

United Nations Development Programme (UNDP)

**Outcome Evaluation on Governance
(Support for the Rule of Law Development)**

CPR/01/525, CPR/01/526

CPR/01/528, CPR/99/591

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By

Larry Taman

Jufang Zhang 张菊芳

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Alessandra Tisot, Senior Deputy Resident Representative, led an initial briefing and gave us her insights into our thinking at a final debriefing. Lu Lei, Assistant Resident Representative and Team Leader, Strategic Planning and Management Support Team, helped us in several insightful interviews. Other members of the Country Office programme team contributed their time to this evaluation.

We have listed in Appendix 7.5 the government officials and international community colleagues who took time to help us with this evaluation.

Everyone we met is committed to the development of the UNDP programs and we are grateful for their assistance.

Beijing, December 15, 2006

Acronyms

APR	Annual Project Review
CCCPE	China Centre for Comparative Politics and Economics
CCF2	Country Cooperation Framework 2001-05
CICETE	China International Center for International and Technical Exchanges
CPD	Country Program Document
DEC	Direct Execution
EC	European Commission
EU	European Union
HRBA	Human Rights Based Approaches
MOCA	Ministry of Civil Affairs
MOFCAM	Ministry of Commerce
MOS	Ministry of Supervision
MYFF	Multi-Year Financial Framework
NEX	National Execution
PMT	Project Management Team
PPER	
SPC	Supreme People's Court
SPP	Supreme People's Procuratorate
SRF	Strategic Results Framework
TOR	Terms of Reference
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Program

Executive Summary

This is an outcomes evaluation for UNDP China of a group of governance and rule of law projects. It was conducted by a two person team of one international and one national over 28 days in November and December, 2006. In the first week of the mission, it was agreed that the evaluation team should have a strong focus on recommendations for future improvements in project performance.

Some of these projects started in 1999. They were formulated in ways that did not accord with current practices in results based management. In particular, they lacked outcomes that were clear, tangible, measurable and achievable. The results of these projects were uncertain and mixed. Later projects were formulated more in accordance with current practice, with more useful results and resources frameworks. These projects were more verifiably successful in achieving intended results.

The evaluation team has made eleven recommendations in four categories.

Considering new programming directions, we recommend that the current approach – largely focused top-down on capacity building in justice institutions should be balanced with a bottom-up approach. We recommend that the UNDP should accelerate the mainstreaming of the human rights based approaches in all of its programming.

Looking at a leading role for the UNDP, we conclude that there is a role for the UNDP as a leader of the international community in the effort to support the Government of China in its approaches to the furtherance of its human rights agenda.

We have concluded that the success of the UNDP's partnership with CICETE is a core issue in the success of current and future programmes. We recommend that the UNDP strengthen its dialogue with CICETE.

Turning to program monitoring and evaluation, we have developed a series of recommendation for strengthening current practices, including

- making project documents more user friendly

- improving the formulation of outputs and output indicators
- training UNDP staff and Government partners in results based management
- improving project management arrangements
- making a decisive shift to active monitoring and evaluation
- developing monitoring and evaluation plans for each project
- improving the management of reporting and documentation

The situation in China may be quite unique in development work. UNDP involvement is fairly recent and change has been very rapid. We think that the Country Office was right to focus our work on looking to the past in order to make recommendations for the future. We think that all parties will quickly see the benefits that will flow from a strong focus on improvements in project design and evaluation.

1. INTRODUCTION

This is an outcomes evaluation of some of the rule of law and governance work of the UNDP China and its partners during the period 2000-2006. Our job is to take the intended outcomes of projects, and assesses whether they were achieved.

The UNDP China Country Office wants to know whether these projects achieved results and whether there were lessons to be learned from this past work that can be applied in the future. Some important rule of law and democracy programs are now in the planning stages and the Country Office thinks the time may be right for more imaginative programs with more aggressive monitoring. As mainstreaming rule of law and rights becomes more prevalent in UNDP programming, the conclusions of this evaluation could be relevant for other UNDP programmes in China.¹

Bearing this in mind, the original TOR was amended to focus the evaluation on four completed projects, to establish lessons learned and to apply them to work currently in the planning stages. We want to identify tangible steps that can be taken in practice by the Country Office, its program managers and its partners. We want this evaluation to be useful in getting results.

The TOR as for the evaluation is at Appendix 7.1 and 7.2 and the profiles of the members of the evaluation team are at Appendix 7.3.

We evaluated the following completed or nearly-completed projects:

- Legal System Reform: a large multi-year law reform and capacity development project with major Chinese legal institutions – The Supreme People’s Court (a judicial body – the “SPC”), the Supreme People’s Procuratorate (the prosecution and supervision body – the “SPP”) and the Ministry of Public Security (“MPS”)
- Strengthening Integrity: a large multi-year project anti-corruption project in partnership with the MOS

¹ Where an outcome is identified for a project, how much progress has been made? Where there has been progress, what has been the UNDP contribution? Has the contribution come through the projects themselves or through soft assistance? What are the lessons learned for future programming? Is the office on track in the programs that are now in the first year of the new programming cycle?

- Governance/Rule of Law Umbrellas: in UNDP terms, two projects, but closely connected so we looked at them together
- Civil Society Development: a small project to promote the development of civil society involving the language and research institute, the “(CCCPE)”, and the Ministry of Civil Affairs (“MOCA”)

We linked the lessons learned from the completed projects to the following planned and ongoing projects:

- Governance For Equitable Development
- Umbrella Programme to Support Promotion of Rule of Law In China

2. METHODOLOGY

We started our desk work when the Country Office confirmed our assignment on November, 2006. We finished data gathering on December 15. We tried to make the process participatory throughout. We organized our work in these steps:

- **Desk Review:** We reviewed UNDP guidance for outcomes evaluations, UNDP and UNDP Country Office policy and planning documents, Project Documents and available annual and mid-term evaluations of projects. This work was started before arrival in Beijing on November 24 and largely concluded in the first week in country.
- **Initial Briefing:** Before arriving, we asked the Country Office what they most hoped to get out of this evaluation. On November 27 we were briefed by senior members of the Country Office and the rule of law and democracy team.
- **Stakeholder Work:** We visited project sites and interviewed the people at the beneficiary institutions implementing the projects. This work was all done in Beijing in the first and second weeks. When we were told something had happened, we normally took the speaker at his/her word and did not check further unless a specific verifying document (such as a workshop report) was available. We provided the institutions with meeting notes of our interviews with them so that they could be sure we understood what they told us.
- **Country Office Work:** We interviewed UNDP Country Office staff, including the Deputy Resident Representative for Programs, program managers in Rule of law and democracy and other areas, as well as representatives partner institutions (see Appendix 7.5: People Interviewed)

- **Outline Note:** We prepared an outline note of our thinking to date and reviewed it in detail on December 10 with the rule of law and democracy program manager and others on the team.
- **Participatory Workshop:** We organized a small workshop on December 12 with staff, partners and the evaluation team to consider our preliminary conclusions. The workshop, while not part of the TOR, provided useful input.
- **Debriefing:** On December 14, we advised senior Country Office staff of our current thinking, and they gave us their input.
- **Final Report:** We delivered our final report on December 19, 2006.

3. PRELIMINARY OBSERVATIONS

All of these projects support a vital if unstated goal - to broaden and deepen the special relationship between the Government of China and the United Nations. That special relationship brings advantages to both parties, and to the international community. Working with the UN marks China as a cooperating member of the international community. It heightens its access to international networks and allows it to experiment with new approaches before adopting them as government policy. Its political neutrality means that the UNDP can serve it as a buffer between contemplated innovation and possible political sensitivity or disagreement. Sometimes, UNDP enables the Government to do things it could not so easily do on its own.

From its point of view, cooperation with China puts the UN at the heart of some of the most vital political and development issues in the world. It enables the UNDP to bring lessons learned abroad to China, and, increasingly, to help take the Chinese experience abroad. This gives the UNDP a special relationship with China. When they work, these rule of law and democracy projects cement that special relationship.

And they do work. The projects we evaluated were spoken of positively by their Chinese partners who plainly value their association with the UN. Of course, they value the funds receive for these projects. However, compared to the resources of the Government of China, funding for these projects is very small. But, without the UNDP, these activities might not have been funded at all, or at least not as quickly. This might be because the Government would not have moved in some areas without the UNDP to mediate, or buffer. Or, it might

just be that as in any government anywhere it's harder to get money for innovation than for ongoing operations. In any case, UNDP funding permits important work new to begin.

As well, in every case the Chinese partners spoke in very positive terms of their UNDP counterparts – the program managers. Through them, they gained access to the international networks and resources of the UN. They all emphasized that because their UNDP counterparts are local Chinese with international experience, they open doors to a broader experience from a sound base in local reality. This 'soft assistance' was sometimes seen as being more important than the project assistance itself. More than one interviewee said that he/she would have liked to see more of the UNDP program manager (Recommendation 9).

Some donor partners were less positive about the UNDP work in this area. Reduced to its simplest, their view was that the UNDP was too conventional, too focused on state institutions and not willing enough to 'push the envelope', even a little, on cross-cutting issues - particularly human rights. They found this surprising given the adoption by the UN of the Human Rights Based Approaches to development. Most of them did not think that the UNDP programming showed evidence of a special relationship. They believed that other bilateral donors were more innovative. These opinions were sometimes the product of considerable experience with the UNDP approaches. In others, donor partners were frank to admit that they did not know much about what the UNDP was doing. We later concluded that this might be an indicator of a lack of focus in programming to date, making it awkward to communicate clearly just what the UNDP does in the rule of law and democracy sector.

The projects we evaluated cover a seven-year span – 1999-2006. On closer consideration, some of the donor representatives we interviewed acknowledged that the very longevity of some of the UNDP programming may be what makes it appear conventional today. The programming possibilities within the special relationship between the UNDP and the Government have changed over that time. While extensive support for study tours by senior officials may not be what is needed for 2006 and beyond, it may be what was possible early on in rule of law and governance programming – and we saw some evidence that it produced valuable outcomes.

During the lengthy period covered by these projects, results based management has taken hold in the UNDP, and it is evident that program managers are getting more accustomed to

using it to manage projects. In general, the rules of law and democracy programs show a perceptible improvement in management over time. We have identified the management of project documents as an area where significant improvement is still required (Recommendation 11).

UNDP program managers work within a complex management environment. From its inception, UNDP has worked on a national execution basis (“NEX”), meaning that project implementation is done by the UNDP’s national partners rather than by the UNDP itself. The UNDP’s executing partner for all projects is the China International Centre for International and Technical Exchanges (“CICETE”), part of the Ministry of Commerce (“MOFCOM”). Individual projects identify an implementing institution, different from CICETE – say, the Supreme People’s Court (“SPP”) or the Ministry of Civil Affairs (“MOCA”). The second institution is usually represented by its foreign affairs department, whose work is necessarily focused on donor liaison. The on the ground implementers of, say, a law reform project or a training project, are part-time staff within the implementing institution. There may also be a national project director, either at CICETE or the implementing institution. Most of these projects, even the big ones, do not have a real project management office.

