

Result-Oriented Monitoring (ROM) for European Neighbourhood Countries

Multi-project ROM

Analysis of Support to projects in the field of public sector reform in Ukraine in the period 2006-10, including projects to support:

- **legal sector reform,**
- **EU approximation,**
- **Civil service reform and**
- **anti corruption work**

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1. Scope and Rationale

The multi project Result Oriented Monitoring (ROM) is prepared based on a request from the European Union Mission (EUD) in Ukraine according to Terms of Reference dating from November 2010, attached hereto as Annex 1. In parallel an ex-post ROM is undertaken of one of the 8 projects included in the multi project ROM. The purpose with this multipurpose ROM is:

- to provide – on the basis of available and prepared ROM reports - a documented multi-project sector study on the past and current performance of EU-funded projects in the sector;
- to draw summary conclusions and recommendations on the projects' sector logic and strategy, in line with the lessons learned from the past.

The EUD is preparing a Sector Programme Support Program (SPSP) in the area of Public Sector Reform (PSR). As a starting point it is envisaged that future support in the area will focus on civil service reform and the administrative legal framework, including administrative justice. The multi project ROM is expected to provide lessons learnt and guidance on what has and what has not worked in the past projects to support the sector as an input to the formulation of the new programme, including complementary support projects in the sector.

Eight contracts have been selected by the EUD to be analysed in the multi sector ROM. They fall within the following sub-areas: a) support to legal sector reform, b) EU approximation/association, c) civil service reform and d) anti corruption work. These 8 projects have been executed between 2006 and 2010. One of them (contract no. 223-769) is a bridging project linked to one of the other projects, and is not subject to monitoring due to limited size and duration. Another project is the continuation of one of the other projects on the list (UEPLAC Phases IV and V). I.e. in reality there are 6 different projects to be analyzed. Both in the case of the legal sector projects and the EU approximation, the projects analyzed are continuations of similar support before 2006. All projects are mainly concerning technical assistance; some projects have important supply/software components. One project (contract no. 169-011) is a twinning project.

The analysis included 19 ROM reports, produced between 2006 and December 2010. 5 ROM reports relate to two projects within legal sector reform, 8 reports relate to two projects within EU approximation, 1 relate to civil service reform, and finally 5 reports cover a project on fight against corruption.

Taken into account that some projects have been finalized over a year ago, and the fact that there have been important changes in the political environment in Ukraine, it was agreed that special attention would be put on analyzing project impact and project sustainability in view of the changes that have taken place over the last year. The changes in approach to the public sector reform which are currently taking place will also be taken into account. In this connection it was agreed that – contrary to traditional multi project ROMs – interviews would be held with key stakeholders to have their views on the impact and sustainability prospects, and to get an impression on policies of the present government for the relevant areas. So in addition to interviews with 6 key staff from the EUD, interviews were held with 2 monitors, who have been responsible for most of the ROM reporting, and with representatives from three key institutions: Ministry of Justice, the Main Civil Service Department and the Secretariat of the Cabinet of Ministers.

As the findings will be used as a basis for formulation of future support, a fairly critical view has been adopted to find important lessons learnt. In general the documentation and time available has been limited, and the conclusions must therefore be taken with some caution. As there is no real connection between the projects in the legal sector, including the anti-corruption project, the civil service training project and the EU approximation projects, the cross-cutting conclusions must be taken with particular caution.

It should also be noted that the different representatives interviewed have made very different observations concerning impact and sustainability. This may in fact reflect differing political positions.

This, together with the fact that only a few Government and “independent” observers could be interviewed, also calls for caution with regard to the use of the conclusions.

2. Programme Synopsis

Monitoring reference number	Contract No.	Budget	Project Title	Start date	End date
MR-126520	C-199853	2,500,000	1. Ukrainian-European Policy and Legal Advice Centre (UEPLAC) Phase V	24/07/2008	23/07/2010
	C-223769		2. Bridging Support to Institutional Capacity Building for Enhanced Ukraine – EU Cooperation	01/2010	11/2010
MR-102920	C-115699	2,000,000	3. Support to PCA Implementation in Ukraine	15/09/2007	31/12/2009
MR-40520	C-101510	5,000,000	4. Ukrainian-European Policy and Legal Advice Centre (UEPLAC) Phase IV	17/07/2006	17/07/2009
MR-131840	C-169011	1,075,000	5. Twinning project "Support to the development and improvement of the civil service training system in Ukraine"	8/9/2009	8/12/2011
MR- 111680	C-139453	5,000,000	6. ACCOUNTABILITY AND EFFECTIVENESS OF UKRAINIAN JUDICIARY FUNCTIONING (CIVIL SERVICE COMPONENT)	16/07/2008	16/12/2010
MR-125121	C-141439	5,400,000	7. Transparency and efficiency of the judicial system of Ukraine	2/6/2008	1/12/2010
MR-40540	C-120157	1,500,000	8. Support to Good Governance: Project Against Corruption in Ukraine	8/6/2006	31/12/2009

2.1 Executive Summary

Overall summary:

The areas supported are indeed highly relevant and projects have in general in their original design been relevant in a narrow sense while, taken into account the volatile political situation, one can argue if the initial project designs in many of the projects was appropriate, or if a more cautious approach would have been more relevant for the particular situation and given more sustainable and secure impacts. Projects with a narrower and less politically related design have shown better performance. This observation actually confirms the observations and recommendations in the OECD governance assessment on Ukraine from 2007.

