

Council of Europe Secretariat

Directorate of Internal Oversight



Evaluation (2013)10

19 July 2013

**EVALUATION OF
THE COUNCIL OF EUROPE ACTION PLAN
FOR UKRAINE
2008-2011**

- EXECUTIVE SUMMARY -

Introduction

The Synthesis Report of the evaluation of the Council of Europe (CoE) Action Plan (AP) for Ukraine 2008 – 2011 is the final reporting stage in a two-part evaluation process. The first part (Phase 1 evaluation) comprised an internally-managed review of the plan preparation process. This second evaluation focuses on the overall Action plan effectiveness (the results and outcomes), sustainability and assessment of the CoE project management contribution. It has been carried out by external consultants.

The Synthesis report draws primarily on a review of five case study projects (selected from the 2008-2011 AP) conducted during a series of field missions to Ukraine, completed in the first quarter of 2013. It also draws on the results of the Phase 1 study; a document review; an e-survey, and from interviews and interactions with CoE staff in Strasbourg in late 2012. The evaluation is carried out on the basis of an agreement between Sweden and the CoE. It is managed by the Directorate of Internal Oversight (DIO) of the CoE, with funding provided by the Swedish International Development Agency (Sida).

Purpose of the evaluation

- To provide the stakeholders of the CoE Action Plan for Ukraine with an objective assessment of results that have been achieved through CoE support and partnerships with other key actors;
- To generate lessons from experience to inform current and future country programming and related implementation;
- To establish the Ukraine Action Plan as a results-based management tool.

Background and context

The CoE has been supporting Ukraine in its reforms in the areas of human rights, judicial and democratic reforms even before it joined the CoE in 1995. The CoE has continued to work closely with the Government since then. The CoE's principle instrument for supporting Ukraine (as in a number of other countries) is the AP, with the first covering the period 2005-2008.

Overall goal: Building on earlier support programmes, the AP aims to assist the Ukrainian authorities to fulfil their European ambitions and post-accession commitments as a member of the CoE. There are 35 projects in the AP 2008-2011 within the so-called 'Three Pillars' of the CoE (Human Rights, Rule of Law and Democracy). Project funding amounted to €24.8 million of which approximately 90% was provided by the EU. Some individual projects were funded by Sida. CoE's contribution amounted to €2.2 million.

AP management: The CoE is responsible for AP management, technical direction, supervision, monitoring via its various institutional mechanisms and for ex-post evaluation working with its principle partner in Ukraine, the Ministry of Foreign Affairs (MFA) which plays a coordinating role. The Delegation of the European Union (EUD) in Kyiv plays an important role (aside from the funding) in contributing to project design, participation in the Steering Committee meetings and in acting as a communication hub between the AP and complimentary EU-funded projects. However, apart from two Steering Committee meetings on the progress with the AP, the focus of management effort is at the level of the 35 projects.

Methodology: The methodology for the evaluation relies primarily on the findings of the five case study projects, stakeholders in Ukraine, as well as on information provided by CoE staff in Strasbourg as well as an e-survey of CoE Project Coordinators and Project Managers.

The evaluation was structured around four key 'Evaluation Questions' (EQs) which were elaborated into a series of detailed sub-questions. While appearing straightforward this does represent a challenge as at the level of the AP, while there is an overall goal, there are no specific, quantifiable objectives or indicators identified. Recognising this issue, the CoE commissioned a study to 'reconstruct' (ex-post) the logic of the AP. This was a very useful and timely exercise of which this evaluation has made full use in its analysis.

Action Plan design

The 2008-2011 AP is more ambitious than previous frameworks for co-operation and has clustered the 35 projects around six political priorities (with the framework of the three pillars of human rights, rule of law and democracy). The CoE has prepared a guidance manual in an attempt to provide some uniformity across different APs in other countries. While the AP has many positive features, not least that it delivered 35 projects more or less on time and within budget Drawing on the findings of the Phase 1 Evaluation¹ as well as this evaluation, the AP is nevertheless deficient in number of areas with reference to plan and project design norms.

