The Project Cycle in Rule of Law Assistance

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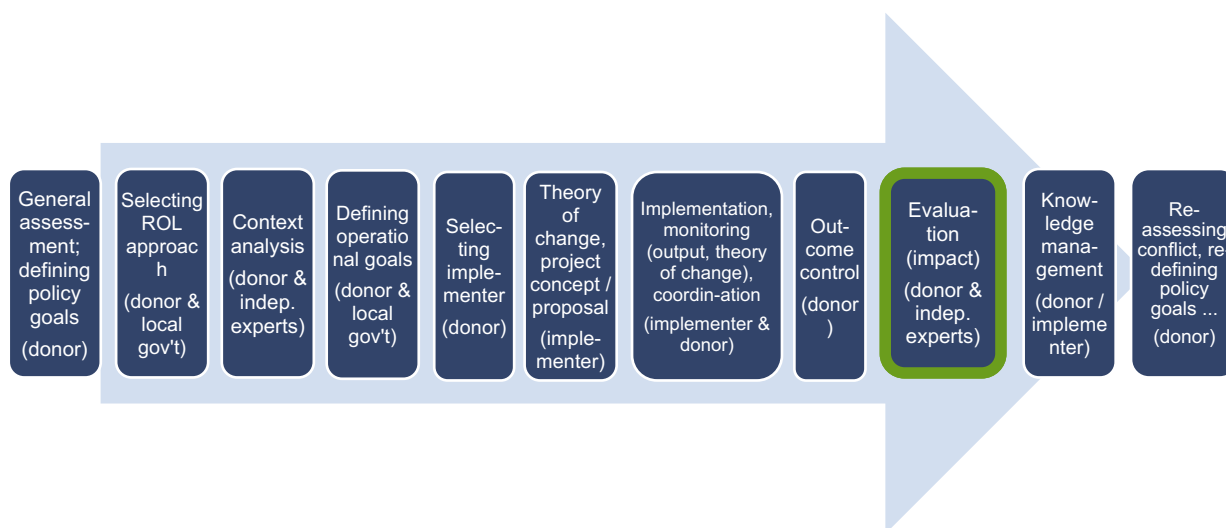
Project Evaluations

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I. Introduction

This paper is part of a series on the project cycle in rule of law assistance. Based on an expert talk, it does not aim to examine the topic comprehensively, nor is it an instruction for practitioners. It is rather meant to share thoughts, raise questions, and by this inspire scholars as well as practitioners to continue thinking about *project evaluations*, striving to improve them and thus strengthen rule of law assistance in general.

Graph: The project cycle in rule of law assistance (simplified)

An evaluation is here understood as the *systematic* and *objective assessment* of an ongoing or completed project in the field of rule of law assistance, its design, implementation and results, thereby explicitly taking into account its *impact*. Evaluations aim to improve the process of initiating projects, the development of *theories of change*, the implementation and the *monitoring* of projects. Another objective of evaluations in the area rule of law assistance is to systematically gain knowledge about which approaches do, or do not, support overarching goals (such as crisis prevention or sustainable development). Evaluations are signifi-cantly more effective when they build on monitoring, i. e. the continuous gathering of data based on indi-cators to measure the achievement of *outputs* and *outcomes* and by this the performance of projects

(*M&E*). Both constitute an integral part of the project cycle and, at least to some extent, of the overall government approach.

While general evaluation theory and methodology have considerably advanced over the past decades, our understanding of how to evaluate rule of law initiatives – and whether there is any difference compared to evaluations in other fields, such as security sector reform – is still limited. Academic research has not (yet) found much interest in these questions; as a consequence, scientific studies providing guidance are hard to find.

II. Objectives

"Why evaluating?" is not merely a rhetorical question, as answers can vary enormously. Clarifying the objective of an evaluation will have profound effects on its design. Two primary objectives of evaluations can be distinguished: First, to give evidence of what projects were able to achieve and, thus, for what public funding was used (*accountability*); and second, to learn from experience, and on this basis, improve strategic approaches and project designs. In recent years, a substantial shift towards the latter objective has occurred in the broader discourse, not the least because it has proven difficult to conduct evaluations to accomplish both objectives at the same time. However, this culture shift has not yet led to a significant change in donor institutions. This is particularly true for the area of rule of law assistance, where a systematic gathering of knowledge and learning is still extremely rare.