This arrangement has challenged all the projects, and will continue to do so. First, it is a multi-layer system in which the UNDP program manager is separated by several layers from the people actually doing the work. Second, everyone we spoke to suggested that CICETE’s concerns and capacities are more administrative than substantive. Third, by the time messages get down the chain to people doing the work, it won’t surprise anyone to learn that they may not have a very strong sense of what outputs they are supposed to achieve. If the front-line workers think a project needs to be changed, or refocused, it takes a long time for messages to travel back up and then permissions back down.

The UNDP-CICETE relationship is at the core of the design and management of all of these projects. It is essential to find ways to enhance the capacity of this arrangement to deliver verifiable results (see Recommendation 3).

Looking ahead, rapid change in China, combined with this positive special relationship, presents the UNDP with an opportunity to explore innovations in programming or management that might increase the impacts of its interventions. It is widely perceived as the

right time to move from the conventional to work that is more innovative. The primary purpose of this report of to draw lessons from the past that might support more innovative approaches so that China and the UNDP can take a big step forward in rule of law and governance programming.

4. EVALUATIONS

4.1. Legal System Reform (CPR/01/525)

Short Description

Capacity Development – Justice Sector - Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security

Planned Duration

2002-2006

Implementation

NEA (national executing agency) – CICETE – China International Center for Economic and Technical Exchange

National Implementing Agencies – SPC, SPP and MPS

Cost: 2,550,000

Management Arrangements

1. Inception Meeting
2. Steering Committee
3. Involve provincial and local units

Summary of Evaluation

Consistent with broad UNDP goals - uncertain - mixed

4.1.1. Planned Outcomes

This project involved three important justice organs – the Supreme People’s Court, the Supreme People’s Procuratorate, and the Ministry of Public Security. It stated its objectives in ambitious terms and did not state its indicators.

It stated its objectives as follows:

Legal and regulatory framework reformed to improve access to justice (SRF Outcome 2000-2003), strengthen the rule of law UNDAF and new understanding of justice and legal system by law enforcement agents, and increased understanding and awareness of the new market economy and implementation rules by key officials at national level and in western provinces (CCF). Outcome indicators include

- Improved level of confidence in the legal system
- Strengthened independent judiciary

The Project Document then considers objectives and outputs, first globally (for all three partners) and then for each partner individually. Most of the resources were allocated to the SPC and the SPP and we focused on those two institutions.

For *all three partners*, the global objectives were information sharing and training.

For the *Supreme People’s Court*, the objectives and outputs were Objectives and Outputs

- Reform of Judicial Procedure
 - draft interpretation concerning mediation agreements, directives on how to apply civil evidence
 - Draft Document on Rules of Evidence in Administrative Litigation
 - Pre-trial Procedure and Preliminary Judge System
- Research on Substantive Laws
- Reform of the Court System and the Management of Judges
- Western Chinese Judges Training

For the *Supreme People’s Procurator*, the objectives and outputs were

- The Training of Public Prosecutors
- Anti-Corruption Strategy and Practice
- Management of Public Procurators

For the *Ministry of Public Security* the objectives were

- Enforcement Skill and Protection of Human Rights in Law Enforcement
- Compliance with Basic International Law Enforcement Standards

4.1.2. Documentation

Planned	Available for Evaluation
Annual Reviews One from each Project Director for each year – there should be 12	Three
Mid-term review	Report prepared in Draft, unsigned and undated, appears to be about 2004, only covers SPC
Study mission, exchange and training reports	Several
Project Terminal Report	Not available

4.1.3. Partnership Strategy

There are two relevant partnerships. As to that between UNDP and CICETE, it appeared to us that CICETE acted mostly as a finance and administration manager. Any leadership or management on the substance of these projects had to come from the institutions themselves. While UNDP communicated with the parties, it seemed that there was not an ‘active monitoring’ policy. This is best evidenced by the low level of monitoring document creation and retention.

The Project Document says that there is a need for the 3 institutions to share information and to work together, and to create strong linkages with other legal reform projects. It does not give any practical guidance on how this should be done. The low level of monitoring

document creation and retention does not permit us to ascertain whether this partnership element was realized.

4.1.4. UNDP Contributions

The project participants all spoke positively about the UNDP role. As an institution, its reputation opened doors for them and gave them access to global networks. Internally, it permitted work to begin in areas that might otherwise have had to wait for greater political support. On an individual level, the program managers were seen as helpful.

4.1.5. Evaluation

The Legal Reform Project has had uncertain, mixed results. There is insufficient documentation to make a conclusive assessment of results. None of the project monitoring material, which was very limited in any case, addressed outcomes. There is an APR for 2002 for the SPP that lists some activities from the project document and describes them as completed – including some reports. It notes that there were no activities at the SPP that year. There is another APR for 2003 that does not fill in any of the sections on outcomes, outputs or recommendations. Under project performance and lessons learned, it is noted that there are not enough funds and not enough judges who speak English, but that study tours have produced benefits. This report is unsigned and undated.

The mid-term review of this project was completed in 2004². We do not know whether that review was finalized, or whether its recommendations were acted upon. Our independent observations were in any event largely consistent with it.

The Project Document and its outcomes statements are UNDP centered. For anyone else, they are wordy, unclear and probably not very easy to work with – without considering what they might look like in translation. The Project Document's outcomes section targets outcomes in each of the UNDP's SRF, the CCF, and the UNDAF. This may help the UNDP know that the project is consistent with corporate goals as restated from time to time. We do not doubt that this project did contribute to some of those broader outcomes – although this is largely and inference from what we know rather than a demonstrated fact.

² This report is unsigned and undated. It does not specify the membership of the mission.

For project implementers and evaluators, a simple statement of outputs, outcomes, indicators, and management arrangements is essential. They need to know what they are supposed to DO, when and with what resources. They are less concerned with how it all fits into the scheme of things at UNDP.

The outputs framework is clear and understandable. It is very detailed 4-year plan that does not consider that requirements might change. The implementers did change their focus, emphasizing some areas more than others and, possibly, discarding some altogether. The Project Document has no mechanism for amendments and we did not see any amending documents of any kind in this or any other project.

As the mid-term review noted, some of the planned activities are less closely tied to judicial reform than others. For example, research in bankruptcy, futures markets and securities, foreign-related commercial and maritime disputes seem only minimally connected to judicial reform. We think it would be better for project documents to focus on a smaller number of outputs and make sure they are actually delivered.

The management arrangements do not give sufficient guidance on how the sub-projects are to be set up, whether the project directors are full-time or part-time, to whom they report in their organization, whether they have staff assistance, whether they require technical assistance. At the SPP, there seems to have been no working project manager for the first two or three years of the project. He told us that he needed more assistance, including technical assistance, to do the job. We do not know whether the mid-term review's recommendations to strengthen management were address. Curiously, the Project Document addresses one important detail – each project should have it's own bank account, but we saw no evidence that this was done, or that the records were reviewed as part of the annual and mid-term review process.

It is clear that this project produced any number of outputs, particularly study tours and workshops that produced real value. For example, we learned at the SPP that lessons learned on a study tour of prisons led to the creation of a system for complaints about abuse from prisoners and their families. On the other hand, unlike some of the other implementers, the implementers of this project at the SPC did not give us any of the documents (Drafts of judicial interpretations, directives on how to apply Regulations of Civil Procedure), and they

noted that there was a great deal of reform work being done in the courts. The inference was that it was hard to attribute any particular reform achievement to any given project.

The project monitoring material did not address the very broad outputs in the project document and the implementers we interviewed did not seem familiar with them. One is tempted to say that this work “opened minds”, and it probably did.. But this is not the same as a verifiable outcome.

We conclude that the results of this project are uncertain and mixed.

4.2. Governance Umbrella (CPR/99/591/B.03/99)

Short Description

Capacity building for changes in governance for the market economy and the rule of law through flexible support for a number of smaller projects

Planned Duration

1999-2002 (actual finish 2005)

Implementation

NEA (national executing agency) – CICETE – China International Center for Economic and Technical Exchange

National Implementing Agencies – various

Cost: \$1,000,000 Government Contribution \$500,000

Management Arrangements:

Annual Reviews

PPERs

Evaluation as needed

Study tour/fellowship reports

Termination Report

Summary of Evaluation

4.2.1. Planned Outcomes

This is a “seed money” project originally designed to support sub-projects in

- Sustainable Agriculture and Food Security
- Elimination of Poverty
- Education, Health and Women's Issues
- Employment, Macroeconomic and Enterprise Reform and Governance
- Sustainable Development, Energy and Environment

There are 16 sub-projects under the Governance Umbrella. They range from a Bio-safety project to policy research on the economic integration of the Great Pearl River Delta. Most of these projects were not connected to the rule of law as such. Those that were connected were later transferred to the scope of the Rule of Law and Democracy Team. Those are the ones we looked at.

As in the case of Legal Reform (above), this project was started in 1999. It describes outputs without indicators or baselines in a way that we do not think would happen today. With hindsight, it might have been better to amend the project document with a proper results framework at some point during the life of the project. It is not difficult to know to what extent any sub-project achieved results. Because it envisaged small, seed-money projects, it stated that no in depth evaluation would take place.

Its main objective is stated in this way

The main objective is to further enhance the capacity of the nation in terms of administration, reform and governance in its transition from a central planned economy to a market one. These may include all those activities both at the central and local governmental levels which shall help rationalize the role played by them in the ever-changing social and economic environment.

Its overall objective was said to be an “impetus in creating an enabling environment for the development of the country” in the above listed areas.

Under ‘end of project situation’ the project document states that

Upon the conclusion of this project, some 5-10 units would have strengthened their capacity in the spirit of better governance and their scope for development cooperation with foreign institutions. Progress has been made in each sub-project area under this umbrella to give substantial impetus to the improvement and optimization in terms of governance i.e. the administration, public management and the mechanism involving other sectors of the society participation into development. Among other things the tangible manifestation of project outcome could be various specific evaluation paper, new international linkages or new settings thus built through the implementation of the activities under each sub-projects.

The project document also provides that

In-depth evaluation of the project is not formally required and currently not foreseen.

In our opinion, none of these formulations has the clarity that is required for results based assessment. This situation might have been remedied in the sub-project documents but we did not see those.

4.2.2. Documentation

Planned	Available for Evaluation
Annual Reviews	1
PPERs	None
Evaluations	None
Study tour/fellowship Study mission, exchange and training reports – particularly important in this case because together these reports are to be the indication of capacity built.	
Project Termination Report Required	1 short report covering 9 of 16 projects. One detailed final report to the Netherlands Embassy on Criminal Justice Reform

4.2.3. Actual Outcomes

We are advised that all were completed at a cost of \$1.056 million³, averaging approximately \$66,000 per project (and ranging from (\$300,000 to \$20,000).