Lack of Strategic Direction: The AP document does not include a section on strategy or an explicit statement of plan priorities justifying the resource allocation. However, an external analysis of the plan indicates that the budgetary allocation in terms of areas of co-operation is: Rule of law (67%), Human Rights (13%) and Democracy and other cooperation areas (20%).

A strong project focus: The AP has a very strong project focus. The AP and its constituent projects have an activity orientation, with planned results often poorly articulated. While project -level progress reporting is satisfactory and appropriate, neither the AP nor the individual projects include a formal monitoring process (for example reporting against performance indicators), and results at project level are not routinely followed up in terms of measuring longer -term effects, or evaluated.

This situation appears to be partly the result of a political decision to speed up reaching agreement with the Ukrainian partners on the overall scope and scale of the plan. In addition, there is no monitoring facility since the Ukrainian partners feel that the CoE already has adequate monitoring processes in place.

Scale of Ambition: The scale of ambition of the AP 2008-11 is high taking into account the complexity of the cooperation areas. Although, if this AP is viewed as part of a series of programmes supporting reform and meeting post-accession commitments the results appear more realistic. However, this 'long-term view' is not articulated in the AP planning document and is not the perception of national stakeholders.

¹ 1 The recommendations made by the Phase 1 evaluation in relation to project preparation and design have been accepted by the CoE

Meeting post-accession commitments

Relevance to post-accession commitments: While overall the AP is clearly linked to the provision of assistance to Ukraine to help the country fulfil its post-accession commitments and align its legislation and practice to international standards, the links between the AP and the specific commitments are not sufficiently and clearly articulated in both AP and project documentation.

Role of the monitoring bodies: The potentially valuable feedback from the Monitoring Bodies (responsible for monitoring the reforms in relation to the various Conventions), PACE and the Human Rights Commissioner was not sufficiently made use of during the programming stage of the AP; this would have contributed to making the rationale of the intervention more explicit and would have enabled the programming documentation to be better aligned to the country commitments.

Relevance: The five projects analysed were all relevant to the post-accession commitments to the CoE and/or to other key commitments of Ukraine and generally enthusiastically welcomed by the participating stakeholders.

Effectiveness: The effectiveness of the AP was assessed in terms of progressing Ukraine's reforms towards its post-accession commitments at two stages: reforming the legal framework and in implementing the reforms. Of the five case studies the effectiveness of three were rated either medium or medium to high at the stage of reforming the legal framework (Strengthening and protecting women's and children's rights in Ukraine (TRES), transparency and efficiency of the judicial system of Ukraine (TESJU), and the project against corruption (UPAC)). Only TRES was rated as medium to high in terms of implementation outcomes. The strengthening of local democracy was not effective in progressing post-accession commitments, and progress with the Media project was uneven.

Some common elements facilitated effectiveness in the CoE interventions; these were: i) the long-term perspective of the technical assistance projects (if viewed as part of a series of APs); ii) a relatively long inception period focused on reaching consensus and commitments from national Authorities.

Critical Elements: The most critical elements that hindered the full achievement of effectiveness in the CoE interventions were: i) uneven or inconstant political will / support to reforms from national Authorities; ii) an excessive focus on the activities (rather than results) during implementation; iii) an insufficient use of political leverage to push for reforms; iv) a scale of intervention which is larger than the available resources; v) non availability of funds for follow-up actions.

Comparative advantage, coordination and synergies

Comparative advantage: Recurring factors making up the comparative advantage of the CoE are: i) its focus on thematic areas of core expertise; ii) the specific capacity to support legislative reform (however, not all the CoE recommendations are fully implemented) iii) technical assistance capacity; iv) a supportive, partnership approach; v) the presence of the local office as a platform for communication with stakeholders and networking; vi) the CoE capacity to bring stakeholders together.

Donor coordination: The main counterpart of the CoE was the MFA; less frequently the CoE coordinated at the project level with the Ministry of Economic Development and Trade (MEDT). Although not formally a donor, the CoE is a very well-respected member of the donor community and participated actively in thematic coordination platforms. Coordination became more effective towards the mid period of the AP.