The objectives of an evaluation can also differ depending on the perspective. Donors are primarily interested in whether an intervention has supported their overarching goals; for example, whether a capacity building project has led to a reduction of unresolved disputes in the respective community. Implementers might want to learn which *project designs* and theories of change are effectual and could thus be further used, and which flaws the results of projects. Local stakeholders could rather be interested in finding out whether or not such a project has effectively supported their community's interests, and whether it had any negative side effects. A *participatory approach* can bridge between differing interests of donors, implementers, beneficiaries and other stakeholders. It begins with ensuring that the objectives and interests of all groups are included in the evaluation approach. The second step is to consider their different perspectives and include their perception of the project in the analysis.

III. Design and methodology

Project evaluation is diverse when it comes to design and methodology. Both depend on the strategic and operative goals, approaches and instruments of the projects that are to be evaluated. The range of all of these is broad. Just to mention a few, strategic goals can include stabilisation, sustainable development, human rights protection as well as democratisation. Approaches used in rule of law assistance comprise *access to justice*, administrative reforms, anti-corruption, gender equality, security sector reforms, *transitional justice*, economic development and peace mediation. Finally, examples of instruments used in practice are consultancy, capacity building, institution building, academic cooperation, dialogues and public awareness raising. The *overarching framework* for an evaluation depends on their combination.

If there are relevant local government policies such as justice sector strategies, these documents must always be taken into consideration when designing an evaluation.

Basically, the *design* is the operational plan for conducting an evaluation. It begins with interpreting the evaluation task, defining evaluation criteria and the planning of stakeholder involvement. It continues with planning for the implementation, i. e., the collection of data, their analysis and the reporting. And it ends with the planning for the use of the results of the evaluation, which is usually predefined by the donor.

Methods may be *qualitative* or *quantitative*. A significant challenge is deciding which methods are suitable for the rule of law assistance approach and instruments used in the project subject to evaluation. For example, a project that aims to improve access to justice for women through the development of online platforms that facilitate access to lawyers could be assessed with quantitative methods (user survey). In contrast, a project with the same objective that focuses on the training of judges in family law could be assessed with qualitative methods (analysis of court decisions). Usually, a combination of both qualitative and quantitative methods is suitable to provide an accurate picture of a complex system and its interactions. For example, qualitative data can provide context about quantitative indicators and enhance their meaning; on the other hand, purely qualitative methods are not enough to measure, for example, reach and effect of a policy in a population. Triangulating quantitative information with qualitative data regarding the perspectives, needs, and experiences of local stakeholders and communities is an important method to verify findings.

Formative approaches take place during the development or implementation of a project and aim to improve its efficiency or effectiveness. They are thus helpful for project steering and monitoring. In contrast, the *summative approach* analyses completed activities and is therefore suited to assess if specific overarching goals have been achieved and guiding decisions about future phases of the project. Research indicates that there is an imbalance towards summative evaluations conducted at the end of projects for accountability purposes, while efforts to conduct assessments in the beginning – when they are most useful to inform the intervention – are rather rare. This trend seems to contribute to the reduced role of learning in evaluation practice.

IV. Standards and criteria

Evaluation standards provide guidance in regard to practical, methodological and ethical challenges. General standards have been developed, tested, and further refined by practitioners as well as academics during the past decades. For instance, the German Association for Evaluation (DeGEval) distinguishes between four groups of standards related to the usefulness, feasibility, fairness, and accuracy of evaluation.

Besides, the *evaluation criteria* proposed by the OECD DAC provide useful guidance in regard to the determination of the merit, worth or significance of the subject of the evaluation. Each criterion is a different lens or perspective through which the project can be viewed. Applied together, they can provide a comprehensive picture of the intervention, the implementation process, and the results. The OECD DAC criteria also play a *normative* role as they describe the desired attributes of projects, which should be relevant to the context, coherent with other, related activities, achieve their objectives, deliver results efficiently and have positive and sustainable effects. When working in fragile contexts, special attention should be placed on "*conflict sensitivity*" and the "*fairness*" *criteria*, in order to ensure that evaluations consider the context, ensure consent, do not introduce bias, respect the dignity of those who provide data and do not bring about unintended negative consequences to them or destabilise the situation.

It seems that rule of law assistance projects do not require additional, specific standards and evaluation criteria as long as their special political nature and complexity are duly considered.

V. Challenges

There are a number of recurring factors that make the evaluation of rule of law assistance projects difficult.

First of all, changes of the political system and particularly the introduction of the rule of law standards are very slow processes that can take more than a generation's time. Compared with this, the funding periods are short, often just one to three years, sometimes even less. After such periods, outputs can be measured, but outcomes only to a limited extent while impact will be hard to determine in most cases.