CICETE told us that they did not prepare individual or a comprehensive project report because they did not believe it was required. One report that was prepared (we believe by CICETE) set out very briefly the results under each project. Under Criminal Justice Reform, for example, the entire entry reads as follows:

- a. Lawyers presence in criminal justice;
- b. Investigation in east regions
- c. One seminar has been held.

We were told by CICETE that each research and training got very positive response from implementers and trainees, as well as the other stakeholders who used the research results to improve their work in policy and law levels. This is encouraging information but it is not sufficient for evaluators to form a positive conclusion.

We were shown 3 more detailed project reports. There is the 2004 Annual Progress Report on the Pilot Project of Criminal Pre-Trial Procedure, a pilot project with the Procedural Law Research Center, China University of Political Science and Law, unsigned and undated. It describes the sub-project's successful activities in that year:

- 1) carried out the second phase pilot program of “lawyers-on-site” and summarized the findings of the pilot;
- 2) hosted two series of high-level seminars on criminal pre-trial procedures;
- 3) carried out a research and analysis project in the Western regions (Xin Jiang Autonomous Region, Qing Hai);
- 4) organized international seminars on reforms of the criminal pre-trial procedures.

Some important outputs are identified, including

[lawyers on site] contributed to better protection of the rights of the detainees. It ensures that police officers carry out the interrogation activities through legal means. No illegal interrogation methods have been found out, such as inquisition by torture and extortion of confession, threat, temptation, cheating, etc; and

³ One project, International Symposium on Analysis and Forecast of Chinese Economy and China Economists' Forum might have been offered more than once, which would change the total by up to \$300,000.

[the seminar and workshop] provided people in the legal community share and exchange views on criminal justice reforms, and improved the capacity of those participants from the local legal and judicial institutions.

On this same project, there is also the Final Report on the Pilot Project of Criminal Pre-trial Procedure Reform “written by Chen Jingtian and revised by Professor Fan Chongyi” and dated September 30, 2005. In its first phase, this program focused on lawyers on site and other techniques to reduce pre-trial abuses of accused persons. There were favourable results and they were reported to the high leadership. A second phase used follow up techniques, including a control group and questionnaires to study whether accused persons found that it was worthwhile to have a lawyer on site. An overall conclusion was that having a lawyer on site had a positive effect on the investigation and interrogation process.

This report by Chen Jingtian and Professor Fan Chongyi is to be commended as a serious effort to evaluate the effects of a project. In future planning, it needs to be tied to outcomes and indicators.

There is also a Final Report on the Implementation of the Sub-Project on Strengthening Legal Aid Regulation and Management in China, also unsigned and undated. It concludes that

As of April 30th, 2004, all the activities of the project have been completed with satisfactory results.

This sub-project completed important work, including

- the development of working guidelines to complement the enactment of state regulations on legal aid and to promote standardization, systemization and legalization of legal aid work; these were produced in draft for consultation and ultimately issued in 2003
- a personnel exchange between eastern and western legal aid centers

Although there were no explicitly stated outcomes in this report, this sub-project did contribute to the project documents ‘End-of-Project-Situation’ in which the partner institutions “will be in a position to encourage and contribute to the on-going reform of the

governance system.” The police, procuratorates and legal aid and the courts appear to have worked together to achieve an important reform. Eastern and Western legal aid centers established working relationships and improved their working ability. It contributed to the standardization of the Chinese legal aid system and for some participants gained access to international experience.

4.2.4. Partnership Strategy

CICETE helped a lot to choose each sub-projects UNDP from draft applications received by it. They considered that UNDP, CICETE and implementers maintain efficient communication, and both UNDP and CICETE guide the implementation. CICETE arranged for responses from implementers.

4.2.5. UNDP Contributions

UNDP supported the development of cutting edge research topics, and provided links to international resources. Participants considered that UNDP involvement helps government to pay attention to the issues.

4.2.6. Evaluation

There is missing documentation in each of the sub-projects we have seen. We have no doubt that in some broad sense they contributed to the overall strategic aims set out in the umbrella project documents. It is also clear that some of the work, taken by itself, was important and should have contributed to the development of capacity in the justice sector. More than this it is just not possible to say on the basis of the material we have been given to work with.

We have evaluated the results of the rule of law elements of this project as uncertain with some positive results.

4.3. Strengthening Integrity CPR/01/526

Short Description

Integrity in Government in China

Planned Duration

2002-2005

Implementation

NEA (national executing agency) – CICETE – China International Center for Economic and Technical Exchange

National Implementing Agencies – MOS will implement with other Ministries

MOS will cooperate with supervisory departments (in Ministries?) – 11 research units and 10 research subgroups

MOS will cooperate with relevant academics and research institutions

Strategic Areas of Support

Preparation of study reports and policy proposal

Cost: \$2,620,000 (UNDP = \$1,000,000)

Management Arrangements

1. Annual Review
2. Joint Examination – every 12 month
3. Supervision – Mr. He Yong, Minister of Supervision, to supervise personally
4. Monitoring – by UNDP and MOS
5. Reporting – on request by National Project Director

4.3.1. Planned Outcomes

Stated Outcome: National Policies effectively address the concerns and participation of the poor and underdeveloped districts in globalization process, especially after China's access to WTO

Outcome Indicators:

1. Analysis of the impact of reform and opening up policy
2. Their integration in key national plans and policies
3. A strategy for promoting integrity in governance by aligning international 'successful practice' with domestic reforms

Outputs

1. Training Strategy (end 2002) – prepare for training

2. 3 Advisory Reports to the State Council (second half 2004)
 - a. Reform the Administrative Approval System
 - b. Promote Fiscal System Reform
 - c. Establish the Restrictive System and Enhance Administrative Supervision
3. 1 Advisory Report to the State Council (second half 2004) “Strengthening Administrative Supervision to Promote Governance by Law”
4. 1 Advisory Report to the State Council (second half 2005) “The General Strategy on Combating and Preventing Corruption from the Source”
5. Policy Proposal to the State Council and the National People’s Congress (second half 2005) “The Legal Framework on Building a Clean Government and Anti-Corruption)

4.3.2. Documentation

Planned	Available for Evaluation
Annual Reviews	Not available
Joint Evaluation	Not Available
Supervision	By the Minister
Monitoring	Work Plan for 4 th Quarter - 2005
Reporting on Request Study mission, exchange and training reports	
Project Terminal Report	Required

4.3.3. Actual Outcomes

The project represented MOS’ first international cooperation in a sensitive matter. It took some time to negotiate, and then later on some time for people in government to understand its importance. Its implementation was delayed because of SARS.

As planned, there were a number of task forces, each of which implemented a study tour. Their reports were widely circulated among government institutions. Based on lessons

learned and a series of sub-projects, policy papers were produced and submitted to the State Council and the National People's Congress. The project also engaged in capacity building and training at the local level, with more than 10,000 people in 11 provinces estimated to have taken part in its various processes.

All of this has resulted in an approach, taken from what was seen abroad, to address "root causes" of corruption. For example, there are plans to minimize discretion of officials in business licensing, seen as a root cause of corruption, through an on-line supervision system. When it is in place, officials will not be able to manipulate the system for their own benefit, as the scope of their discretion will be limited. One province has developed an on-line disciplinary warning system, to confront officials who have not adhered to procedures. After seeing the Australian procurement practice, government procedures in construction tenders were revised and a new bidding system developed. New procedures have been developed for tendering for the privatization of state owned enterprises. We were told verbally that the Government had issued "many decrees" incorporating elements of the strategy developed in this project.

The Government has recently hosted an international conference of anti-corruption bodies, which was addressed by senior officials. The Government of China is now acting as chair of this group.

4.3.4. Partnership Strategy

This is also a NEX project. In this case, however, its role is more clearly described – "it is responsible for the policy guidance, appraisal, monitoring and evaluation of this project during the course of its execution".

It is a notable feature of this project that the National Project Director was a Vice-Minister, who on several occasions met personally with Mr. Malik, the UNDP Resident Representative. We think this arrangement was related to the relative success of this project. It shows the importance of high-level leadership in sensitive projects.

This project also had a Project Management Office at the MOS with a detailed working structure, including the National Director, deputy directors, working groups and various sub-groups and research units.

4.3.5. UNDP Contributions

This project was initiated against the background of China scaling up its anti-corruption campaign.

We were told directly by the representatives of the Ministry of Supervision that the project had provided a platform for the development of new and broader perspectives. It helped “change the mindset”.

4.3.6. Evaluation

Based on the material we were given, it appears to us that this project achieved the intended outcome of analyzing the policy requirements in its field and achieving some alignment of international successful practice with domestic reforms.

4.4. Civil Society Development

Short Description: Promoting an Enabling Environment for Civil Society Development in China – CPR/05/588

Planned Duration: 2005-06 (1 year)

Executing Agency: CICETE

Implementation: Ministry of Civil Affairs (MOCA)/China Centre for Comparative Politics and Economics (CCCPE)

Cost: \$125,000

Management Arrangements

National Project Director (NPD) – CICETE – responsible for quality of outputs

2 National Program Managers – 1 from CICETE/ 1 from MOCA – day to day implementation and management

Monitoring:

Work plan and budget

Quarterly project review meetings

Advisory Committee

Mid-term report by July 2005

Annual Project Review (upon completion)

4.4.1. Planned Outcomes

For this 2005 project, the outcomes, indicators and outputs are stated in a way that is more consistent with RBM, with outcomes, indicators and outputs clearly expressed in a log frame.

Outcome: Improved policies and regulatory framework empowering civil society organizations to actively participate in society.

Indicators:

Registration policy for associations (social organizations) revised

Enhanced knowledge of institutional barriers to civil society development

Outputs:

Policy reports on enhancing institutional development for civil society (CCCPE)

Policy report recommending revision of the law (MOCA)

Dissemination (CCCPE/MOCA)

4.4.2. Documentation

Planned	Available for Evaluation
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Work plan and budget	YES
Quarterly project meeting	Not known
Advisory Committee	Not known
Mid-term report	Not known
APR	YES

4.4.3. Actual Outcomes

In evaluating this project, we relied on the Annual Project Reviews, field visits to CCCPE and MOCA, and interviews with the Program Manager.

We are able to conclude that the project outputs have been partly realized. It is unclear from the Project Document whether the policy advice to Government is to disseminated, or only the underlying study papers. If the former, then this has not been done. Indeed, CCCPE appeared uncertain what policy advice MOCA has actually given to the Government.

The outcome has not been reached: there has no revision of the applicable laws, although the MOCA proposals have been advanced to the Legislation Office of the State Council. The Annual Project Review notes progress on an important unstated outcome: improved cooperation between UNDP and MOCA in this important matter of NGO reform, although the hoped for collaboration between CCCPE and MOCA did not really take place.