Synergies with national stakeholders were generally achieved and effective working relationships established. The CoE is credited for bringing together diverse government agencies and harnessing the resources of CSOs effectively. This contributed to an increased quality of the assistance and enhanced ownership.

However, relations with the Ukraine Authorities had its challenges, and the economic downturn in 2008 and the political and institutional changes that took place in 2010 resulted in disruption and delays in some cases as Ministries were changed or re-organised, and staff replaced.

Coordination among CoE projects took place mainly at the operational level, as the AP dimension is not generally recognised by stakeholders who are working at the project level.

Sustainability of implementation of reforms

Sustainability: Overall the environment in which the AP operates is a challenging one in which to promote sustainable change, with political instability, institutional changes, variations in levels of political will and the complexity of the reform processes all impacting on the sustainable implementation of reforms. In this context, the findings of the five case study projects are considered:

Media: For the media project it was estimated that some 30% of the 27 components were specifically designed with a sustainability perspective, but as effective outcomes across the components were uneven, this negatively affected the prospects for sustainability.

TEJSU: In the case of TEJSU, it was estimated that some 50% of the original 37 planned results were designed with sustainability in mind, with only six sustainable results achieved. In the final analysis, it is the view of this evaluation that in order to make the judiciary fully independent total political commitment towards this goal will be required.

UPAC: Anti-corruption is a difficult area of development cooperation. A number of other donors are also supporting governance programmes. However, only two of the eleven planned results are assessed as sustainable, with a number of factors reducing the likelihood of sustainable results. These include the unwillingness of partners to work with CSOs, changes to the modalities of implementation (including a component on public participation) and a lack of replication of the methods promoted by the project. Importantly, there was inconsistent political support over the period of political crisis, which jeopardised the effects achieved. Thus the overall prospect for the sustainability of the planned outcomes is poor.

Local Democracy: For the strengthening of local democracy, while the design addressed the need for sustainability, the achievement of the project purpose was rated as partial/low, while there continues to be an urgent need for Ukraine to reform Local Self-Government.

TRES: The TRES project was highly relevant to the country's needs, and was fully supported and owned by participating stakeholders. It has good prospects for sustainability in the specific areas of the project in relation to the European Social Charter (revised), in reducing trafficking in human beings and in protecting children against sexual exploitation and abuse. In the case of the work being done to combat violence against women, the necessary reform is not fully achieved.

For all the case study projects, it was concluded that to improve the likelihood of sustainable outcomes, either the projects should have been narrower in focus so that specific tangible results were achievable within a specific time frame and with the resources available. Alternatively, the projects should have been more explicitly part of a longer-term strategy of support with resources identified to fund activities over the longer term.

Impact of management practices on effectiveness

Management Structure: The adequacy of the management structure of technical co-operation activities of the CoE is a contentious issue, but there are merits in the positions of both advocates and opponents of a decentralisation of projects. A value for money exercise of the present model was not undertaken, but de-centralising project management responsibility to Kyiv, could be seen as a logical progression in order to facilitate the sustainability of the reform process, which is ultimately the responsibility of the Ukrainian partners.

CoE management was flexible and adaptable in meeting changing conditions during implementation. This is seen as a positive factor in terms of conferring greater ownership to national partners, and contributes to the likelihood of the reform process being sustainable. This process was in general steered appropriately.

Project extension: Many of the individual projects are extended beyond the originally planned period. Causes for this are: i) the wide scope of the interventions, which cannot realistically achieve their objectives within their original time frame; ii) delays in mobilising the long-term experts, due to the late start of recruitment processes, and; iii) the underestimation of risks to the implementation process.

The frequency of lower-than-planned levels of expenditure, (which have allowed cost neutral extensions), may be caused by over-budgeting in planning.

Gender mainstreaming: TRES, which had gender issues as its main theme, and the local democracy project, which included gender mainstreaming in the design and implementation stages had fully addressed the inclusion of gender criteria in the design and implementation processes. However, there was no clear gender agenda in the other three projects, which should be addressed.