's field work period, and its capacity to review government documents in the Myanmar language, will be contingent on reliable access to professional interpretation and translation. Given the complexity of Myanmar/ English translation, this could potentially create obstacles or delays.
- *Political or social unrest that prevents the proper conduct of fieldwork and limit access to partners and beneficiaries.* Although it appears unlikely at the moment, it is possible that unforeseen political or social conflict, or major governmental crises, during the period of field work could disrupt conduct of the evaluation, and in particular, limit access to government counterparts.

## 6. THE WORK PROGRAMME AND DELIVERABLES

### 6.1 Phases of the Work Programme (***With Deliverables in Bold***)

| Schedule with Phases of Work   | Timeline   |            | Review Timeline |                      |
|--|------------|------------|-----------------|----------------------|
|  | Start      | End        | Review Days     | Review Feedback Date |
| Evaluation Initial Document Review, <b>Inception Report</b> and MTE Planning | 9/12/2016  | 9/26/2016  | 5               | 10/3/2016            |
| Conduct Evaluation   | 10/3/2016  | 10/29/2016 | 0               |                      |
| Presentations of Evaluation Brief  | 10/26/2016 | 10/26/2016 | 0               |                      |
| First <b>Draft Evaluation Report</b>   | 11/7/2016* | 11/21/2016 | 5               | 11/26/2016           |
| <b>Final Evaluation Report</b>   | 11/27/2016 | 12/2/2016  | 0               |                      |

\* Given his other professional commitments, the International Evaluation Consultant, Frederick Rawski, may begin his contribution to this phase of work earlier, and also complete his input earlier.

The evaluation team will produce the following **deliverables**:

5. **Evaluation Inception Report:** Prior to embarking on the data collection exercise, the evaluation team will prepare an inception report which details the understanding of what is being evaluated and why; the methodology for the evaluation and any travel plans; along with an evaluation matrix.
6. **Draft Evaluation Report:** The team will submit a draft evaluation report for review; this will be appraised by UNDP for factual inaccuracies and be shared with the reference group for feedback.
7. **Evaluation Brief:** The team will present the initial findings and recommendations of the report to UNDP, Myanmar government counterparts, donors, and other justice sector development partners, as appropriate. The Evaluators wish to emphasize that the findings presented will be preliminary only, since the presentations precede the completion of the data collection phases and full data analysis
8. **Final Evaluation Report:** Following receipt of UNDP's initial comments, the Team Leader will submit a final report which will address any clarifications requested in the initial review of the draft version of the report.

## 6.2 Team Composition and Responsibilities

The Team consists of three individuals, two of whom are international consultants, while the third is a Myanmar national. The Team Leader and International Evaluation Specialist is Dr. Phillip Rawkins from Canada; the International Evaluation Consultant is Frederick Rawski from the United States, but resident in Yangon; and, Mr. Sai Tun Thiha, the National Consultant.

In accordance with the Terms of Reference for the Evaluation, the team members will have the following responsibilities:

***The Team Leader and International Evaluation Specialist*** will be responsible for:

- Providing overall leadership on the independent evaluation of the UNDP Rule of Law Program drawing on inputs and insights from the other consultants
- Conducting and analyzing desk reviews of relevant documents and leading interviews with government partners, UN / UNDP staff, donors and other partners
- Reviewing the relevance, effectiveness, efficiency, sustainability, and value-added of UNDP's Programme in Myanmar
- Identifying UNDP's contribution to outcomes
- Ensuring completion of all the deliverables outlined below: evaluation inception report, draft evaluation report, evaluation brief and final evaluation report
- Managing the day to day work of the evaluation team

***The International Evaluation Consultant*** will be responsible for:

- Conducting desk reviews of relevant documents and data on democratic governance and rule of law to establish progress towards outcome
- Leading interviews with civil society actors, INGOs and other stakeholders to establish progress towards outcome
- Supporting the team leader by gathering evidence and collating notes from meetings and other sources of information
- Providing inputs and insights (based on the data about democratic governance in Myanmar) to the independent evaluation of UNDP's Programme in Myanmar
- Provide inputs to the deliverables: inception report, draft evaluation report, evaluation brief and final evaluation report

The National Team Member will be responsible for:

- Providing inputs and insights (based on the context in Myanmar) to the evaluation
- Participating in meetings with governments counterparts, UN/UNDP staff, donors and other partners with the Team Leader
- Providing Myanmar language interpretation and translation for meetings as required, in order to ensure clear communication between the international consultant and meeting participants
- Providing support and assistance to finalize the mission agenda, meetings and required visits
- Provide inputs to the deliverables: inception report, draft evaluation report, evaluation brief and final evaluation report

In addition, the team members will be supported by qualified interpreters, as may be required.