We note that

- The project outcome might have been over ambitious as none of the parties had it within their power to bring about the enactment of legislation. Perhaps it should have been drafted in more modest terms, such as: “Policy recommendations prepared and advanced to the Legislative Office of the State Council”
- The project made no provision for advocacy of any kind on behalf of new proposals. The APR says that it might be dealt with in an upcoming project. With hindsight, it might have been included as part of this project, as neither CCCPE nor MOCA appear to have a clear idea of what happened to the policy recommendations once they reached the State Council

- Enhanced cooperation between CCCPE and MOCA might have been facilitated by more active management, bringing them together as often as necessary to encourage knowledge sharing.
- The APR is a big step forward in RBM and is to be commended. It should include a section on management and monitoring, indicating what was done in these areas.

4.4.4. Partnership Strategy

From the UNDP side, it has made valuable partners in CCCPE and MOCA. Ways will have to be found to help them work together in the future.

We have no information to suggest that the CICETE role was more than purely administrative and do not know whether it took a role in ensuring program quality.

4.4.5. UNDP Contributions

The project participants spoke in very positive terms about the project and about the assistance they received from Li Jing, their program manager. They emphasized that because he has local knowledge because he is Chinese and the international outlook that comes from education abroad. They wished they had been able to have more of his time. This was intended as a compliment and points to the value of more intensive support through project monitoring.

4.4.6. Evaluation

This project has not yet reached its stated outcome of “improved policies and regulatory framework empowering civil society organizations to actively participate in society”. However, as its Project Review reports, recommendations for the revision of the civil society registration policy were developed and forwarded to the State Council where it remains for further review. It might have been better to state the project outcome in narrower terms, as the project did not have the power to “improve policies and regulatory framework”.

We think the outcomes planned for this project were mostly achieved.

5. FUTURE PROGRAMS

5.1.EU

This project is still in the design stage, but work is well advanced.

Short Description: Governance for Equitable Development (GED) – Strengthening the Rule of Law and Civil Society Participation in China

Planned Duration: To Be Determined

Executing Agency: CICETE

Implementation: European Union, jointly with UNDP, acting in daily management through CICETE

Cost: 12.8 million Euros.

Management Arrangements

Project Steering Committee – chaired by MOFCAM, to include EC, UNDP and stakeholders, including three representatives of Chinese civil society organizations

Daily Management Board – daily supervision and work plans

Monitoring:

Work plans – overall plan, initial plan of action and six-month plans

Six-month progress report

Special reports

Baselines and outcomes indicators established

Mid-term evaluation

Final evaluation

This program is being carefully designed. It is to be organized in 3 components, as follows:

Component One: Enhanced Access to Justice

Outcome 1: Capacities of the judiciary to deliver fair and transparent justice enhanced, and transparency in decision-making and appointments of judicial personnel, increased.

Output 1: Manual for Delivering Fair and Transparent Justice.

Output 2: Guidelines for Appointment and Procedures in Judicial Decisions

Component Two: Improved law and policy-making system.

Outcome 2: The participatory process for law making is institutionalized, capacities of the legislature for law-making and public engagement enhanced and law harmonization improved...

Output 3: Guidebook for People's Congresses and Manual of Rules and Procedures

Output 4: Participatory Mechanisms in law and policy-making endorsed...by NPC....

Output 5: Methods and mechanisms to promote law harmonization developed and tested.

Component Three: Civil Society Development

Outcome 3: The policy and legal environment of CSOs is improved and perceptions of CSOs enhanced; government capacities to involve CSOs in policy-making and public service delivery improved.

Outcome 4: Co-ordination and communication between CSOs and between CSOs and the government are improved. The institutional and professional capacities of CSOs are improved

Output 6: Recommendations for the Development of civil society in China

Output 7: Review of Laws and Regulations governing CSOs and Revision of Selected key laws.

Output 8: Pilot cooperation project between government and CSOs disseminated

Output 9: Guidelines for a Government/CSO Association

Output 10: Training Manual for CSOs designed and tested.

It is a step forward in several respects

- There will be civil society involvement

- There will be baselines and indicators

There is however, no provision for a project office, which is an element that we recommend.

5.2.RULE OF LAW

Short Description: Umbrella Programme to Support Promotion of Rule of Law in China

Planned Duration: 01/07/2005 – 31/12/2007

Executing Agency: CICETE

Implementation: Various Chinese government institutions and CSOS

Cost: \$700,000

Management Arrangements

For each sub-project, a National Project Director, a National Focal Point and supporting staff. The National Focal point is to respond to direction from the National Project Director.

Flexibility

Including rearrangement of inputs and annual revision to rephrase inputs

Monitoring:

CICETE, UNDP and implementer to review annual reports

Annual reports and Quarterly Reports

Special reports of study tours

Baselines and outcomes indicators established

Mid-term evaluation – not required

Final evaluation – not required

This program is underway. In our conversation with the donor representative, concern was expressed that the project, agreed in mid-2005, had not spent any money at the time of its first annual report in 2006. However, additional funds were allocated to the project for its second year of operation.

It may be that because this is an umbrella program, its outcomes and outputs are less certain than in other programs.

As for outcomes, it is linked to UNDP strategic objectives under the UNDAF Goal Two: Support favourable conditions for national reform and the development process. It is also linked to the Country Program Expected Outcome: Poor and disadvantaged groups empowered to seek remedies for injustices, and justice institutions enabled to be responsive to claims, consistent with international human rights norms. There are no indicators in the project for these outcomes.

The project document provides that its focus areas “could be as follows”:

1. Strengthening legislative institutions
2. Deepening legal system reforms
3. Promoting international human rights standards
4. Improving access to justice for the poor and disadvantaged.

These UNDP strategic objectives are not sufficiently close to anything realizable in this project that they can serve as objectives for management purposes.

Under “success criteria”, it is planned that “the overall management capacity of each sub-project authority shall be improved” as evidenced by “high quality reports” from study tours, workshops or seminars or other types of activities. Given the sophistication of China’s government institutions, this is not a very ambitious goal

We understand the difficulty of identifying outcomes and indicators in an umbrella project in which sub-projects remain to be identified. However, we think that this umbrella project could be strengthened by identifying for it at least two tangible outcomes.

First, the project document could make it clear that the sub-projects will be built, managed and monitored on a results based management platform, so that they must identify outcomes that are clearly expressed, tangible, measurable and achievable. This would permit this umbrella project to identify as its own outcome “capacity of implementing partners for results based management increased”. Appropriate indicators could include “Sub-project documents evidence mastery of the basics of results based management”

Second, we think that this project document could be strengthened by making it clear that sub-projects are to engage civil society in their development and implementation. This would permit the umbrella project to identify as its own outcome “capacity of implementing partners to engage with civil society increased”. Appropriate indicators could include “Evidence of engagement with civil society” and “Interview evidence with civil society representatives that their concerns were heard [and taken into account] in the formulation and implementation of each sub-project”.

There may be other outcomes and indicators that could be identified. However, if something is not done, it will be difficult to know whether this project and its sub-projects achieve results or not.

6. KEY FINDINGS AND RECOMMENDATIONS

Our mission is tasked with an outcomes evaluation. Our core duty is to determine to the extent we can whether or not the programmes we have examined have produced their planned outcomes. In either case, we should take lessons learned and make recommendations that will help the program plan for its future.

In responding to guidance that we should be forward looking in our report, we necessarily touch on the area of possible new program direction. In this area, we have heard quite a lot from partners, particularly in the international community, about what the UNDP should do next in this sector.

We are not a programming mission and have not worked to explore divergent opinion, or to obtain the deep knowledge necessary to set new program directions. We would ask that our conclusions and recommendations be taken in the spirit of issues to be explored, rather than

as complete advice and analysis. Nonetheless, based on what we learned and on our general experience, we think that that the UNDP should pay serious attention to the 2004 review in setting its new program directions.

6.1. NEW PROGRAMMING DIRECTIONS

What is now called the Rule of Law and Democracy program really has evolved over time. At the beginning, it focused almost exclusively on building the capacity of top-level institutions of government. That is probably what was possible for the UNDP in China in 1999. Looking at Governance for Equitable Development, a major initiative scheduled to come on stream in 2007, it is clear that while thinking has evolved, institutional capacity building is still the major thrust of this program. The approach is heavily top down and in our opinion would do well to incorporate some balance of a bottom up strategy.

There has in fact been some incorporation into the program of elements of human rights based development approaches⁴. This is evident in some of the pilots funded under the Governance Umbrella. The Civil Society program sought to lay the groundwork for a change in the legal framework governing civil society to enhance its participation. Governance for Equitable Development has a significant focus on civil society and some role for civil society in the development and implementation of the project itself. The language of human rights figures strongly throughout that document – meeting the HRBA test that human rights language be used and demystified.

We note also the program document for Green Poverty Alleviation in Rural Areas of China. It aims at the “Establishment of a farmers’ association in the selected demonstration area to represent local farmers and to act as a focal point for training and technical, commercial and policy support activities.” However, in that document, the expression “human rights” does not appear even once. The same must be said of *Promoting Innovative and Sustainable Science and Technology Support to Poverty Reduction in Rural China* – not a single mention of human rights.

⁴ These areas are based on the UNDP Guide on Applying a Human Rights Based Approach to Development Cooperation and Programming and the UNDP Practice Note *Human Rights in UNDP* both of which identify mainstreaming human rights as a priority areas for focusing UNDP’s support.

In August, 2004 a HURIST Mission visited China from to begin a dialogue with UNDP China about applying a human rights-based approach to its development programmes⁵ We have reviewed that report and have interviewed one of its authors. It recommended that UNDP China should move more emphatically to a human rights based approach to development. It noted that in March 2004 the Government of China amended its constitution to acknowledge the state's role in respecting and safeguarding human rights. While we have no conclusions on the current state of human rights in China, we note that the subject features openly in official discourse⁶. Our international colleagues in particular told us that they are using human rights based approaches in their programs and that they think the UNDP should be doing more in this area.

Like the HURIST mission, we think there should be a concerted effort to consider mainstreaming HRBA into all UNDP China programming. This would mean, in brief, that

- All programmes (not just those in rule of law) should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments;
- Human rights standards and principles should guide all development cooperation and programming in all sectors and in all phases of the programming process, and;
- Development cooperation should contribute to the development of the capacities of duty-bearers to meet their obligations and/or rights-holders to claim their rights.

HURIST concluded that the overall programme as of 2004 had not embraced a comprehensive human rights-based approach to development reflective of the human rights values, principles and standards⁷. They recommended:

- Training for UNDP personnel and project partners on human rights-based development.
- Accepting the Common Understanding as guide for all development work.
- Applying the human rights-based checklist proposed by the mission, or a revision thereof, when developing and evaluating programmes.