Practical problems occur when project planning, activities and results have not been documented in a manner that enables evaluation. Often projects still focus more on activities and outputs than outcomes. This is not unusual in rule of law assistance, as it is more difficult to measure perceptions of justice and safety matters than quantitative numbers of police officers or court proceedings. Practice shows that lack of usable data, frameworks and indicators is rather the normal case than an exception. In these cases, evaluators have to reconstruct theories of change and fill data gaps with interviews, surveys or other data sources and forms of anecdotal evidence to build some sort of plausibility for their findings. However, these sources provide less conclusive information than data systematically collected during the project implementation. Improvement of project planning with a view to evaluation needs and midterm evaluations could improve the situation.

Another problem is that resources for evaluations – particularly funding and time – are sometimes too limited for inclusive, participatory approaches. In particular, donors that emphasise *people-centred justice* as a goal should take this into consideration. Oftentimes, the time to collect data is also limited and in addition, especially in *fragile contexts*, meaningful data are rarely available and rather difficult to collect e. g. due to security problems.

Aligning the interests of the different stakeholders of an evaluation (donors, implementers, local stakeholders/communities) can be challenging. Evaluators must develop a thorough understanding of the range of local actors, both government and community, in order to assess outcomes and impact. They must also properly understand the donor and implementing organisations to grasp what they need in terms of learning products. If they achieve this, their evaluation can potentially improve the collaboration between both sides.

Another key challenge of evaluations is the issue of what happens after the evaluation recommendations are published. This is especially important because ownership is not only manifested in the design but also in the implementation of an evaluation and its follow-up. Problems occur, for example, when local stakeholders do not identify with the results of an evaluation or, which is even more problematic, with the outcomes of the evaluated project. Tensions can be avoided through a participatory approach for the entire evaluation process including the process of formulating the recommendations resulting from an evaluation.

VI. Learning & knowledge management

We can learn about evaluations and from evaluations. To begin with the first, evaluators largely depend on the availability of data collected before and during the implementation of a particular project. Donors and implementing organisations can ensure this only if they understand the needs of evaluators and therefore use tools that help them construct solid theories of change, break them down into understandable logframes, formulate useful *indicators*, etc. They should also consider evaluation standards and criteria (e.g. those of DeGEval or the OECD DAC Network), strategic planning and project design, monitoring and results management as these criteria can be used to assess the processes (i. e., how change happens) as well as results (i. e., what changed).

As to the learning from evaluations, research indicates that only a minority of evaluation reports are effectively used. Many evaluations do not create the desired effects due to resistance to change, and a corresponding failure to convince stakeholders to change.

Other reasons lie in the evaluation process: evaluations can hardly produce informative findings if the evaluation goal is not clearly defined, if the assessed intervention lacked *internal logic* (e. g. lack of clear objective or theory of change), or if an evaluation is realised or completed only with an enormous delay. Other limits to learning and the building of *knowledge management systems* include institutional deficiencies and barriers that hinder the use of significant findings, such as the issue of relevant staff being placed in

separated units or staff rotation hampering individuals building up specialised knowledge in the field of rule of law assistance.

Still, only the flow of knowledge can connect project processes into what can be considered a *project cycle*. In this, data and information gained through evaluation play a central role. In order for knowledge to be used, it needs to be timely and actionable. More flexible financial and planning structures favour the use of knowledge during the course of a project because they allow adaptation.

The knowledge acquired through project evaluations must be channelled back into new rounds of planning. This requires particularly close cooperation between the different donor units that are involved in project evaluation and project planning. This is the main gap in the cycle that needs to be bridged. A *knowledge cycle* (in addition to the project cycle) and by this, focusing on the steady transfer of knowledge could offer a way forward.

Donors should also consider allowing information gained through evaluations to flow out of the cycle and into science, where such information could provide the basis for further research. One could even consider including academics into evaluation teams for that purpose. *Knowledge platforms* – such as the KPSRL in the Netherlands – can be another form for the semi-public sharing of results.

VII. Contributors

This paper is based on an expert talk held on 10 March 2021. On behalf of RSF Hub, Tilmann J. Röder (moderation), Johannes Socher and Nora Wacker participated. RSF Hub is grateful to all experts who contributed to this paper:

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About RSF Hub

RSF Hub is a project-based think tank funded by the German Federal Foreign Office fostering knowledge transfer between politics, academia and field practice in the area of rule of law assistance and related topics such as transitional justice. RSF Hub organises, in collaboration with various partners, expert talks and round tables. Team members teach at universities and train ministry staff, speak at events, contribute to blogs and publish academically. For more information on the Hub's activities see http://www.fu-berlin.de/rsf-hub.

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