### 6.3 The Role of UNDP, Including Management and Logistical Support

The responsibilities of UNDP include, first, the setting-up of both a Peer Group and a Reference group for the Mid-Term Evaluation. Their respective roles are as follows:

#### **Peer Group**

- The Programme Analyst for Democratic Governance and the Programme Analyst for Rule of Law will act as a peer group for this evaluation. They will act as a sounding board, and will be available for feedback and advice.

#### **Reference Group**

- UNDP will establish a reference group. Its representation could include the UNDP M&E Specialist, the Team Leader, other UN agency or multilateral representatives, a

‘responsible partner’ representative, donor representatives and government representatives.

- The reference group members will provide detailed comments on the inception report (and thus the methodology for the evaluation), the early draft of the evaluation report and/or sections of the report as required, as well as the final draft. They will provide guidance on how to strengthen the quality of the report, including sources of evidence, and quality of analysis and use of evidence.

In addition, UNDP will be responsible for putting in place the overall management and logistical support arrangements for the Evaluation, as set out in the Terms of Reference (*with minor amendments*):

- The consultants will report to the Team Leader for Democratic Governance and Rule of Law on a weekly basis as work against deliverables progresses. They will be accountable to UNDP on the timeliness and quality of the deliverables.
- UNDP will coordinate feedback on deliverables, which will normally take five working days.
- The consultants are expected to work closely and collaboratively with UNDP staff in Yangon, Nay Pyi Taw, Mandalay, Taunggyi and Myitkyina for the duration of this assignment.
- UNDP will secure government (and other counterpart) cooperation for this assignment, including visas and travel authorization, and will assist in the facilitation of introduction letters and/or requests for meetings upon request with stakeholders and beneficiaries.
- The consultants will be entitled to apply for reimbursement of costs associated with necessary work-related in-country travel in accordance with UNDP’s travel policy.
- UNDP will provide workspace for meetings, and UNDP will strive to offer general workspace, but this cannot be guaranteed; the consultants will check in with UNDP ahead of arrival so that alternative arrangements can be made, if necessary.
- The consultants are responsible for providing their own laptop computers for use during this assignment; UNDP will supply mobile phones, if required, and cover the costs of in-country calls relevant to the Evaluation and its conduct.
- UNDP will provide administrative and logistical support with travel and transport arrangements, visas, and processes necessary for successful completion of the assignment, and arrange the consultants’ in-country work-related travel.

## 7. PRELIMINARY OUTLINE FOR FINAL EVALUATION REPORT

### ***Executive Summary***

### ***List of Acronyms and Abbreviations***

### ***A. INTRODUCTION, OVERVIEW AND BACKGROUND***

## *Acknowledgements*

*A1. Introduction: Objective, Focus, Scope and Mandate of the Evaluation*

*A2. Evaluation Work Plan and Methodology (brief)*

*A3. The UNDP Programme in the Context of the Status of Democratic Governance and Rule of Law in Myanmar\**