There is the possibility that the high risk option was a conscious decision taken both by Ukrainian authorities and the EC at the time designing the projects to advance the political process desired by both parties. There is nothing wrong in this approach as long as it really has been a conscious choice.

The more detailed project design contains a series of strengths as good design of inputs and activities, a participatory approach, involvement of international organizations, study tours and direct exposure to European practices etc. On the other hand it would seem that the work on the project logic and on log frames and on fixing indicators and targets have been too lax, especially with Project Purposes and Overall Objectives. This has led to an excessive focus on inputs and activities with too little attention to outcomes and impact.

Projects have adapted to minor changes in the project environment, while adaptation to the politically volatile situation has been more difficult.

There has been a solid ownership throughout the projects on behalf of direct stakeholders and beneficiaries. On the other hand the broad political consensus has been missing during the former government, and with the change of government this situation has led to low political support. Therefore there is a risk that large parts of the produced outputs and results will not be picked up by the political authorities.

With few exceptions, concentrated primarily during their start, the eight projects under review have been highly efficient in providing inputs and delivering activities. Projects have also - with few exceptions - been effective in producing outputs and delivering planned results. All in all the TA seems to have been of high quality and project partners have been highly competent.

While good outputs and results were produced, real project outcomes and impact is still rather limited and is concentrated to the less politically vulnerable or less institutionally complicated projects. The fact that much prepared legislation has not been passed in the more political projects and that some systems and institutions developed/established with support of these projects have not been implemented indicates that an important part of the prospective impact from these projects will never materialize. I.e. in some cases all activities and results may have been delivered, but a real impact may never materialize. Sustainability depends to a large extent on whether the new government picks up the developed legislation and support institutions/systems developed under the projects. A common judgment is that it is possible that reforms may not move that fast, but that the fact that the President has a solid hold on the executive power and that he has the majority in Parliament may actually mean that solid progress may be made in many areas at the end. On the other hand, there is little doubt that an important part of the outputs/results will also be irrelevant in the new political and institutional context.

Below the main general recommendations coming out of the review:

- As much of the intended future support is related to technical assistance (TA), training and capacity building, the staff involved might want to review the last OECD documentation and recommendations related to capacity development, possibly in the form of a facilitated workshop, to be sure that complementary TA activities related to capacity development follow the latest international strategies. In this context, there is a need to move from focus on consultants deliverables, which to some extent seem to have been the focus in the past, to a new focus on outcomes and impact.
- The Public Finance Accountability Assessment (PEFA) for Ukraine is outdated. One of the preparatory activities both for sector budget support and for considerations regarding a project using substantial decentralization should be to urgently undertake a new PEFA assessment.
- Take time to work on the project intervention logic, be very exact, specific and realistic in formulating Overall Objectives and Project Purposes, and establish clear indicators and targets for outcomes and impact; Do not include too many different purposes under Project Purpose.
- As contracting authority and responsible government body keep the focus on outcomes and avoid excessive focus on inputs and activities;
- Take political volatility serious and do not make general or unrealistic assumptions related to outcomes and impact. Redesign projects where necessary to focus on areas where there is sufficient political consensus or focus projects on creating political consensus;
- Avoid projects which involve too complex institutional settings;

Other minor recommendations follow naturally on the findings and lessons learnt and will not be repeated here.

More specific recommendations related to future support are included in section 4.2 below.

3. Projects performance by monitoring criterion

Average scores of the monitored projects from the last monitoring reports included in the analysis reveal the following:

1. Relevance and Quality of Design	b
2. Efficiency of Implementation	a
3. Effectiveness to date	b
4. Impact Prospects	b
5. Potential Sustainability	b

Note: a = very good; b = good; c = problems; d = serious deficiencies

The more critical analysis of impact and sustainability used in this report based on the additional interviews and a more critical approach to the influence of the political volatility and change would give an average of **c** for impact and sustainability respectively with 4 projects scoring **c** and two projects scoring **b**. Average scoring for relevance and quality of design would also be reduced to **c**.

3.1. RELEVANCE AND QUALITY OF DESIGN

Relevance

The projects monitored were in general very relevant when they were designed, and the support has in general been appreciated by the direct stakeholders, including under the present Government.