⁵ HURIST, Human Rights Programme Review: A Report to UNDP China (October 2004)

⁶ See, for example, China Society for Human Rights Studies, *Human Rights*: November, 2006. This number looks at the promotion of human rights through judicial administration reform and includes a Question and Answer with Zhang Sujun, Vice-Minister of Justice.

⁷ HURIST, p. 14

- Strengthening UNDP’s cooperation with civil society.
- Support improvements in statistics particularly with a view to strengthen China’s ability to address exclusion/discrimination.
- Helping to create channels for claim-holders to claim their rights or seek redress when rights are violated.
- Using human rights terminology more regularly so as to demystify and desensitize the term.

We understand that there has been no formal response to the HURIST report. We think that there are compelling reasons to reconsider it:

- The human rights based approach is endorsed by the UN
- Circumstances in China seem more ready to accommodate it
- They heavy emphasis on dealing with state institutions can lead to repetitive programming that lacks innovation
- There is growing criticism at least in the legal sector of the “Rule of Law Orthodoxy” that prefers working with institutions to working with people⁸

We note as well that at the time of the HURIST report, there was no cogent guidance in the UNDP on how to implement the approach. There is now excellent practical guidance to program managers on how to mainstream HRBA⁹.

Recommendation 1: Mainstreaming Human Rights

The UNDP should accelerate the mainstreaming of the human rights based approaches in all of its programming. This could require

- **Training for staff**
- **Increased cross-team collaboration**
- **Engagement with Government partners**

6.2.A LEADING ROLE FOR THE UNDP

⁸ Golub, *Beyond Rule of Law Orthodoxy* (Carnegie, 2003)

⁹ UNDP, *Indicators for Human Rights Based Approaches to Development in UNDP Programming* (Oslo:2006)

It is plain that it is the Government of China that must lead in the development of the rule of law and democratic reforms. Within the framework of Chinese leadership, there are other important leadership jobs to be done, and we think that the UNDP is well placed to take on some of them.

First, the UN is uniquely positioned to take a leadership role in the international community's efforts to advance the rule of law and human rights agendas. It understands the issues, has the confidence of the Government and knows how to deal with it on such matters. This issue was raised by both people in Government and in the international community. From their point of view, UNDP engagement lends some credibility to Government efforts, while providing a buffer in uncertain areas. For the UNDP, this engagement would place it at the center of these vital issues.

Recommendation 2: A UNDP Leadership Role With Government and the International Community

The UNDP should develop a leadership plan to enhance its engagement with the Government and the international community on these issues. This could include hosting informal stakeholder workshops with a view to sharing information and best practices.

We note that in the third week of our evaluation, we brought together for an informal workshop some government counterparts, some international colleagues and some UNDP staff. We chose civil society development as a topic, in order to give the discussion some focus. Our purpose was to test whether such workshops could prove valuable.

Because we stated that it was informal, it was not difficult to organize. Most of those present had not met each other, and were glad to benefit from each other's experience. This is one kind of soft assistance that the UNDP is ideally suited to provide. It could be within components, between components, and between different projects.

6.3.PARTNERSHIP WITH GOVERNMENT

We think that maintaining a productive relationship with CICETE is a core issue for UNDP programming. As we understand the situation, CICETE is involved in every past and intended project in this sector as the executing agency and/or implementing partner. Everything we saw suggests that CICETE is a willing partner and wants to work with the UNDP to understand its objectives and what CICETE needs to do to help realize them.

For us, this makes CICETE a key partner in each one of these projects. It may be instructive that in the current draft of Governance for Equitable Development, CICETE occupies its usual role, but is not mentioned as a partner in the list of project partners. We think it is essential to clarify and strengthen this relationship.

Recommendation 3: Strengthen the Dialogue with CICETE

The UNDP should discuss with CICETE their common vision of how they will work together on future projects, and in particular their respective roles in identifying outcomes, assisting each project to reach them and accepting accountability for overall success.

6.4. PROGRAM MONITORING AND EVALUATION

We found the project documents generally too long, too hard to read and too hard to understand. They are not ‘user friendly’ except perhaps to those who read them all the time. If the audience for project documents were only the UNDP and its donors, this might not matter much. As the project documents are supposed to guide implementation, monitoring and evaluation, it matters a great deal. One can only guess what emerges when these project documents have been translated into Chinese (or perhaps from Chinese to English and back again) and transmitted a few times up and down the executor/implementer chain of command.

If UNDP or other donor procedure makes the format of these documents inflexible, there should be an Implementation Appendix or side document for each project specifically designed for implementers to tell them clearly what they are being asked to do, by when, with what resources and under what management arrangements.

Recommendation 4: Improve project documents.

The UNDP should review current and planned project documents with a view to making them a usable guide for implementation.

Results based management requires statements of outcomes and indicators that are clearly stated and that are tangible, measurable, and achievable. In the projects we looked at, Legal Reform did not meet this test and it is now not easy to say whether the project has succeeded or not. Strengthening Integrity did meet this test, and it has been successful.

Governing for Equitable Development is still working on indicators. In the current working draft, consider Component 1 – Access to justice. Some of draft indicators (“the level of progress in law enforcement” or “the frequency of public engagement in policy and law-making”) are not yet expressed in terms that are measurable. Neither are the baselines.

Without proper outcomes and indicators, it is just not possible to manage for results. Participants will not know what they have committed to. Donors do not know what they’re getting. No one feels accountable for producing results and no one can really be held accountable.

We reiterate that the broad objectives found in UNDP strategic documents are sufficient to enable project management and evaluation. In the first place, they targeted results that are too far away from any individual project to be readily measurable (“legal and regulatory framework reformed” or “a new understanding of the justice and legal system by law enforcement agents”) even if indicators were stated – which they were not. In the second place, when results are target far away from what the project in question might achieve, it is not possible to sort out the reasons for either success or failure. In either case, the significant factors might be found somewhere other than in the project itself.

Good outcomes statements require

- Simple expression
- A statement of the current state, or baseline – where are we now? For example, in mainstreaming human rights into an environmental protection project, the baseline might be “Officials have limited experience in consulting or working with non-governmental parties in designing projects”.

- A statement of the project outcomes – where are we going? In the same example, one outcome might be “Government begins to work with non-governmental parties in designing projects”.
- Verifiable outcomes indicators that project participants can understand and work towards. In the same example, the verifiable indicators might be
 - Evidence in this project that project officials advised interested non-governmental parties that project design was underway
 - Evidence in this project that project officials met with interested non-governmental parties to explain the project and ask for their ideas
 - Evidence in this project that ideas or concerns non-governmental parties were taken into account in the project design
 - Evidence that project officials reviewed their annual project report with interested non-governmental parties before submitting it.

Recommendation 5: Improve the use of outcomes and indicators

Design all projects with outcomes and outcome indicators that are clearly expressed, tangible, measurable and achievable.

Based on our experience during this evaluation, we doubt that rule of law and democracy team members have sufficient knowledge of monitoring and evaluation practice. On the implementation side, we found that the people involved in implementing these projects usually had an understanding of their projects activities (although activities sometimes evolved in ways not foreseen in the project document). They usually seemed to us not to have an understanding that they were trying to achieve some particular outcome. This was sometimes a problem with the lack of clarity in the project document. We found no evidence of implementers being trained to manage for results.

Recommendation 6: Training in UNDP results based management techniques

The Country Office should train all programme staff in results based management. They should also train project counterparts at the outset of each project. For this purpose, they should prepare a simple implementers guide to results based management. Annual project reviews should be used to provide refresher training,

to revise project documents in light of experience and to issue amendments to the manual.

While the outcomes and outcome indicators we saw were sometimes too intangible to be of real assistance (see also the *Draft Report on Legal Reform (2004)* that makes the same point), we think that the project activities were sometimes too detailed. In China, where things are moving quickly, this just won't work. It's hard for projects to know what they should be doing five years from now.

Not surprisingly, some of the programs we reviewed seemed to have changed course. In Legal Reform, for example, some of the planned SPC directives to trial judges seem to have given way to training. At the SPP, the job reclassification – apparently a small part of the plan judging from the project document was represented to us as the project's most important activity. However, we have been presented with no documentation of these changes or any changes in any of the projects we looked at.

We understand that the program managers usually sit with CICETE at the beginning of the year to review proposed activities for the upcoming year. This is good practice. Where those discussions lead to changes in project direction, outputs, outcomes or indicators, they should be documented as project revisions.

Recommendation 7: Document project changes

Changes in the project should always be documented through appropriate changes to the Results and Resources Framework or otherwise as required.

Because of the lack of documentation, we are uncertain about the quality of the implementers' project management in these projects. In high achieving projects like Strengthening Integrity and Civil Society Development, it seems likely that the project management was quite strong given the number of deliverables and the number of people involved in achieving delivering them. It may have been less strong in some components of Legal Reform. In that case, the project document has a section on management arrangements which is really about liaison arrangements for the various participants. It contains no real guidance on who is going to do the work, how or with what resources. Those involved in that project at the SPC thought it a big step forward when the Director of Cooperation Project

Management Division of the International Exchanges and Cooperation Department became a full-time staffer. It was still unclear to us, however, how the project was actually managed or who did the work.

As the NEX project management structure will always be somewhat complicated (UNDP relates to CICETE relates to the Implementing Institution relates to its Foreign Department relates to the Implementing Department relates to Implementing Staff), we think that acting from its base in project design and monitoring and evaluation the UNDP could take some initiatives to strengthen project management.

It should be clear at the outset who is actually managing the project and that they have the resources they need to get the job done. Whether a project is large or small, it should have an identified Project Management Team (“PMT”) with named membership. Whether the PMT is organized as a separate project management office (probably essential for large projects) or whether team members are full-time or not (again, full-time staff are probably essential for large projects) are matters for discussion at the design stage. Whatever is appropriate and agreed should be written into the project document.

In this regard, we think that the “Management Arrangements” section of the draft project document on Governing for Equitable Development may be somewhat misguided. It is really concerned with project oversight and at no point touches on who will actually do the work. It has a “Project Steering Committee” to deal with policy and coordination issue and even has a “Daily Management Board” composed of UNDP, EC and CICETE to supervise daily management. We think it that this is not likely to be as effective as it would be to have an identified PMT, give it the human and other resources it needs, let it do its work and hold its members accountable for results.

Recommendation 8: Project Management

Every project document should identify the Project Management Team and provide it with sufficient resources to get the job done.

The UNDP approach as we saw it might be called passive monitoring. If outcomes are to be realized in the future, we think it absolutely critical that there be a move to active monitoring.

In part, the passive monitoring is related to the choice of the NEX model under which the UNDP is plainly not actually managing the projects. In part, it may be out of deference to the CICETE role. There are some felt constraints in engaging directly with the projects. It was mentioned, for example, that because CICETE controls the expenditure approval process, it is necessary for UNDP officers to apply to CICETE for project related travel. On the other hand, some staff at the implementers indicated that they value the assistance they receive from the UNDP officers and would be glad to see more of it.