*A4. Brief Programme Description\* and Project Partners*

*A5. The Results Framework and Monitoring Systems\**

## **B. ANALYSIS**

### **B1: PROJECT STRUCTURES, MANAGEMENT SYSTEMS AND PROCESSES**

*B1.1. Programme Design and Proposed Strategy\**

*B1.2 Management Systems and Structures; Planning and Decision-Making Processes*

*B1.3 Partnership, Coordination and Communications*

*B1.4 Programme Implementation: Analysis of Plan, Practice and Performance\**

*B1.5 The Results Framework and Monitoring Practice\**

### **B2: RESULTS**

*B2.1 Relevance*

*B2.2 Effectiveness\**

*B2.3 Efficiency*

*B2.4 Sustainability\**

## **C. PRINCIPAL FINDINGS AND CONCLUSIONS\***

## **D. LESSONS LEARNED\***

## **E. RECOMMENDATIONS\***

***\*Chapters where attention will be given to Gender Equality***

## **F. ANNEXES**

*1. Review Schedule and List of Those Interviewed and Participants in Meetings*

*2. Documents Consulted*

*3. Evaluation Matrix*

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## ANNEXES

### ANNEX 1: Evaluation Schedule and Preliminary Interview List (individually or in small groups)

| <b>Date</b>          | <b>Profile of Meetings</b>                | <b>Name (Organization/ Person)</b>  | <b>Location</b> |
|----------------------|---|---|-----------------|
| Sunday, October 2    | Internal                                  | PR, FR and Nat'l Consultant   | Hotel           |
| Monday, October 3    | UNDP Internal, Pillar 3                   | <p>Emma Morley – Pillar 3 Team Leader/ Jessica Price</p> <p>Mascha Matthews - Rule of Law Output Lead<br/>Rule of Law, Chief Technical Advisor</p> <p>Hyeran Kim – Democratic Gov. Output Lead<br/>Felix Schmeiding – DG, Statistics Specialist</p> <p>Edin Elgsaether – Parliamentary Output Lead</p>  | UNDP YGN        |
| Tuesday, October 4   | UN Internal                               | <p>Christian Hainzi – Pillar 1 UNDP Local Gov Team Lead<br/>Lat Lat Aye – Pillar 2 UNDP Environment Team Lead</p> <p>Renata Lok Dessalien – UN Resident Coordinator<br/>+ Peace and Development Advisor / Others</p> <p>Meeting with relevant UN Agencies (OHCHR/ UNICEF/ UNFPA/ UN Women)</p> <p>Other UNDP YGN (as needed, in group if appropriate):<br/>Dania Marzouki – M&amp;E Specialist<br/>Sanda Thant – former Gender Advisor<br/>Allison Hope Moore – LG Civil Soc. Output Lead</p> <p>World Bank</p> | UNDP YGN        |
| Wednesday, October 5 | Implementing Partners/ Nat'l Stakeholders | <p>Caitlin Reiger, British Council/ former UNDP RoL Chief Technical Advisor</p> <p>Elaine Chan – UNDP Justice Mapping<br/>Myat The/Thet Thitsar (Enlightened Myanmar Research – Mapping Partner)</p> <p>Roundtable or lunch w/ YGN-based RoL implementing partners: BABSEA, IDLO, UNODC, others?</p> <p>Afternoon meeting with selected national stakeholders (together if appropriate): Daw Ja Nan Lahtaw (Shalom); U Myo Min (Equality)<br/>New Zin Win (Nat'l NGO network)</p>                               | YGN             |

|                        |  |  |                               |
|------------------------|--|--|-------------------------------|
| Thursday,<br>October 6 | Diplomatic/<br>Donors  | <p>Morning @ Nordic: David Holmertz (Counsellor, Sweden), Maria Suokko (Head of Cooperation, Finland), Peter Hansen (Ambassador, Denmark)</p> <p>EU @ EU – George Dura (Head of Cooperation) + V. Svedja</p> <p>EU Political (lunch near EU?) (Colin Steinbach, Head of Political; Andreas Magnusson or Isabell Poppelbaum, Advisors)</p> <p>US – Andrea Sawka (Deputy Director, Democracy and Governance, USAID) @ US Embassy (+ political?)</p> <p>DFID – Peter McDermott/ Claire Vailings (outgoing and incoming DFID Governance Advisors) @ UK Embassy</p> <p>Australia – Nick Cumpston (Ambassador) @ Australian Embassy (next to UK Embassy) + Charlies Prestidge-King (?) (political)</p> | YGN (full-day vehicle)        |
| Friday,<br>October 7   | Beneficiaries/<br>Outside<br>Analysts                                  | <p>Morning (coffee @ Strand?), Richard Horsey (ICG)</p> <p>Visit to Yangon Rule of Law Center</p> <p>Other nat'l beneficiary/ stakeholder meetings:</p> <ul style="list-style-type: none"> <li>- Law student roundtable</li> <li>- Other beneficiary roundtable? [e.g., gender training recipients/ May Doe Kabar Women's Network]</li> <li>- Other?: Khine Khine New (UMFCCI), U Hang Za Thawm (SDI)</li> </ul> <p>Lunch or dinner meeting w/ Mary Callahan (U of Washington)</p>   | YGN (vehicle + meeting space) |
| Saturday,<br>October 8 | Rest Day   |  |                               |
| Sunday,<br>October 9   | Travel Day   | Travel to Nay Pyi Taw/ Meeting with UNDP Technical Advisors (if available)   | YGN-NPT                       |
| Monday,<br>October 10  | UNDP/ Office of<br>President &<br>State<br>Counsellor/<br>Home Affairs | <p>Chris Politis, UNDP Technical Advisor, Public Administration</p> <p>Warren Cahill, UNDP Technical Advisor, Parliament</p> <p>U Than Aung Kyaw, DDG, Office of the President</p> <p>U Bharat Singh, DDG, Office of the President</p> <p>Joe Fisher, Advisor to ASSK, State Counsellor's Office (lunch?)</p> <p>U Tun Hla Aung, Perm Sec't, Home Affairs</p> <p>U Min Shwe, Former DDG, GAD</p>   | NPT                           |