Some rather sweeping assumptions were used in many log frames related to political support for the particular activities supported, which raises the question whether the project design took into account to a sufficient degree the possibilities for change in the political situation. Already at the start of the period under review the political situation was relatively volatile and the situation has indeed worsened with the shift of power in the country with the election of the new president a year ago. As seen below, the impact prospects in a number of the projects are to some extent still pending, as political priorities have moved. A more cautious approach, taking better into account the political realities, might have given more secure outcomes. We will analyze the issue further in the following sections. The two Council of Europe (CoE) implemented projects (the anti corruption project, contract no. 120-157 and the transparency and efficiency of the judiciary system project, contract no. 141-439) seem to have been to some extent over-ambitious in their design given the political and institutional realities.

The definition of intervention logic and target setting has in the initial stages been fairly loosely handled in some of the projects. Especially the Overall Objectives (OO) and Project Purposes (PP) have been loosely formulated in most of the projects, with the “Specific Objectives”¹ not being very specific but rather a listing of results. Selection of indicators and target setting has also been fairly loose, especially related to PPs and OOs, which at a later stage makes it difficult to clearly judge if purposes and objectives are met. On the other hand there has been continued work by the consultants on refining the log frames, including indicators and targets related to results and activities, while a further refinement of PPs and OOs seems not to have taken place. This is understandable from the consultants’ point of view, since activities and results are what they control and can - to some extent - guarantee, while the achievement of PPs and OOs is to a large extent out of their control. It is, however, not really in harmony with the principle of focusing on objectives and outcomes.

Good initial planning and good capacity and flexibility to re-programme seem to have been important success factors for efficient and effective delivery in some of the projects observed. Participation by stakeholder in planning has shown to be important design parameters which have been an element which has secured efficiency and demand for the inputs in some of the projects. In general the directly involved stakeholders seem to have ownership of the projects except for the Partnership and Cooperation Agreement (PCA) support project where some of the sector ministries have opted out of the monitoring system.

Work with stable, less politicized institutions at a more practical level, as e.g. in the justice sector and the civil service training system, seem to be a less risky design model than the more politically sensitive activities related to the general anti-corruption work or EU partnership/approximation activities.

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□ Terminology used in the ROM reports instead of PP

Some of the projects work across many institutions, e.g. the anti-corruption project. The design with a narrower approach following one or a few related institutions seems to be a less risky approach which has secured more lasting results.

Project cycles in the analyzed projects are in general too short for institutional capacity building projects even if there are follow up projects. Change of consultants, staff turnover in beneficiaries and in some cases also at the EC makes short projects (less than 4-5 years) inefficient and ineffective. The short project cycles encourages the focus on input and activities instead of on longer term outcomes.

The active involvement of the CoE and other international institutions e.g. the Group of States against Corruption (Greco) seem to have been very important success factors in the design of the programmes.

3.2. EFFICIENCY OF IMPLEMENTATION TO DATE

Seen over time, nearly all projects have provided the agreed inputs on time, inputs have been of high quality and project partners have highly appreciated the inputs. The two or three cases where inputs timeliness and quality have been questioned have primarily been in the start of the projects. One project has still towards the end problems in utilizing the resources fully. There is no information on overrun of estimated costs. Limited project extensions have in some cases been agreed to use all inputs/accomplish all activities. These extensions have been very appropriate, timely and appreciated. In one case problems with a Team Leader delayed implementation and in another case one component is delayed considered to be due to a staffing issue. These cases are, however, clearly exceptions. All in all consultants/project implementers seem to have worked very efficiently.

Similarly activities covering an impressive range have in general been implemented on time and in accordance with plans, and appear to have been adequate, given the objectives. Activities have been very appreciated by partners and stakeholders. The two projects managed by the CoE have had more problems with timeliness of inputs and activities. This may be due to the fact that these two projects have been very ambitious and worked across many institutions.

Inputs from beneficiaries have been delivered on time. Counterparts are in general reported to have been of high quality, and local financing has not been reported as a problem. In one case lack of office space supplied by the beneficiary was reported as a problem lasting for a long time and eventually being solved by placing the project office outside the partner institution.

3.3. EFFECTIVENESS TO DATE

Outputs and results have been of high quality and in general also with exceptions of a few cases been delivered/achieved on time. The outputs and results have covered an impressive range of areas, including capacity building of staff, delivery of proposals for policies, legislations, monitoring systems etc. and are very relevant for the broad objectives fixed for the projects. The provided TA achieved very good outputs.

In a number of cases however the expected results were not fully achieved. These cases are, however, to be exceptions and relate primarily to projects which were very ambitiously designed covering many institutions.

While in all cases the outputs and results produced should in principle be instrumental in achieving the specific objectives/project purposes, it seems that this has only been/is only being achieved in the less ambitious and less politically sensitive projects, while the more politically sensitive projects, such as the anti-corruption project, and the two EU partnership projects seem to have had more problems, as the process of transforming project outputs into passed legislation actually implemented has been delayed either temporarily or definitively due to changed political priorities. The passing into law of the most important output of the project on Efficiency and Transparency

in the justice sector was delayed and not all recommendations were taken into account, or laws developed are pending.