We know that the donors (particularly the EU in Governance for Equitable Development) would like to see the UNDP take on an active role in oversight. In fairness, donors value both the UNDP way of working through NEX, which facilitates access to sensitive policy areas, and at the same time want something more like a DEX approach when it comes to management and oversight.

There is certainly informal interaction between the UNDP and CICETE and the projects that we did not see and that would not ordinarily be documented. Sometimes, we were told, communication with CICETE would be daily. Still, the overall lack of formal reporting suggests that the projects are not submitting reports as required under the project documents or that submitted documents are not being used to uncover problems and solve them – or both.

The project documents give the UNDP the right to monitor and evaluate the projects. It is critical that this be done actively, using as many tools as possible. This should be acceptable to CICETE as long as it is focused on oversight, rather than on CICETE's management job. The UNDP should work with CICETE and the projects to find effective ways of moving to active monitoring.

Recommendation 9: Active monitoring and evaluation

The UNDP should follow a policy of Active Monitoring and Evaluation. This could involve

- **substantially increasing direct engagement with the ongoing work of the projects so that all monitoring obligations are met**

- **documenting concerns that arise in the progress of the projects and agreeing on corrections**
- **enhancing the roles of project associates and assistants in getting in the reports and following up on corrections**

Different programs will need different levels of monitoring and evaluation. Some will do best left alone, with only the minimal reporting and documentary production required under the project document. Others will need much more frequent interaction with program managers.

The appropriate level should be agreed with partners at the beginning of each planning cycle and should be incorporated in an annual monitoring and evaluation plan that sets out with clarity how the project will be monitored, by who, when and with what monitoring and evaluation outputs. Some of this is familiar from the existing project procedures. We think it needs to be made robust and set down in a transparent plan.

Recommendation 10: Monitoring and Evaluation Plans

The UNDP should develop in consultation with its partners an annual Monitoring and Evaluation Plan for each project.

The document management on these projects should be improved. Most of the documents that should have been available to us at the very beginning of the project were never made available at all. We saw only a handful of annual and mid-term reviews and closing reports. We saw no monitoring and evaluation working papers – annual work plans, Steering Group minutes, project revision agreements etc. If there were an active program of monitoring and evaluation, one would expect to see such documents. There seemed to be no files as such on these projects that we evaluated. Where projects had generated valuable research, the Country Office did always have a copy.

Although the project agreements are reasonably specific on reporting, implementers expressed some uncertainty about what the UNDP really required. CICETE said that it had not produced reports because it didn't think they were really required. So, either the project documents were not understood, or they were just not followed in practice.

We do not know for sure whether these documents do not exist or whether they have been not been properly preserved. To the extent that it is the former, the problem should be addressed in future as part of the Active Monitoring and Evaluation recommendation (see Recommendation 9). To the extent that it is the latter, there should be documents protocol that provides for the maintenance of hardcopy files and for a shared drive for soft copies and emails. In each team, there should be an associate or assistant who is accountable for document management.

Recommendation 11: Improve document management

To the extent that procedures for using shared drives and archiving hard copies are not clear, they should be clarified. To the extent that they are clear, they should be followed.

7. CONCLUSIONS

As with other public sector work, achieving results in development work involves choosing the right things to do, and the doing them right.

Our sense is that in these projects a great deal of thought has gone into the first of these – choosing the right things to do. The goals are lofty and important – and if they were realized would doubtless count as progress against many of the UNDP’s important objectives, particularly improving the lives of the poor through improvements to the quality of justice and access to it.

Less thought and effort seems to go into the second part of achieving results – doing them right. We have made some recommendations on how efforts in this regard might be improved. We attach a great deal of importance to improvements in this area. In part, of course, it is important because getting the targeted results is the reason the projects exist. But, there is another important reason. We think that the way these projects are managed is as important as their substance in terms of the message that it gives the implementers. If the UNDP shows a passionate commitment to getting the pro-poor, pro-justice results, then that is a powerful lesson to the whole sector.

We have one further thought in conclusion. We were asked to focus more than might be usual in an outcomes evaluation on the future. We think it is important for everyone involved to be aware that this work is getting better and better – the later work is generally better than the earlier work. If our recommendations are adopted, or recommendations like them with the same outlook, then the UNDP can be confident that this upward trend will continue.

Larry Taman

Jufang Zhang

Signed and Dated December 19, 2006

8. APPENDICES

Appendix 7.1. Terms of Reference

United Nations Development Programme

Terms of Reference

for

Outcome Evaluation on Governance
(Support for the Rule of Law Development)

UNDP China

A. INTRODUCTION

The growing demand for development effectiveness is largely based on the realization that producing good “deliverables” is simply not enough. Efficient or well-managed development projects and outputs will lose their relevance if they yield no discernible improvements in development conditions and ultimately in people’s lives. The United Nations Development Programme (UNDP) has been increasing its focus on achievement of clearly stated results. Nowadays, results-based management (RBM) has become UNDP’s management philosophy.

As part of its efforts in enhancing RBM, UNDP has shifted from traditional project monitoring and evaluation (M&E) to results-oriented M&E, especially outcome monitoring and evaluation that cover a set of related projects, programmes and strategies intended to bring about a certain outcome. An outcome evaluation assesses how and why an outcome is or is not being achieved in a given country context, and the role that UNDP has played. Outcome evaluations also help to clarify underlying factors affecting the situation, highlight unintended consequences (positive and negative), recommend actions to improve performance in future programming, and generate lessons learned.

Outcome to be evaluated

In the past few years, UNDP has used a four-year results framework to plan and monitor its development work. In the box below, two highly-related outcomes are listed, one from the Strategic Results Framework (SRF) for 2000-2003, and the other from the Multi-Year Funding Framework (MYFF) for 2004-2007. The present outcome evaluation is expected to cover the two outcomes.

<p><u>SRF Outcome (2000-2003)</u>: Legal and regulatory frameworks reformed to improve access to justice and protect human rights.</p>
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MYFF Outcome (2004-2007): Legal institutions enabled to better protect human rights, consistent with key UN human rights conventions with emphasis on the protection of the poor and disadvantaged groups (in particular persons with disabilities).

Outcome Indicators:

Status of legal aid and counseling systems for the poor;
Status in translating human rights conventions into rights-based approaches to development;
Level of confidence in justice reform.

In the above box, a few indicators are identified to help measure the progress towards the achievement of the outcomes. The evaluators are allowed to choose other indicators that are conducive to gauging the progress of the outcome and the contributions of UNDP.

Brief national context related to the outcome

UNDP works for democratic governance because it is essential for the development of an enabling environment for MDGs attainment and sustainable human development. Democratic governance ensures participation by all citizens in development processes, guaranteed by rule of law, responsiveness of the government to the needs of their citizens, and the conscious work of public servants for the benefits of the people and society.

In China, economic reforms undertaken since 1978 have brought about fundamental changes. While initially focusing on economic reforms, today reforms have extended to include a broad spectrum of governance areas, with potential wide-ranging impact on the government including the legislature, the executive, and the judiciary, as well as on civil society and the private sector. UNDP's scope of work in governance in China has evolved in a similar direction over the last 25 years. Today, UNDP is actively involved in China's reform process relating to governance. Through policy dialogue, capacity building efforts, and pilot initiatives, UNDP works to create an enabling policy and institutional environment for socio-economic transformation, guaranteeing fairness, equality and justice for the Chinese people. Governance is a cross-cutting issue applied across all substantive sectors of UNDP's work in China. In particular, UNDP's support in governance focuses on key leverage points for the reform process, with an emphasis on the following priority areas:

Rule of law and human rights;
Public administration reform and anti-corruption; and
Civil society development.

Along with the substantive evolution of its programme, UNDP has broadened its partnerships to include not only the national and local governments, but also research institutions, line ministries, the private sector, donors, and other UN agencies. In this regard, UNDP has been cooperating with the following key partners in achieving development results:

China International Center for Economic and Technical Exchange (CICETE), Ministry of Commerce (MOFCOM);
Supreme People's Court (SPC);
Supreme People's Procuratorate (SPP);
Ministry of Justice (MOJ);
Ministry of Civil Affairs (MOCA);

Ministry of Supervision (MOS);
State Commission Office for Public Sector Reform;
All-China Federation of Trade Unions (ACFTU);
China Disabled Persons' Federation (CDPF);
China University of Political Science and Law;
Peking University of Law School;
China Law Society;
Bilateral donors such as European Union (EU), the Netherlands, and DFID.

UNDP outputs and associated projects

The outputs are to be accomplished through a group of UNDP-supported projects and various non-project activities (soft assistance). The following table shows the UNDP-supported projects that are associated with the outputs and the outcome. Currently, the total approved budget under UNDP-supported projects in China with regard to the above outcome is around US\$ 7 million for the period 2002-2005.

Table: Summary of UNDP-supported projects that are associated with the outcome

No.	Project No.	Project Short Title	Source of Fund	Total Budget (in US\$)	Project Duration	Executing Agency	Suggested Way of Assessment	National/Government Counterpart or Recipient
1	CPR/01/524	ACFTU Strengthening	01	1,515,000	2002-2005	NEX	Desk review, interviews	ACFTU
2	CPR/01/525	Legal System Reform	01	2,550,000	2002-2006	NEX	Desk review, interviews, field visit	SPC/SPP/MOPS
3	CPR/01/526	Strengthening Integrity	01	1,000,000	2002-2005	NEX	Desk review, interviews	MOS
4	CPR/01/528	Public administrative reform phase III	01	1,350,000	2001-2005	NEX	Desk review, interviews	SCOPSR
5	CPR/03/M03	Local Governance in Urban Community	TTF	150,000	2003-2004	NEX	Desk review, interviews	MOCA
6	CPR/99/591	Governance Umbrella	01	1,000,000	1999-2002	NEX	Desk review, interviews	Various partners, CUPL, MOJ
7	CPR/04/518	CSO Development	TTF	150,000	2004-2005	NEX	Desk review, interviews	MOCA, PKU
			Total	7,715,000				
		Conventions study		61,773	2004-2005		Desk review, interviews	PKU

B. OBJECTIVES OF THE EVALUATION

Since 2005 is the last year of the current UNDP Country Cooperation Framework for China (CCF2, 2001-2005), the outcome evaluation is expected to provide important information on (i) the contributions that UNDP has made to the outcome in the past few years, (ii) whether the UNDP strategy has been effective (including best practices and lessons learned), and (iii) what strategies and approaches UNDP should undertake in the new programme circle (2006-2010) in pursuit of the outcomes specified in the new Country Programme Document (CPD).

An Assessment of Development Results (ADR) for China was conducted by the UNDP headquarters in 2004. In the ADR report, a number of issues (including challenges) related to governance are addressed. The outcome evaluation is expected to further the analysis in areas related to the outcome.