|                          |  |   |         |
|--------------------------|--|---|---------|
| Tuesday,<br>October 11   | Planning and<br>Finance/ UCSB  | <p>Meetings at Ministry of Planning and Finance, together or individually as appropriate:</p> <p>U Tun Tun Naing (DG, FERD), Dr. War War Maung (DG CSO), U Maung Maung Tint (DG Planning Dep't), Daw Cho Cho Win (DDG FERD), Daw Khin Mar Aye (DDG CSO), Daw Thway Thway Chit (DDG, Planning)</p> <p>Meetings at Union Civil Service Board, together or individually as appropriate:</p> <p>Dr. U Win Thein (Chair), U Than Thun and U Saw Valentine (Board Members), U Zaw Moe Win (Acting DG)</p> | NPT     |
| Wednesday,<br>October 12 | Supreme Court/<br>Attorney<br>General/<br>Constitutional<br>Tribunal | <p>Supreme Court: Daw Aye Aye Kyi Thet (DG), U Myo Tint (DG)</p> <p>AG's Office: Daw Khin Cho Ohn (DG), Dr. Thi Da Oo (DDG)</p> <p>Constitutional Tribunal: U Kyaw San (former DG AG's Office, Constitutional Tribunal)</p>   | NPT     |
| Thursday,<br>October 13  | Parliament   | <p>U Kyaw Soe (Perm Sect, Pyidaungsu Hluttaw), U Shwe Mann (former Speaker); current Speaker and Deputy Speakers (TBC)</p> <p>Parliamentary Learning Center</p> <p>NDI Parliamentary Resource Center (Park Royal)</p> <p>Focus groups (former and current MPs)</p>  | NPT     |
| Friday,<br>October 14    | Civil Service<br>Roundtables/<br>UEC                                 | <p>U Tin Tun, DG, Union Election Commission</p> <p>Mid- and Senior level civil service roundtables</p> <p>Other follow-up meetings as necessary</p>   | NPT     |
| Saturday,<br>October 15  | Travel/ Rest Day   | Travel to YGN, or rest day in NPT   | YGN     |
| Sunday,<br>October 16    | Travel Day<br>[Mandalay/<br>Taunggyi]                                | <p>PR Travel to Mandalay</p> <p>FR Travel to Taunggyi</p>   | MND/TNG |

|  |   |   |         |
|--|---|---|---------|
| Monday,<br>October 17                              | MND/TNG<br>Internal & nat'l<br>stakeholders | Meetings with MND/TNG UNDP and UN counterparts; national staff; other<br>UN offices<br><br>Mandalay CSO network/ Southern Shan State CSO network (?)  | MND/TNG |
| Tuesday,<br>October 18                             | MND/TNG Rule<br>of Law                      | Visit to Rule of Law Center<br><br>Legal Aid Service Providers<br><br>Advocate General's Office/ Police (?)/ State/ Regional Court visit (?)<br><br>Taunggyi Rule of Law Network/ Mandalay equivalent   | MND/TNG |
| Wednesday,<br>October 19                           | Mandalay<br>Parliament                      | Speaker/ Deputy Speaker, or appropriate Parliament leader<br><br>Regional Parliament Staff/ Parliament Program Beneficiaries<br><br>Mandalay University/ university counterparts in TNG   | MND/TNG |
| Thursday,<br>October 20 –<br>Friday,<br>October 21 | NPT/YGN                                     | Follow-up meetings in field, NPT or YGN as necessary (tbd)  | NPT/YGN |
| Saturday,<br>October 22                            | Travel/ Rest Day                            | Travel or rest/ briefing prep day as necessary  | YGN     |
| Sunday,<br>October 23 –<br>Tuesday,<br>October 25  | Follow-Up<br>Meetings &<br>Briefing Prep    | YGN-based follow-up meetings and briefing preparation as necessary<br><br>Possible additional meetings: Asia Foundation (on governance); NDI, Int'l<br>IDEA, Westminster Foundation (on parliament); Hans Seidel (on public<br>administration); International Commission of Jurists and USAID RoL<br>Implementers (Tetratex?) (on justice sector) | YGN     |
| Wednesday,<br>October 26                           | Briefings                                   | UNDP and Donor Briefings  | YGN     |
| Thursday,<br>October 27 –<br>Friday,<br>October 28 | Follow-up/<br>UNDP<br>leadership            | Peter Bachelor - UNDP Country Director (Thursday)<br>Skype call w/ Toily Kurbanov (former UNDP rep)<br><br>Follow-up meetings as necessary/ evaluation team planning  | YGN     |