3.4. IMPACT PROSPECTS

The question whether the projects have had or have any direct impacts at overall project level seems to be the key issue in this review. While the ROM reports in general indicate high impact prospects, the opinions expressed by some important observers interviewed are more divided. The more “down to earth” projects as the justice sector project “civil service component” and the civil service training twinning project would seem to have good impact prospects. Impact prospects seem also to be good in the area of justice where the projects have been dealing with stable, less politicized institutions.

The volatile political situation under the former government and the “thinking pause” of the new government has left much of the legislation developed within different other projects pending, i.e. key outcomes and impacts are pending, especially the legislation related to anti-corruption and the bits of legislation prepared related to the EU approximation/association process. Important parts of the legislation related to the judicial sector are, as mentioned, also pending. The recently finalized assessment report related to development in the corruption issue is said to reports no major progress. It is therefore clear that the broad assumptions in the log frames of some projects related to political risks have not come through in the first instance. Whether more of the prepared legislation will eventually be pending or whether it will be lost altogether remains an open question. If enacting of laws takes too long, much of the results may be forgotten or irrelevant. The work in progress by the presidential commissions on anti corruption and public sector reform may however mean that eventually some important results are picked up, and that at least part of the intended impact will eventually be produced.

The lack of clear indicators and targets for outcomes and impact further blurs the picture.

Nevertheless, even with these reservations, the real impacts and impact prospects from the projects are substantial.

Donor coordination in the areas covered by the projects seem to have been more of a practical kind to avoid overlaps and is reported to have been primarily donor-driven.

3.5. POTENTIAL SUSTAINABILITY

The likelihood of a continuation of the delivery of benefits produced by the projects/the sustainability of projects varies following the pattern of the impact prospects. Financial sustainability of activities does not seem to be an issue.

Where the projects have dealt with more limited issues and stable institutions, sustainability in general seems to be high. Where projects have been more related to political issues, sustainability is at best an open question.

ROM reports have taken training and capacity building of individuals as important impacts on capacities of institutions, and made the assumption that this capacity development will be sustainable. This may be the case in some institutions. Some of the interviewed persons, however, questioned this assumption and referred to the high turnover of staff. It is also questionable if increased knowledge in a certain subject by individual staff really transforms into higher institutional capacities in the longer term. While the Accountability and Effectiveness of the Ukrainian Judiciary project has provided lasting institutional capacity building, sustainability of the Anti Corruption Office in the Secretariat of the Cabinet of Ministers is more questionable as a Commission dealing with the issue is established in the presidential administration, and the unit in general seems weak.

The support to PCA implementation would appear not to be sustainable. It concerns primarily a rather elaborate IT-based monitoring system. Some important ministries have already opted out of this monitoring system. Furthermore, the recent presidential announcement of cutting staff in the Secretariat of the Cabinet of Ministers, combined with the lower priority for EU integration would seem to indicate that the focus on EU approximation has narrowed, and the broad monitoring system related primarily to the EU agenda may not be considered necessary anymore.

IT and web site development have to some extent happened within the projects only and not in the Ukrainian counterpart institutional structures, which makes handing over at the end of the projects difficult. Especially the development of “project web sites” is a questionable practice, as they generally die out after the end of the project. The web site of the bridging programme linked to the former PCA implementation project is a good example for this. It does not contain continuity from the former project, and it seems not to be expected to be taken over by anybody.

Ownership by beneficiaries and target groups was in general very high and in many cases continues to be. The problem is that due to the volatile political situation, broad political ownership was never high, and the new political Leadership can basically “pick and choose” out of what is available, since broad political ownership of project results was not secured.

4 SWOT

In this chapter we analyze the strengths, weaknesses, opportunities and threats observed for the group of projects as a whole. In some cases we have however noted issues which relate to one particular project or a few projects to have a complete picture.

Strengths

General

- Projects have in general been very relevant in their design;
- Good initial planning and good capacity to re-programme have been important success factors for efficient and effective delivery;
- Participation by stakeholder in planning is important and efficient as it secures demand for the output;
- A generally very positive assessment of supplied services in quantity and quality, as well as of timelines of delivery;
- Consultants in general appear to have been efficient/highly efficient;
- In most cases very high professionalism of support;
- Outputs produced are considered highly appropriate and appreciated by stakeholders;
- Great appreciation by authorities;
- Recipient leadership and its appointment of high quality staff has been important success factors;

- Change management concept introduced with the concept of change agents in some projects is a strength that can improve impact prospects over the medium-long term;
- Good training and individual capacity building achieved in most areas;
- Flexibility for extension by EC has been important in a number of cases;
- Active involvement of international organizations e.g. CoE, GRECO, Venice Commission is a very important success factor in some projects;
- E-learning and innovative training methods are important innovative approaches.