Specifically, the outcome evaluation shall assess the following: (i) *outcome analysis* - what and how much progress has been made towards the achievement of the outcome (including contributing factors and constraints), (ii) *output analysis* - the relevance of and progress made in terms of the UNDP outputs (including an analysis of both project activities and soft-assistance activities¹⁰), and (iii) *output-outcome link* - what contribution UNDP has made/is making to the progress towards the achievement of the outcome (including an analysis of the partnership strategy), (iv) *future intervention strategies and issues*. Most importantly, the evaluation report should be forward-looking by making recommendations on future programming strategies and issues in line with the Country Programme Document.

C. SCOPE OF THE EVALUATION

This outcome evaluation will be looking at the relevance and contributions of UNDP project activities with regard to the outcome. Specifically, the outcome evaluation is expected to address the following issues:

Outcome analysis

How has UNDP's support for the rule of law development positively contributed to a favorable environment for the attainment of MDGs in China?

How is the rule of law promoted as part of sustainable development strategy? How is the rule of law system used to improve the well-being of disadvantaged people such as persons with disabilities, migrant workers, and women?

Has there been improvement in the key legal institutions in terms of institutional and individual capacities in servicing the poor and the disadvantaged, as a result of UNDP's support? Is it more likely that coordinated efforts will be made among various institutions?

¹⁰ For UNDP, soft assistance activities include advocacy, policy advice/dialogue, and facilitation/brokerage of information and partnerships.

Are there national plans of legal and judicial reforms to promote the rule of law and access to justice – or likely to be developed, approved and implemented in the next few years?

Has there been successful piloting of access to justice for the poor and the disadvantaged?

Have the results been disseminated and used as a basis for further improvements in legislation and judicial interpretations?

Have there been positive changes in the creation of favorable conditions for the ratification and implementation of key UN human rights conventions? Is it likely that international standards will become an integral part of the legislation and legal practices?

Has there been improvement in transparency and the integrity system of the government?

Has the capacity of the supervisory bodies in the government been improved and the supervision system strengthened to ensure a clean government?

Has the capacity of rights-holders been improved to claim their rights in the legal and administrative systems? Have the poor and the disadvantaged groups more empowered to participate in the development process and have their voices heard? Are governmental institutions more likely to solicit public opinions relating to issues of rights and access to justice and to public services?

Has the policy and regulatory environment for civil society organizations become more favorable for CSOs' empowerment and participation?

To what extent has the rights-based approach been integrated in CO development programming and implementation activities?

Output analysis

How have the UNDP's outputs been relevant to the outcome?

Has sufficient progress been made in relation to the UNDP outputs? If not, what are the factors (positive and negative) that affect the accomplishment of the outputs?

Has UNDP's strategy in producing the outputs been efficient and cost-effective?

Assessment of UNDP's ability to advocate best practices and desired goals; UNDP's role and participation in national debate and ability to influence national policies on legal reforms and human rights protection.

Output-outcome link

Whether UNDP's outputs or other interventions can be credibly linked to the achievement of the outcome (including the key outputs, projects and assistance soft and hard that contributed to the outcome)?

What are the key contributions that UNDP has made/is making to the outcome (e.g. piloting new systems and practices, support for cutting-edge policy study and research, support for innovation and reforms in support of the rule of law)?

What has been the role of UNDP's soft-assistance activities in helping achieve the outcome? Has UNDP been able to advocate for change and reform, promote public participation, or support implementation of legislation in line with international standards?

Forward-looking analysis and recommendations

With the existing interventions in partnership with other actors and stakeholders, has UNDP achieved the outcome within the set timeframe and inputs – or whether additional resources are required and new or changed interventions are needed in the future? To what extent are the focus areas in the new Country Programme Document (CPD) relevant to the development needs of China during the new programme cycle? What strategies should UNDP undertake to achieve intended development results? What are the priority issues that UNDP could focus on in the short-term? Whether UNDP’s partnership strategy has been appropriate and effective. Has UNDP been able to bring together various partners across sectoral lines to address legal and human rights concerns in a holistic manner? Will these concerns be taken into account in national development plans and strategies? Assessment of UNDP’s ability to develop national capacity in a sustainable manner (through exposure to best practices in other countries, holistic and participatory approach). Has UNDP been able to respond to changing circumstances and requirements in capacity development? What is the prospect of the sustainability of UNDP interventions related to the outcome? Can it be ensured that outcome will be reached and maintained even after the UNDP intervention?

D. PRODUCTS EXPECTED FROM THE EVALUATION

The key product (deliverable) expected from this outcome evaluation is a comprehensive analytical report in English that should, at least, include the following content:

Executive summary

Introduction

Description of the evaluation methodology

An in-depth analysis of the situation with regard to the outcome, the outputs and the partnership strategy

Key findings (including best practice and lessons learned)

Conclusions and recommendations

Annexes: TOR, field visits, people interviewed, documents reviewed, etc.

The evaluation report should provide fact-based answers to the key questions raised in Section C on the scope of the evaluation. (See the *UNDP Guidelines for Outcome Evaluators* for a detailed guidance on the preparation of an outcome evaluation report).

E. METHODOLOGY/EVALUATION APPROACH

An overall guidance on outcome evaluation methodology can be found in the *UNDP Handbook on Monitoring and Evaluating for Results* and the *UNDP Guidelines for Outcome Evaluators*. The evaluators should study those two documents very carefully before they come up with the concrete methodology/approach for the outcome evaluation.

Specifically, during the outcome evaluation, the evaluators are expected to apply the following approaches for data collection and analysis: (i) desk review of existing documents and materials, (ii) interviews with partners and stakeholders (including what the partners have achieved with regard to the outcome and what strategies they have used), (iii) field visits to selected key projects, (the purpose of the field visits is mainly to verify the UNDP produced outputs and the impact of the outputs), and (iv) briefing and debriefing sessions with UNDP and the government, as well as with other donors and partners. Of course, the evaluation team has certain flexibility to adapt the evaluation methodology/approach to better suit the purpose of the evaluation exercise.

F. EVALUATION TEAM

The evaluation team will consist of three consultants: one international consultant (as the team leader), one international consultant and one national consultant (as team members). The international consultants should have an advanced university degree and at least ten years of work experience in the field of legal reforms, access to justice, and international human rights. The team leader will take the overall responsibility for the quality and timely submission of the evaluation report in English.

Specifically, the international consultant (team leader) will perform the following tasks:

- Lead and manage the evaluation mission;
- Design the detailed evaluation scope and methodology (including the methods for data collection and analysis);
- Decide the division of labor within the evaluation team;
- Review documents;
- Conduct an analysis of the outcome, outputs and partnership strategy (as per the scope of the evaluation described above);
- Draft related parts of the evaluation report; and
- Finalize the whole evaluation report and submit it to UNDP.

The national consultant will perform the following tasks with a focus on sustainable environment:

- Liaise with Chinese project authorities; collect and translate, when necessary, project materials;
- Introduce Chinese background to international consultants;
- Review project documents particularly including those in Chinese;
- Participate in the design of the evaluation methodology;
- Conduct an analysis of the outcome, outputs and partnership strategy (as per the scope of the evaluation described above); and
- Draft related parts of the evaluation report.

G. IMPLEMENTATION ARRANGEMENTS

To facilitate the outcome evaluation, UNDP China will set up an Evaluation Focal Team (EFT), which will provide both substantive and logistical support to the evaluation team.

During the evaluation, UNDP China will help identify the key partners for interviews by the evaluation team. A total of about 28 work days are required for the evaluation, which are broken down as follows:

Activity	Timeframe and responsible party
Evaluation design	3 days, by the team leader
Desk review of existing documents	5 days, by the evaluators
Briefing with UNDP China	0.5 day, UNDP and the evaluation team
Field visits	4 days, by the evaluation team
Interviews with partners	5 days, by the evaluation team
Drafting of the evaluation report	7 days, by the evaluation team
Debriefing with UNDP China	0.5 day, UNDP and the evaluation team
Finalization of the evaluation report	3 days, by the team leader

The international consultant (team leader) will work about 28 working days and the national consultant will work 21 working days.

H. SELECTED DOCUMENTS TO BE STUDIED BY THE EVALUATORS

The following documents should be studied by the evaluators:

- UNDP Handbook on Monitoring and Evaluating for Results
- UNDP Guidelines for Outcome Evaluators
- UNDP Results-Based Management: Technical Note
- United Nations Development Assistance Framework (UNDAF) for China (2001-2005)
- UNDP Country Cooperation Framework (CCF II) for China (2001-2005)
- UNDP Mutli-Year Funding Framework (2004-2007)
- UNDP Assessment of Development Results (ADR) for China (2005)
- UNDP Results-Oriented Annual Report (ROAR) for China (2002, 2003, 2004)
- UNDP Project documents and project monitoring reports
- Other documents and materials related to the outcome to be evaluated (e.g. government, donors)

**Specific Terms of Reference for the International Team Leader
as a supplement to the overall TOR for the outcome evaluation**

In consultation with UNDP and within the framework of the overall Outcome Evaluation TOR and available resources (time and financial budget etc.), the International Team Leader has the overall responsibility for the evaluation in terms of the following:

- Evaluation preparation, e.g., design, approach, itinerary, document review, team discussion, focus of the evaluation efforts (past or future orientation etc.);
- Realistic scoping of the evaluation (e.g., format, contents, and length of the evaluation report, level of details expected including the amount of quantitative data, roles and participation of key partners), within the available resources (time and financial budget etc.);
- Designation and clarification of specific responsibilities of the two team members; supervision and certification of the performance of the evaluation team members;
- Field visits to project sites;
- Interviews with partners and stakeholders;
- Coordination of the actual implementation of the evaluation;
- Within the evaluation team, focusing on the institutional aspects, across the levels of institutions from policy to legislation, regulation, and organizations; assessing institutional capacity and incentives; and assessing complex situations in order to succinctly and clearly distill critical issues and draw forward looking conclusions;
- Final report writing with inputs from the other team member to meet the objectives of the evaluation TOR.

For the purpose of workload calculation, the following indicative schedule is drafted. The more specific itinerary of travel and work in China may be adjusted and improved by the evaluation team as necessary, in consultation with UNDP.

Activity	Timeframe and responsible party
Finalize selection of the national consultant with the team leader, prepare TOR for and contract the national consultant.	first week of June 2006, by team leader and UNDP China.
Detailed evaluation design (schedule, scope, methodology, forward-looking strategy, travel itinerary, information and documents needed, their availability and alternatives, partners and agencies to meet, division of labor); data collection.	3 days by the team leader, in consultation with UNDP China.
Desk review of existing documents.	5 days by the 3 evaluators.
Team briefing with UNDP China.	0.5 day, UNDP and the evaluation team.
Field visits to UNDP projects, plus desk review.	4 days, by the evaluation team.
Interviews with major partners	5 days
Drafting of the evaluation report	7 days, by the evaluation team
Debriefing with UNDP China;	0.5 day, UNDP and the evaluation team
Stakeholders consultation and feedback	3 days, by the evaluation team and by the

collection; Finalization of the evaluation report	team leader at home base
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Before the mission starts, the team leader is expected to communicate with UNDP and the team members for the evaluation preparation, and review relevant documents sent by UNDP and the national consultants.