## ANNEX 2: Evaluation Matrix

| DAC Criterion    | Initial Evaluation Questions   | Related Sub-Questions and Issues   | Data Sources   | Data Collection Methods   |
|------------------|--|--|--|---|
| <b>Relevance</b> | <p><b>Generic:</b> To what extent was the project, as designed and implemented, suited to context and needs at institutional and national (sector) levels?</p> <p><b>MTE-Specific:</b> To what extent is UNDP's engagement a reflection of strategic considerations, including UNDP's role and comparative advantages?</p> <p>To what extent was the theory of change presented in the outcome model a relevant and appropriate vision on which to base the initiatives for the final three years of programming?</p> <p>How did the programme promote UNDP principles of gender equality, a human rights based approach, and conflict-sensitivity?</p> <p>To what extent does this work respond to UNDP's mandate and to national priorities?</p> <p>Which of the programme areas are the most relevant and strategic for UNDP to consider going forward?</p> <p>How has UNDP positioned itself strategically in the development field in the area of democratic governance in Myanmar, and established its particular value-added/niche?</p> | <p>Are the results (achieved or planned) of the project in line with the needs and priorities of Myanmar partners as identified at design stage?</p> <p>To what extent are the objectives of the programme still valid?</p> <p>Are the activities and immediate products of the programme consistent with the intended results?</p> <p>Did the project have the capacity to recognize and act on emerging priorities, while taking into account the availability of resources and the absorptive capacities of institutional partners?</p> <p>Were risks appropriately identified by the project? How appropriate are/were the strategies developed to deal with identified risks?</p> | <ul style="list-style-type: none"> <li>• Programme documents, including country narratives, theories of change, M&amp;E plans, strategy documents, field office reports, annual work plans and results frameworks</li> <li>• Global standards and best practices documents on human rights, gender and conflict sensitivity</li> <li>• Surveys/ analyses of DG sector, and work of other int'l and nat'l actors</li> <li>• Gov't national planning documents</li> <li>• UNDP staff</li> <li>• Development partners/ donors/ diplomatic community</li> <li>• Implementing partners</li> <li>• Government counterparts</li> <li>• Beneficiaries</li> </ul> | <ul style="list-style-type: none"> <li>• Desk review of secondary data</li> <li>• Interviews with government counterparts, implementing partners, beneficiaries, civil society, UNDP staff, UNCT members, others</li> <li>• Field visits to Mandalay, Taunggyi and Nay Pyi Taw</li> </ul> |

|                             |   |   |  |   |
|-----------------------------|---|---|--|---|
| <p><b>Effectiveness</b></p> | <p><b>Generic:</b> To what extent was the project, as implemented, able to achieve objectives and goals?</p> <p><b>MTE-Specific:</b> To what extent has progress been made towards outcome achievement? What has been UNDP's contribution to change?</p> <p>What have the key results and changes been? How has delivery of the outputs contributed to outcome-level progress?</p> <p>To what extent did the results achieved benefit women and men equally or support the enhancement of gender equality?</p> <p>How has the programme's approach been effective, or ineffective, in ensuring progress towards the outcome?</p> <p>To what extent was UNDP's selected method of delivery appropriate to the development context?</p> | <p>To what extent has the project made progress in working towards the Outcome and Outputs, as set out in the Logic Model/Theory of Change?</p> <p>To what extent has the programme been implemented as envisaged by the Programme Document (2013)? Which changes have been introduced, and why?</p> <p>Were programme activities adequate to facilitate progress towards programme objectives? Did the project manage, select and utilize human resources appropriately and effectively in pursuit of project outcomes?</p> <p><i>From the perspective of Myanmar partners</i>, has the project made progress towards achieving the expected outcomes? What are the major factors influencing the achievement/ non-achievement of project objectives?</p> <p>Were project plans and activities made in coordination with other donors to ensure complementarity of investments?</p> <p>Is the project delivery model, including partnership structures, still relevant to the key partners, beneficiaries and other stakeholders of the Programme within the current context?</p> <p>Did the Programme adopt and implement an appropriate and coherent capacity development strategy? Were thorough and professional institutional capacity assessments conducted as a means of informing plans for cooperation and identifying capacity gaps?</p> | <ul style="list-style-type: none"> <li>• Internal and external evaluation documents, including quarterly progress reports, independent and internal evaluations, and output board minutes and reports</li> <li>• Global and National baseline indicators including World Governance, World Justice Project, Framework for Economic and Social Reforms</li> <li>• Programme documents, including country narratives, theories of change, M&amp;E plans, strategy documents, field office reports, annual work plans and results frameworks</li> <li>• Gov't national planning documents</li> <li>• UNDP staff</li> <li>• Development partners/ donors/ diplomatic community</li> <li>• Implementing partners</li> <li>• Government counterparts</li> <li>• Beneficiaries</li> </ul> | <ul style="list-style-type: none"> <li>• Desk review of secondary data</li> <li>• Interviews with government counterparts, implementing partners, beneficiaries, civil society, UNDP staff, UNCT members, others</li> <li>• Field visits to Mandalay, Taunggyi and Nay Pyi Taw</li> </ul> |
|-----------------------------|---|---|--|---|