More project specific strengths

- Regulatory impact assessment is an important instrument taken up;
- A flexible approach through a demand driven approach proved important in the Ukrainian-European Policy and Legal Advice Centre (UEPLAC) programme;

Weaknesses

General

- Some projects are fairly broadly formulated (CoE projects), which makes achievement of Project Purpose(s) in the project lifetime difficult;
- IT development has to some extent happened within the project and not in the institution structure, which made hand over at the project end difficult;
- Proper log frames with clear and concise intervention logics and performance targets have not always been developed at the outset and adapted if/when necessary. Especially the OOs and PPs have been fairly general in some cases, with clearly identified targets missing;
- Donor coordination, mostly donor-driven, is largely limited to avoiding overlaps;
- Problems with coordination of different institutions when projects are too complexly designed;

Project specific

- Actual outcomes of legal approximation are reported to be too limited – no or few new laws have actually been enacted, although a lot of proposals have been made and individual capacity building provided;
- The PCA support project has, to a large extent, evolved into being primarily a monitoring project. Support to sector groups, which was the second project purpose, seem to have been less emphasised. The monitoring system seems complex and without any effective demand from the sectors;
- Office not supplied to TA.

- Absence of the Team Leader and presence on the ground in some periods proved detrimental to project performance.

Opportunities

- A more stable political environment with a presidency which has full control over the executive and majority in parliament provides an opportunity for having new and amended legislation approved and enforced;
- Cooperation with international partners and their active involvement provides a great opportunity to advance reforms;
- Works with stable, less politicized institutions has been and is clearly an opportunity in relation to reforms, e.g. in the legal sector.

Threats

- Political uncertainty is a real threat, which makes that a large part of outcomes may be lost and real impact of some projects can be very minimal. Proposals for new/amended legislation are often not followed due to the unstable political situation;
- IT development and establishment of new institutions in an unstable political environment is risky as the outputs may be partly or completely lost;
- Need to be very careful in writing critical analysis and judgments, it can jeopardize cooperation in the project for the rest of the period.

4. Lessons Learned and Recommendations

4.1. Lessons Learned

- It is indeed possible to implement TA projects very successfully in Ukraine in the PSR related area;
- Very high quality TA can be mobilized and the Ukrainian authorities are able to provide high quality counterparts;
- Local financing in activities related to the projects in general do not present a problem;
- Implementation of projects in the PSR area have high impact prospects;
- Involvement of international institutions and organizations in project implementation is appreciated and may be a success factor for projects.
- It is important to work properly with the intervention logic and log frames and define OOs and PPs clearly and agree indicators and targets for OOs and PPs;
- It is important to take assumptions regarding political uncertainty seriously in politically volatile situations and design projects in such a way that they are as far as possible resistant to political volatility;
- It is important to be realistic in the project design and make institutional arrangements simple;

- Participatory project planning pays off in a higher demand for project outputs;
- Problems with team leaders and key project staff need to be handled at an early stage to avoid longer interruptions of project activities;
- Similarly, issues with logistics and office premises need to be tackled at an early stage to avoid problems with implementation;
- IT development and establishment of new institutions in an unstable political scenario is risky as the outputs may be partially or completely lost;
- Under politically insecure situations and where policy changes, it is possible that all outputs and results are delivered/achieved but that outcomes and impact is marginal. The assumption that, if outputs are delivered, impact will follow is not realistic.

4.2 Specific recommendations related to future support in the PSR related sector.

Judiciary/Justice sector:

The proposed way forward intended by the EUD with another large project which will serve to develop a SWAP approach seems appropriate, with continued TA and further support still within a project mode. It is recommended to attempt to see if it is possible to have a project with substantial decentralization which will minimize the administrative burden and improve ownership. The experience from the projects analyzed shows that sustainable progress can be made. It might be useful to make a more in-depth evaluation of past support as a forerunner for project identification. The proposed PEFA will give an indication if substantial decentralization is possible.

Public sector reform/Civil service reform

The selected area of civil service reform, administrative law and service delivery are indeed relevant and follow the recommendations from the SIGMA² assessment from 2006.

With the recent announcement of the new strategy for public sector reform, including structural reform, staff reductions and decentralization, the question arises whether there would not be scope for broader support over the medium term and well targeted and immediate support to help the reform get moving and to avoid resistance in the affected institutions and in the public opinion. The outlined reform represent bold steps towards a more efficient and effective public sector. At this stage it may be more relevant to support a broad reform, if possible with other donors, while at the same time focus can still be kept on a narrower area like civil service reform and administrative legislation.

Immediate input with support to change management would increase the chances for a successful reform and could at the same time increase democracy within the public sector. I.e. it would be important to involve the employees

and the institutions themselves in the reform process. A fast input in this, e.g. via frame work contracts present a definitive opportunity.

Anti corruption work

Observers/Interviewees report that there is a certain chance that legislation will move, and the government actually will live up to its international commitment in the area, although the pace may be slower than expected.

Support to the area should continue. It would be important to be less ambitious and to define clearer outcomes and impact and actually follow these indicators.

EC approximation/Association

Some form of continued support will need to be given to the EU association process. Before new support is started, it is recommended to undertake a more detailed evaluation of the support provided in the area up to now. Especially the relevance of the PCA support project with its dispute monitoring system needs to be evaluated for relevance in the context of the proposed public sector reform. In this connection the possibility for having a government-wide monitoring system covering the relevant government plans together with, but not limited to, the EU association agenda should be analyzed. Given the tendency to a “Command approach” in the public administration sector (as highlighted in the OECD governance assessment from 2006) with associated complicated monitoring systems, such an evaluation should also look into the planning and monitoring models for a more decentralized government with strengthened sector ministries and regional/local governments.