The team leader will prepare a final report to cover the content required by the evaluation TOR and agreed to with UNDP during the specific design of the evaluation. The length of the final report is expected to be 20-25 pages, with any additional details needed to be supplied in supporting appendices/annexes.

Based on the response to the above points and timely preparation of the final evaluation report, the performance of the team leader's services will be certified by UNDP China.

Implementation Arrangements

UNDP China will provide the following inputs, as more specific description of the travel provisions of the SSA:

- Domestic mission travels to and from the project sites in China: round-trip economy-class air tickets and/or land transportation following the actual mission itinerary between Beijing and the project sites;
- International mission travel: one round-trip air-ticket for the most direct route, plus airport charges as required.

Reporting to UNDP China

The evaluation team will maintain close contacts with all the key and relevant partners and stakeholders and will report to UNDP China. Although the team should feel free to discuss any relevant matters with the partners/stakeholders in relation to its assignment, it is not authorized to make any commitment on behalf of UNDP or the Government.

Timeframe for the Evaluation on Governance Outcome

Before mid June: the international consultant identified and key terms of contract agreed, CICETE in agreement with regards to candidate and rate

Last week of June: the national consultant identified; evaluation mission program developed with CICETE

Second week of July to first week of August: Evaluation mission

Second week of August: Evaluation report finalized by consultants and submitted to UNDP

Appendix 7.2. Memorandum Re Terms of Reference

This memorandum was reviewed with the UNDP for the purpose of clarifying the focus of work of the evaluation team.

Memorandum

From: Larry Taman
To: UNDP China – Governance/ROL Country Team
Date: December 1, 2006

Re: Outcomes Evaluation – Governance/ROL

1. **Purpose:** The purpose of this memorandum is to report on progress to date on the outcomes evaluation of certain governance and rule of law projects.
2. **TOR:** At the first in-country briefing on November 27, we agreed to amend the TOR to reflect the current elements of this assignment, including
 - a. Dates
 - b. Composition of the Team
 - c. Focus of the work and desired outcomes

I am attaching to this memo a draft Addendum to the TOR reflecting the discussion at the November 27 briefing.

3. **Focus of the Work:** We have agreed to focus this assignment on learning lessons from selected past assignments in order to better conduct current and future ones. We will review only selected projects from the current TOR list of 8, to be identified at the next briefing. We will apply lessons learned from this review to selected pipeline projects, also to be identified at the next briefing.
4. **Methodology:** We will continue to use file review and interviews to identify results intended and achieved. Generally, we have 3 weeks in country, to be used as follows:
 - a. Week One (November 27-December 3): confirm scope and methodology, introduction to UNDP Team, field interviews with beneficiaries and donors; complete document review on selected projects
 - b. Week Two (December 4-10): continue field interviews on selected projects
 - c. Week Three (December 11-15): submit draft, briefing and final report

5. **Documentation:** We are continuing to work with the Team to gather documentation. Particularly from the earlier periods of these projects, documentation may not complete.
6. **Lessons Learned:** At this stage, we expect that lessons learned could fall into 3 broad categories:
 - a. **Selecting Outcomes:** Project outcomes should
 - i. support program and CDP goals
 - ii. be tangible, measurable and achievable; otherwise, they are useless for purposes of monitoring and evaluation – this leads to a lack of accountability for project results
 - b. **Designing Projects:** Projects should be designed to achieve the agreed outcomes.
 - c. **Monitoring:** Projects should be monitored to achieve agreed outcomes. Monitoring plans should be built and agreed by all parties.

Annex A – Amendment to the TOR

By this Annex, the TOR is amended as follows:

1. Time frame: the evaluation will be conducted between the date of confirmation of the assignment in November and December 20, 2006.
2. Evaluation team: will consist of Larry Taman, Justice Reform International (Team Leader) and Jufang Zhang, Capacity Building and Assessment Center.
3. Primary purpose: the Country Office is not determined to have a detailed evaluation of the selected projects; the evaluation team should focus on lessons learned from the selected projects, with a view to enhancing the performance of current and future projects.
4. Selected projects: the evaluation team should consider the following projects:
 - a. Legal system reform
 - b. Strengthening integrity
 - c. Governance umbrella
 - d. Rule of law umbrella
 - e. CSO development

Note 1: CPR/01/524 – ACFTU strengthening, not on this list, was recently evaluated: see Bob Boase, Draft for Comment: Mid-Term Review. (Question: Has this draft report been finalized?).

Note 2: CPR/01/525 was evaluated in June 2005: See Draft of the Report of Project Review. This evaluation focus on the Supreme People's Court elements of this project. The current evaluation should be based on that report for the elements it covered. (Question: has this draft report been finalized?)

5. Outcomes: the evaluation should primarily consider the outcomes targeted by the projects themselves, as well as relevant outcomes in SRF (2000-03), MYFF (2004-07) and CPD (2006-10).
6. Recommendations: based on its review of the selected projects, the evaluation should give recommendations primarily in connection with
 - a. Formulating project outcomes
 - b. Designing projects to achieve outcomes
 - c. Managing the monitoring and evaluation process to achieve the best results

Appendix 7.3. The Evaluation Team Profiles

Larry Taman

Larry Taman is a former Deputy Attorney General in Ontario, Canada. In that position, he was the civil service of leader of a justice ministry responsible for the prosecution of criminal cases, civil and constitutional legal advice to government, justice policy, the administration of the courts, and the management of a series of justice programs – the Public Guardian and Trustee, the Children’s Lawyer, the Special Investigations Unit for police violence, and for the supervision of the Ontario Legal Aid Plan.

Since 2000, Larry Taman has worked in international legal reform, including anti-corruption (Indonesia and Bangladesh), legal education (Mongolia), judicial training (Albania), justice ministry support (Afghanistan) and support to the judiciary (Bosnia and Herzegovina). larry.taman@justicereform.com

Jufang Zhang

Ms. Zhang is the Executive Director of the Capacity Building and Assessment Center, Beijing. She possesses over 12 years of experience in media, training, rural development and organizational capacity building. Ms. Zhang has led numerous activities on organizational capacity building in China. She has represented Chinese NGOs at several international conferences and exchange programs to share her experience with friends and colleagues from other countries.

Ms. Zhang has conducted more than 40 times evaluations and assessments of projects and organizations. jufang@pactchina.org

Appendix 7.4. Schedule of this Evaluation

Date		Time	Working Location	Working Contexts
24-Nov	Fri			Arrival
25-Nov	Sat		Hotel & Home	Document review
26-Nov	Sun		Hotel & Home	Document review
27-Nov	Mon	Am	UNDP	CO Briefing
		Pm		Meetings
28-Nov	Tue	Am	UNDP	Document review
		Pm	CCCPE	Interview
29-Nov	Wed	Am	SCOPSR	Interview
		Pm	UNDP	Interview & Document Review
30-Nov	Thu	Am	RWI	Interview
		Pm	SPP	Interview
1-Dec	Fri	Am	UNDP	Document review & discussion
		Pm		
2-Dec	Sat		Desk	Document review
3-Dec	Sun		Desk	Document review
4-Dec	Mon	Am	EC	Interview
		Pm	UNDP	Document Review & Discussion
5-Dec	Tue	Am	UNDP	Document Review & Discussion
		Pm	DFID	Interview
6-Dec	Wed	Am	UNDP	Document Review & Discussion
		Pm	GTZ	Interview
7-Dec	Thu	Am	Royal Norwegian Embassy	Interview

		Pm	Netherlands Embassy	Interview
8-Dec	Fri	Am	MOS	Interview
		Pm	SPC	Interview
9-Dec	Sat	Am	Desk	Document review & Writing
		Pm		
10-Dec	Sun	Am	Desk	Document review & Writing
		Pm		
11-Dec	Mon	Am	UNDP	Document Review, discussion & writing
		Pm		
12-Dec	Tue	Am	UNDP	Document Review, discussion & writing
		Pm		
13-Dec	Wed	Am	CICETE	Interview
		Pm	UNDP	Document Review, discussion & writing
14-Dec	Thu	Am	Desk	Writing
		Pm	UNDP	Debriefing
15-Dec	Fri	Am	Desk	Writing
		Pm	UNDP	Interview Team Leader
16-19 Dec	Sat-Tues	Am/Pm	Desk	Drafting report

Appendix 7.5. People Interviewed

People Interviewed for this Evaluation		
(Support for the Rule of Law Development)		
Agency	Person's Name	Title
CCCPE	Dr. ZHOU Hongyun	Director, Center for Chinese Government Innovations
	Mr. YANG Jian	Assistant, Center for Chinese Government Innovations
SCOPSR	Ms. CUI Ying	Program Officer, Foreign Affairs Office
SPP	Ms. LI Xin	Division Director, International Judicial Cooperation Department
	Mr. ZHENG Jianqiu	Section Chief, The Procurator Administration, Expert of Personnel Management
	Mr. WU Jianping	Senior Prosecutor
MOCA	Mr. LIU Zhongxiang	Director State Administration for NGOS of P.R.C
SPC	Mr. YANG Jianyu	Director, Cooperation Project Management Division, International Exchanges and Cooperation Department
	Mr. JIANG Huiling	Judge, Vice President, Chinese Institute of Applied Jurisprudence (CIAJ)
MOS	Mr. DONG Hai	Deputy Director of General Office of Ministry, Director of Document Group of Administrative Approval System Reform Under the State Council,
	Mr. LIU Lei	Official

EC	Ms. Lea Vuori	First Secretary, Delegation of the European Commission
	Ms. Maria Rosa SABBATELLI	Attaché, Development & Co-operation
DFID	Ms. Katy Oswald	Second Secretary (Development), Social Development Adviser
GTZ	Prof. Dr. Hinrich Julius	German Director, Legal Advisory Service, German Development Cooperation
RWI	Ms. Malin Oud	Program Manager, Head of Beijing Office, Wallenberg Institute of Human Rights and tarian Law
Royal Norwegian Embassy	Mr. Jo Inge Bekkevold	First Secretary, Political Section
	Mr. Andreas Thorud	Trainee
Embassy Of The Kingdom Of the Netherlands	Mr. Jop van den Berg	First Secretary
CICETE	Mr. ZHOU Taidong	Program Officer, Programming and Planning Division
UNDP	Ms. Alessandra Tisot	Senior Deputy Resident Representative
	Mr. LU Lei	Director, Strategy Planning and Management Support Team
	Mr. Edward Xiaohui WU	Team Leader, Rule of law and democracy
	Mr. LI Jing	Governance Specialist
	Ms. XIAO Yuan Mr. Bert Peng Wu	Assistant Program Manager, Social and Economic Development Team