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| <p><b>Efficiency</b></p> | <p><b>Generic:</b> To what extent was there a reasonable relationship between resources expended and project results?</p> <p><b>MTE-Specific:</b> Have resources (funds, expertise, time, staffing) available to the program been used in the most appropriate and economic way possible towards the achievement of results?</p> <p>Has the programme managed implementation in multiple locations efficiently?</p> <p>Has the programme-based approach (including un-earmarked programme funding) been an efficient way to achieve results?</p> | <p>Was there a reasonable relationship between project inputs and project outputs?</p> <p>Did management systems, planning processes and partnership mechanisms promote cost-effectiveness and accountability?</p> <p>Were the budget and sub-budgets designed, and then implemented, in a way that enabled the project to meet its objectives?</p> <p>Was UNDP (and its support systems) able to meet its commitments as expected, including: timely transfer of funds as per agreements; timely recruitment of national and international staff and short-term consultants; and, procurement of equipment in timely fashion?</p> <p>Was the Government of Myanmar (at Union level) and senior leadership able to meet its commitments to facilitate progress of the project (through availability of Programme managers/ liaison officers; provision of counterpart staff; making available the appropriate managers, professionals and other staff, for training and other activities; provision of facilities for Programme activities; and obtaining necessary visas, permits and clearances).</p> <p>Have intermediate results been achieved on time and on budget? Did the project and its partners meet normal standards of efficiency in the quality, thoroughness, transparency and timeliness of financial reporting</p> | <ul style="list-style-type: none"> <li>• Project budgets, organigrams, management plans and staffing models</li> <li>• Internal and external evaluation documents, including quarterly progress reports, independent and internal evaluations, and output board minutes and reports</li> <li>• Programme documents, including country narratives, theories of change, M&amp;E plans, strategy documents, field office reports, annual work plans and results frameworks</li> <li>• Gov't national planning documents</li> <li>• UNDP staff</li> <li>• Development partners/ donors/ diplomatic community</li> <li>• Implementing partners</li> <li>• Government counterparts</li> <li>• Beneficiaries</li> </ul> | <ul style="list-style-type: none"> <li>• Desk review of secondary data</li> <li>• Interviews with government counterparts, implementing partners, beneficiaries, civil society, UNDP staff, UNCT members, others</li> <li>• Field visits to Mandalay, Taunggyi and Nay Pyi Taw</li> </ul> |
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| <p><b>Sustainability</b></p> | <p><b>Generic:</b> To what extent has the project, as designed and implemented, created what is likely to be a continuing impetus, beyond the project, towards the ultimate Outcome?</p> <p>What indications are there that achievements so far will be sustained (e.g. national ownership, national systems and structures, individual capacity)?</p> <p>Are there any indications that the agenda promoted by the programme (for democratic governance, rule of law, gender equality and human rights) will be taken forward by key stakeholders?</p> <p>To what extent has fostering international and South-South Cooperation and knowledge management contributed to the sustainability of the programme?</p> <p>How will partnerships and current approaches to resource mobilization sustain the programme?</p> | <p>To what extent has the project established processes and systems, and built what would appear to be sustainable capacities, that are likely to support continued progress?</p> <p>Are there bottlenecks to sustainability deriving from capacity limitations? More broadly, are the absorptive capacities and resources (capital and recurrent budgets) of the sub-sectors, institutions and organizations supported sufficient to enable them to sustain intended capacity development results?</p> <p>Have the Programme's capacity development plans and interventions been adequate as a means to address and reduce such capacity limitations? What else may be required to achieve further steps forward in this regard that might be within the means of such a Programme?</p> <p>More broadly, are the absorptive capacities and resources (capital and recurrent budgets) of the sub-sectors, institutions and organizations supported sufficient to enable them to sustain intended capacity development results?</p> <p>Which factors contributed to, or undermined, the sustainability of project results and the institutional and other reform processes which it supported?</p> <p>Is the external environment conducive to the maintenance of results?</p> | <ul style="list-style-type: none"> <li>• Exit and sustainability strategy documents, and other relevant program documents</li> <li>• UNDP internal, gov't and partner documentation of transfer of program responsibilities to national ownership</li> <li>• Gov't, partner, civil society and outside analyst assessments of program gender and human rights sensitivities</li> <li>• Development partners, regional diplomatic community, and beneficiaries of South-South Cooperation</li> <li>• Internal and external evaluation documents, and programme documents</li> <li>• UNDP staff, Development partners/ donors/ diplomatic community, Implementing partners, Government counterparts and Beneficiaries</li> </ul> | <ul style="list-style-type: none"> <li>• Desk review of secondary data</li> <li>• Interviews with government counterparts, implementing partners, beneficiaries, civil society, UNDP staff, UNCT members, others</li> </ul> <p>Field visits to Mandalay, Taunggyi and Nay Pyi Taw</p> |
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### ANNEX 3: P3 Evaluation Documentation Outline