5. Annexes

Annex 1 – Terms of Reference

Multi-project ROM – Sector Analysis concerning horizontal dimensions of the public administration

(civil service, policy making, administrative legal framework, administrative justice, accountability and integrity)

1. BACKGROUND

1. Strategic framework

Support to the Public Administration Reform (PAR) is a priority area of the EU assistance to Ukraine under the NIP 2011-13. This includes public administration and civil service reform, public finance management and taxation, as well as policy making related to the preparation for and implementation of the future Association Agreement, including a Deep and Comprehensive Free Trade Area.

Preliminary agreement has been reached between the Government of Ukraine and the Delegation of the European Union to Ukraine to include a targeted action in support to the PAR into the Annual Action Programme for 2011, and to consider providing support through a Sector Policy Support Programme.

2. Sector Policy Support Programmes and Budgetary Support

It is envisaged that the future SPSP in the area of public administration reform will focus on two dimensions of the governance: civil service and administrative legal framework, including the administrative justice. It will also target a number of horizontal aspects that are important both for the effective implementation of this SPSP and for the success of the overall public administration reform in Ukraine. It concerns the policy making and coordination, public finance management, accountability and integrity of the administration.

The past and current EU support in the sector has been mainly provided through twinning and classical technical assistance. A list of relevant projects is enclosed to this Terms of reference (Annex I).

In the context of a possible SPSP in the PAR field to be implemented through a sector budget support, it will therefore be crucial to assess to what extent the past and ongoing EU assistance has been effective, efficient and relevant, as well as to identify the lessons learnt that can be used for identification and formulation of the future projects in this sector.

The multi-project ROM study is an appropriate tool to achieve the above-mentioned results. This exercise will provide a solid analytical basis for the formulation phase of the above-mentioned SPSP.

1.3 Other donor activities and donor coordination

There are a number of others donors active in the area of public administration reform, e.g. Canadian International Development Agency (CIDA), Swedish International Development Agency (SIDA), Swiss Agency for Development and Cooperation, Denmark, United Nation Development Programme (UNDP), United States Agency for International Development / USAID (mainly projects on regional governance and anti-corruption), the Council of Europe (judiciary and anti-corruption).

However, results of previous technical assistance in the field have been limited, partially due to political instability and insufficient political determination from the Government. This provides an additional reason for conducting a multi-project ROM study during the formulation phase to identify the main risks and the relevant risks mitigating measures.

The Government has recently restructured its donor-coordination system and created a special sub-group for PAR led by the Main Department of the Civil Service. Its first meeting took place in September 2010, showing an increased attention to sector- and donor-coordination.

2. DESCRIPTION OF THE ASSIGNMENT

2.1. Global objective

The global objective is to prepare an ad-hoc multi-project monitoring study concerning support to the public administration reform in Ukraine focused on main horizontal aspects of the public administration: civil service, policy coordination, administrative legal framework, judiciary (civil service aspects and administrative justice) and anti-corruption.

This is to contribute to the improvement of the efficiency of the EC-funded assistance by identifying the presence of a multi-project logic of past and ongoing assistance in the sector in view of a possible intensified recourse by the EC to the SPSP and possibly sector budget support mechanism.

2.2 Specific objectives

The specific objectives of this assignment are

- To prepare ex-post ROM reports for the completed projects in the sector, as well as for the relevant ongoing projects that were not subject to a result-oriented monitoring in 2010;
- To provide – on the basis of available and prepared ROM reports - a documented multi-project sector study on the past and current performance of EU-funded projects in the sector;

- To draw summary conclusions and recommendations on the projects' sector logic and strategy, in line with the lessons learned from the past.

2.3 Suggested methodology

The purpose of this assignment is to analyse the multi-project/sector logic with regard to the support provided for public administration reform in Ukraine, and to provide reflections in view of future programmes in this important sector.

The ROM team will collect and analyse available data aiming at:

- summarizing the achievements and impact of past and on-going projects,
 - assessing the existence and validity of the projects outputs (developed strategies, policies & regulations, other technical and organisation tools);
 - assessing project's assumptions and risks;
- measuring the current status of needs and expectations from the relevant stakeholders.

The experts will work in close collaboration with the Delegation. Necessary contacts with the relevant Ukrainian authorities should be made by the experts upon the Delegation's advice.

2.4 Activities and Results

The analysis will be based on the ROM reports of the projects referenced in the Annex I.