| SUBJECT                                   | SUB FOLDERS                          | CONTENT   |
|---|--------------------------------------|---|
| <b>EVALUATION DOCUMENTS</b>               |                                      | <ul style="list-style-type: none"> <li>• Terms of Reference for Evaluation of UNDP's Democratic Governance Programme</li> <li>• UNDP Evaluation Policy</li> <li>• UNDP Guidance on Outcome Evaluation, including example Evaluation Matrix</li> <li>• UNEG Ethical Guidelines for Evaluation / Code of Conduct (2008)</li> <li>• Quality standards for evaluation reports</li> <li>• TOR International Team Member</li> <li>• CV Fred Rawski, proposed international team member</li> <li>• Fred Rawski writing sample (Carter Centre Report)</li> <li>• TOR national team member</li> <li>• CV Sai Tun Tun, proposed national team member</li> </ul> |
| <b>PROGRAMME DOCUMENTS &amp; PLANNING</b> | Programme Documents                  | <ul style="list-style-type: none"> <li>• Country Programme Action Plan,</li> <li>• Results and Resources Framework (2013, 2015)</li> <li>• Annual Work Plans 2013-2016 for all outputs</li> <li>• Pillar 3 Resource Overview and Pipelines.</li> <li>• Delivery Forecast 2016</li> <li>• Organogram</li> <li>• Fact Sheets</li> </ul>   |
|   | Theories of Change/Output Strategies | <ul style="list-style-type: none"> <li>• UNDP Country Programme Narrative</li> <li>• Pillar 3 Democratic Governance Theory of Change</li> <li>• Pillar 3 Democratic Governance Outcome Model</li> <li>• PAR Strategic Narrative</li> <li>• Rule of Law Strategic Narrative</li> <li>• Region and State Parliaments Strategic Narrative</li> </ul>   |
| <b>BACKGROUND DOCUMENTS ON MYANMAR</b>    | Laws                                 | <ul style="list-style-type: none"> <li>• Constitution, civil service laws, elections laws,</li> <li>• legal aid law drafts, anti-violence against women laws, child law</li> </ul>  |
|   | Key Policies, Strategies & Plans     | <ul style="list-style-type: none"> <li>• Institution Strategic Plans; Framework for Economic and Social Reform (2012-2015); National Strategic Action Plan for Women; NLD Economic Policy (2016)</li> </ul>   |
|   | Public Opinion Polls                 | <ul style="list-style-type: none"> <li>• IRI, 2014</li> <li>• Asia Foundation, 2014</li> <li>• Asia Barometer 2015</li> <li>• IFES 2015 and 2016</li> </ul>   |
|   | Socio-economic or SDG Data           | <ul style="list-style-type: none"> <li>• UNDP, Overview of existing data on SDGs, 2016</li> <li>• UNDP, Business census, 2014</li> <li>• UNDP, Business survey, 2015 (draft)</li> </ul>   |
|   | General governance reports           | <ul style="list-style-type: none"> <li>• Key reports on elections, subnational governance, conflict, democratic governance and reforms and human rights.</li> </ul>   |

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|                                 | Key UNDP Subject Matter Reports and Knowledge Products | <ul style="list-style-type: none"> <li>• UNDP, Democratic Governance Assessment 2012 + Trends Update 2013</li> <li>• UNDP, Prospects for Administrative Reform, 2013</li> <li>• UNDP, Assessment of the UCSB Training, 2013</li> <li>• UNDP, Access to Justice Mapping, 2013</li> <li>• UNDP, Review of Planning Architecture, 2014</li> <li>• UNDP, Link between Planning and Budgeting, 2014</li> <li>• UNDP, Data assessment on Least Developed Country Indicators, 2015</li> <li>• UNDP, Policy Options on Least Developed Country Graduation, 2015</li> <li>• UNDP, Access to Justice Mappings, 2016 (confidential draft, if available)</li> <li>• UNDP/UCSB, Perception Survey of Civil Servants on Ethics, Meritocracy and Equal Opportunities, 2016 (confidential draft)</li> <li>• UNDP/Hluttaw, Perception Survey of MPs, 2016</li> <li>• UNDP, Sustainable Development Goals Data Readiness Report, 2016 (confidential draft)</li> </ul> |
| <b>IMPLEMENTATION</b>           | Output Related Materials                               | <ul style="list-style-type: none"> <li>• Policy papers &amp; concept notes</li> <li>• Government workshop concept notes and reports, and related strategy documents</li> <li>• UNDP workshop concept notes and reports</li> <li>• Training Concept Notes and Reports, and feedback documents</li> <li>• Needs assessments, strategies and key consultancy reports</li> </ul>  |
| <b>COORDINATION</b>             |  | <ul style="list-style-type: none"> <li>• Coordination matrixes of Sub-Sector Working Groups, containing information on size and nature of programmes</li> </ul>   |
| <b>Management &amp; M&amp;E</b> | Board Meetings   | <ul style="list-style-type: none"> <li>• 2014-15, Pillar Board: Report, Minutes</li> <li>• 2013-16, By Output: Report, Minutes</li> </ul>   |
|                                 | Evaluations  | <ul style="list-style-type: none"> <li>• Mid-Term Evaluation of UNDP Country Programme, 2015</li> <li>• Mid-Term Evaluation of Rule of Law Output, 2016 (when available)</li> <li>• Mid-Term Evaluation of Parliament Output, 2016 (when available)</li> <li>• Mid-Term Review of Operations Report, 2015</li> </ul>  |
|                                 | Monitoring Plans                                       | <ul style="list-style-type: none"> <li>• Monitoring Plans and related documents</li> <li>• Analysis of cross-cutting issues in indicators</li> </ul>  |
|                                 | Reports  | <ul style="list-style-type: none"> <li>• Sample of weekly team reports</li> <li>• Quarterly Reports &amp; Risk &amp; Issues Logs</li> <li>• Bi-Annual Output Board Reports (shared above)</li> <li>• Annual Pillar Board Reports (shared above)</li> <li>• UNDP Annual Reports</li> </ul>   |



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|  | BTORs | By output |
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***\*N.B. There are a few documents which were not available at the time of production of the Inception Report. However, this was not crucial since there has only been a limited amount of time available for document review and preliminary analysis.***

## APPENDIX F5:

### UNDP - PROCESS INDICATORS for gender equality, human rights and conflict

| INDICATORS   | BASELINES   | TARGETS  |
|--|---|--|
| <b>Democratic and Local Governance Programmes</b>  |   |  |
| <ol style="list-style-type: none"> <li>1. Policies for gender equality (World Bank- CPIA Sub Indicator of Policies for Social Inclusion and Equity)</li> <li>2. Consensus building for political transformation (BTI Index sub-indicator)</li> <li>3. Inclusion of human rights and gender equality objectives in reform strategies and plans supported by UNDP (UNDP)</li> <li>4. % of strategies, laws and policies supported by UNDP including ethnic minority groups and women in development processes (UNDP)</li> <li>5. # of male and female senior civil service personnel receiving awareness raising to promote increased understanding of democratic governance, gender and human rights (UNDP)</li> <li>6. Improved public awareness of governance, gender equality and human rights, as a result of programme interventions</li> <li>7. Number of people accessing legal aid services as part of the programme, disaggregated by sex, age, ethnicity and locality</li> <li>8. Participation of women in local governance leadership</li> <li>9. Extent to which women's groups have strengthened capacity to engage in critical development and crisis related issues</li> <li>10. Extent of evidence of efforts to build consensus or resolve disputes peacefully</li> </ol> | <ol style="list-style-type: none"> <li>1. 3 (out of 1-6)</li> <li>2. 1.6 average (2012)</li> <li>3. 0 reform strategies in place in UNDP supported institutions</li> <li>4. 0</li> <li>5. No awareness raising.</li> <li>6. Government functions: very low; democracy and interest in political engagement: very low; gender equality: low. (Asia Foundation, 2014-country-wide data)</li> <li>7. 0</li> <li>8. Female VTAs (0.25%, 42 out of 16,785)</li> <li>9. Low capacity</li> <li>10. Not significant</li> <li>11. none</li> <li>12. Not significant</li> </ol> | <p>Targets (2015)</p> <ol style="list-style-type: none"> <li>1. 3 (out of 1-6)</li> <li>2. 4.4 average (2016)</li> <li>3. 1- National Strategic Framework for Administrative Reform</li> <li>4. 3- NSFAR, Prevention of Violence Against Women, Legal aid laws.</li> <li>5. 848 (2013-2015)</li> <li>6. Country-wide data shows democracy and interest in political engagement: medium; gender equality: low (IFES, Jan 2016).</li> <li>7. 0</li> <li>8. No change</li> <li>9. Some capacity</li> <li>10. Average</li> <li>11. Some</li> <li>12. Average</li> </ol> <p>Targets (2016)</p> <ol style="list-style-type: none"> <li>1. Average</li> <li>2. Significant</li> <li>3. Significant</li> <li>4. 1</li> <li>5. 200</li> <li>6. Target areas show medium awareness of government functions and the justice system, and low awareness of democracy and gender equality.</li> <li>7. 40 (women)</li> <li>8. 1%</li> <li>9. Some capacity</li> </ol> <p>Targets (2017)</p> <ol style="list-style-type: none"> <li>1. 3.2</li> <li>2. 5.5</li> <li>3. 1</li> <li>4. 1</li> <li>5. 300</li> </ol> |

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| 11. Extent of increase in cross-ethnic, cross-community or cross-cultural activities<br>12. Extent to which women participate in dispute resolution, confidence-building or cross-community dialogue activities |  | 6. Target areas show high awareness of government functions and the justice system, and medium awareness of democracy and gender equality.<br>7. 50 (women)<br>8. 1%<br>9. Some capacity<br>10. Average<br>11. Significant<br>12. Significant |
|---|--|---|