From the detailed analysis of the above ROM reports, as well as based on the consultations with relevant policy stakeholders, the following information will be gathered:

- overview and assessment of the current sector context (policies and challenges);
- overview of the main objectives and purposes of past and on-going projects;
- level of achievement of the stated objectives and impact, as well as assessment of the real sustainability of the completed projects;
- assessment to what extent the projects' objectives and purposes are still on the policy agenda and are still valid for the future interventions;
- level of credibility of the projects' initial assumptions;
- identification of the main risks in the sector that influence the projects' implementation process and their performance in terms of results and impact;
- main lessons learnt and appropriate risk mitigating measures for the future interventions;
- current status of needs and expectations with focus on the various stakeholders.

The data collected will be analysed and summarised with regard to:

- strengths and weaknesses of the projects,
- threats and opportunities identified by the ROM reports,
- existence, coherence and validity of a sector strategy and

- prospects for further cooperation in the area of public administration reform in Ukraine.

A set of conclusions and recommendations will be developed, based on the findings of the ROM reports and on the results of the analysis.

2.5 Deliverables

The report will include:

- overview and analysis of the information mentioned in the section 2.4;
- the tables showing the main conclusions and recommendations of the ROM reports,
- the sector synthesis in terms of positive and negative aspects of the past and on-going cooperation and
- conclusions covering the strategy, updated objectives and possible orientation of the future developments.

2.6 Resources and Timetable

The report will be prepared by the Kyiv ROM regional office with the support of the Headquarters of the ROM ENPI Team in Brussels.

The report will be prepared in November and December 2010. The draft report will be submitted for final review in the second half of January 2011.

Multi-project ROM concerning horizontal dimensions of public administration

(civil service, policy making, public finance management, administrative legal framework & administrative justice)

List of relevant projects by dimensions

1. Policy making & coordination

№	Reference	Title	Main beneficiary	Duration	Sector Manager
Ongoing					
1.	199-853	European Policy and Legal Advice Centre (UEPLAC) Phase V	- Bureau for European Integration in the Secretariat of the Cabinet of Ministers (Bureau), - Ministry of Justice (MoJ)	07/2009-07/2011	Serge Petrenko
2.	223-794	Bridging Support to Institutional Capacity Building for Enhanced Ukraine – EU Cooperation	Bureau	01/2010-11/2010	-/-
Completed					
1.	115-699	Support to PCA Implementation in Ukraine	Bureau for European Integration in the Secretariat of the cabinet of Ministers	09/2007-12/2009	Serge Petrenko
2.	101-510	Ukrainian-European Policy and Legal Advice Centre (UEPLAC) Phase IV	Ministry of Justice	07/2006-07/2009	-/-

2. Civil service

№	Reference	Title	Main beneficiary	Duration	Sector Manager
Ongoing					
1.	169-011	Twinning project "Support to the development and improvement of the civil service training system in Ukraine"	- National academy of public administration, MDCS	10/2009-10/2011	Volodymyr Kondrachuk

4. Administrative legal framework & administrative justice and judiciary

№	Reference	Title	Main beneficiary	Duration	Sector Manager
Ongoing					
1.	139-453	Accountability and Effectiveness of Ukrainian Judiciary Functioning (civil service component)	State Court Administration of Ukraine, Academy of Judges, MoJ	07/2008-12/2010	Andrii Spivak
2.	141-439	Transparency and efficiency of the judicial system of Ukraine	Supreme Court of Ukraine, MoJ	06/2008-12/2010	-//-
Completed					
1.	120-157	Support to Good Governance: Project Against Corruption in Ukraine	MoJ	06/2006-12/2009	Maria Stogova

Annex 2 – Report List

										Monitoring Reports				
Monitoring report number	Contract No.	DAC	Budget	Project Title	PM	Start date	End date	Monitor	Report date					
MR-126520.02	C-199853	15130	2,500,000	1. Ukrainian-European Policy and Legal Advice Centre (UEPLAC) Phase V	Serge Petrenko	24/07/2008	23/07/2010	Irina Sholeva	22/12/2010	b	a	b	b	b
MR-126520.01	C-199853	15130	2,500,000	1. Ukrainian-European Policy and Legal Advice Centre (UEPLAC) Phase V	Serge Petrenko	24/07/2009	23/07/2011	Irina Sholeva	27/11/2009	b	a	b	b	b
	C-223769			2. Bridging Support to Institutional Capacity Building for Enhanced Ukraine – EU Cooperation	Serge Petrenko	01/2010	11/2010		none					
MR-102920.03	C-115699	15150	2,000,000	3. Support to PCA Implementation in Ukraine	Serge Petrenko	15/09/2007	31/12/2009	Simon Paul	11/11/2010	a	a	b	c	c
MR-102920.02	C-115699	15140	2,000,000	3. Support to PCA Implementation in Ukraine	Serge Petrenko	15/09/2007	31/12/2009	Irina Sholeva	12/5/2009	b	a	b	b	b
MR-102920.01	C-115699	15140	2,000,000.00	3. Support to PCA Implementation in Ukraine	Serge Petrenko	9/9/2007	9/8/2009	Irina Sholeva	8/4/2008	b	b	b	b	b
MR-40520.03	C-101510	15130	5,000,000	4. Ukrainian-European Policy and Legal Advice Centre (UEPLAC) Phase IV	Serge Petrenko	17/07/2006	17/07/2009	Irina Sholeva	3/4/2009	b	a	b	b	b
MR-40520.02	C-101510	15130	5,000,000.00	4. Ukrainian-European Policy and Legal Advice Centre (UEPLAC) Phase IV	Serge Petrenko	17/07/06	17/07/09	Irina Sholeva	6/2/2008	b	b	c	b	b
MR-40520.01	C-101510	15130	5,000,000	4. Ukrainian-European Policy and Legal Advice Centre (UEPLAC) Phase IV	Serge Petrenko	17/07/06	17/07/09	Irina Sholeva	6/2/2007	b	b	c	b	b
MR-131840.01	C-169011	15110	1,075,000	5. Twinning project "Support to the development and improvement of the civil service training system in Ukraine"	Volodymyr Kondrachuk	8/9/2009	8/12/2011	Irina Sholeva	30/09/2010	b	b	c	b	b
MR- 111680.03	C-139453	15130	5,000,000	6. ACCOUNTABILITY AND EFFECTIVENESS OF UKRAINIAN JUDICIARY FUNCTIONING (CIVIL SERVICE COMPONENT)	Andriy Spivak	16/07/2008	16/12/2010	Irina Sholeva	17/11/2010	a	a	b	b	b
MR- 111680.02	C-139453	15130	5,000,000	6. ACCOUNTABILITY AND EFFECTIVENESS OF UKRAINIAN JUDICIARY FUNCTIONING (CIVIL SERVICE COMPONENT)	Andriy Spivak	16/07/2008	16/12/2010	Irina Sholeva	5/11/2009	b	a	b	b	b
MR-111680.01	C-139454	15130	5,000,000	6. ACCOUNTABILITY AND EFFECTIVENESS OF UKRAINIAN JUDICIARY FUNCTIONING (CIVIL SERVICE COMPONENT)	Andriy Spivak	16/07/2008	16/12/2010	Irina Sholeva	28/11/2008	b	b	b	b	b
MR-125121.02	C-141439	15130	5,400,000	7. Transparency and efficiency of the judicial system of Ukraine	Andriy Spivak	2/6/2008	1/12/2010	Irina Sholeva	17/12/2010	b	b	b	b	b
MR-125121.01	C-141439	15130	5,400,000	7. Transparency and efficiency of the judicial system of Ukraine	Andriy Spivak	2/6/2008	1/12/2010	Irina Sholeva	28/10/2009	b	b	c	c	b
MR-40540.05	C-120157	15130	1,500,000	8. Support to Good Governance: Project Against Corruption in Ukraine	Maria Stogova	8/6/2006	31/12/2009	Vadim Kuzyk	29/10/2009	b	a	a	b	b
MR-40540.04	C-120157	15130	1,500,000	8. Support to Good Governance: Project Against Corruption in Ukraine	Andrei Spivak	8/6/2006	9/6/2009	Vadim Kuzyk	12/12/2008	b	a	b	b	b
MR-40540.03	C-120157	15130	1,500,000.00	8. Support to Good Governance: Project Against Corruption in Ukraine	Andriy Spivak	8/6/2006	9/6/2009	Vadim Kuzyk	21/05/08	b	b	b	b	b
MR-40540.02	C-120157	15130	1,500,000.00	8. Support to Good Governance: Project Against Corruption in Ukraine	Andriy Spivak	8/6/2006	9/6/2009	Vadim Kuzyk	24/09/07	c	d	c	c	c
MR-40540.01	C-120157	15130	1,500,000	8. Support to Good Governance: Project Against Corruption in Ukraine	Andriy Spivak	8/6/2006	9/6/2009	Vadim Kuzyk	11/1/2007	b	b	b	b	b

Annex 3 – List of persons met

EUD Ukraine:

Mr Michael Voegele, Head of Section
Mr Christoph Saurenbach, Sector Manager
Mr Serge Petrenko, Programme Manager (brief telephone interview)
Mr Volodymyr Kondrachuk, Programme Manager (telephone interviews)
Mr Andrei Spivak, Programme Manager
Mr Maria Stogova, Programme Manager

Government of Ukraine:

Ms Tatiana Kochuk, Head of PSR section, Secretariat Cabinet of Ministers,
Mr Andriy Bega, Acting Director, Center for Adptation of Civil Service to the Standards of the European Union
Ms Natalia Kirichenko, Deputy Director, Center for Adaptation of Civil Service to the Standards of the European Union
Ms Lucretia Ciurea, Head Foreign Aid Coordination Section, Ministry of Justice
Mr Vladyslav Gurtenko, Head of Department on International Legal Cooperation

Council of Europe.

Mr Lado Lalice, former Project Manager CoE.

US Department of Justice.

Mr John Engstroem, Program Manager (telephone interview)

USAID

Ms Lora Pavlochevitch, Programme Manager (telephone interview)

ROM Monitors

Mr Vadim Kuzyk
Ms Irina Sholeva
Mr Simon Paul