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# Central Project Evaluation

Sino-German Legal Cooperation Programme

PN 2014.2474.6

## Evaluation Report

On behalf of GIZ by Thomas Vennen and Nathalie Ebead

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### Evaluators:

Thomas Vennen, Nathalie Ebead, Bao Kungyan

### Author of the Evaluation Report:

Thomas Vennen, Nathalie Ebead

### Concept, coordination and management

Claudia Kornahrens, Head of section  
Benjamin Bräuer, Specialist  
GIZ Corporate Unit Evaluation  
Central project evaluations section

### Responsible:

Dr. Ricardo Gomez, Director  
GIZ Corporate Unit Evaluation

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Deutsche Gesellschaft für  
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### Registered offices:

Bonn and Eschborn

Friedrich-Ebert-Allee 36 + 40  
53113 Bonn, Germany  
T +49 228 4460-0  
F +49 228 4460 - 1766

E [evaluierung@giz.de](mailto:evaluierung@giz.de)

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## Abbreviations

BAC	Budgetary Affairs Commission
BMZ	German Federal Ministry for Economic Cooperation and Development
BMJV	German Federal Ministry of Justice and Consumer Protection
CNA	China Notary Association
CPC	Communist Party of China
DeGEval	Evaluation Society
EU	European Union
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
LAC	Legislative Affairs Commission
LAO	Legislative Affairs Office of the State Council
NJC	National Judges College
NPC	National People's Congress
OECD/DAC	Organisation for Economic Cooperation and Development/Development Assistance Committee
ODA	Official Development Assistance
RBM	Results-Based Monitoring
SDGs	Sustainable Development Goals
SPC	Supreme People's Court
UNDP	United Nations Development Programme



## The project at a glance

### China: Sino-German Legal Cooperation Programme:

Project number	PN 2014.2474.6
CRS-Purpose Code	Legal and Judicial Development
Project objective	The legal, institutional and social framework conditions to transform China into a state under the rule of law are improved
Project term	01.01.2015–31.12.2018
Project volume	EUR 7,200,000 (additional 1,382,516,- EUR co-financing by Robert Bosch Foundation and contribution to the Rule of Law Symposium by BMJV)
Commissioning party	German Federal Ministry for Economic Cooperation and Development (BMZ)
Lead executing agency	Ministry of Justice (MoJ) and Legislative Affairs Office of the State Council (LAO);
Implementing organisations (in the partner country)	Ministry of Commerce (MOFCOM); Standing Committee of the National People's Congress (NPC); Supreme People's Court (SPC); National Judges College (NJC); State Intellectual Property Office (SIPO); National Development and Reform Commission; Standing Committee of the National People's Congress (SCNPC); State Administration for Industry and Commerce; Ministry of Justice (MoJ); All China Lawyers Association; China Notary Association; Research Institute of Supreme People's Procuratorate
Other participating development organisations	Robert Bosch Foundation

# Summary

The evaluation of the Sino-German Legal Cooperation Programme was commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) as a central project evaluation, and selected by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH as part of a random sample of projects to be evaluated as a pilot within GIZ's new evaluation system.

This evaluation is an **interim evaluation** of the technical cooperation module (PN 2014.2474.6). It covers the period 1 January 2015 to 31 March 2018, in accordance with the timeline of the evaluation. The Sino-German Legal Cooperation Programme being evaluated had **a financial volume** of EUR 7,200,000 in addition to EUR 1,382,516 in cofinancing by the Robert Bosch Foundation and financial contributions by the German Federal Ministry of Justice and Consumer Protection (BMJV). **Geographically**, the evaluation limited its assessment to Beijing, China, as all project stakeholders are based there.

Overall, the key problem the project sought to address in its objective or outcome was to improve the inadequate legal, institutional and social framework conditions for China's transformation towards a rule of law system. The Sino-German Legal Cooperation Programme applied a holistic approach, with interventions in five areas, on multiple levels and aimed at multiple stakeholders:

- The support by the German Federal Government facilitated the long-term political and technical legal dialogue with key actors such as the Legislative Affairs Office of the State Council (LAO) and professional legal bodies in Germany and China. (outputs A-1 and A-2)
- Legislative assistance aimed to improve the quality of legislation, and was implemented with working committees of the National People's Congress (NPC). (Output B)
- Capacity building was provided to the executive and to administrative bodies at a national and local level. (Output C)
- The judiciary were provided with expertise to improve the legal application of laws at national level (the Supreme People's Court (SPC)) and in local courts. (Output D)
- Measures were taken to increase the understanding of the principle of the rule of law among the public, in particular among marginalised groups with limited access to or knowledge of the legal system. (Output E)

The **Robert Bosch Foundation** cofinanced the exchange of judges (Output D) and lawyers (Output A-2) between China and Germany, while the BMJV contributed to financing the Rule of Law Symposium (part of Output A-1).

The evaluation was guided by the information provided in the Terms of Reference (ToR) and the project documentation by GIZ, as outlined in Table 2 Project documentationTable 2, and the data-collection methodology outlined in Section 3.1, with in-depth insights gained from interviews and a survey by the local evaluator conducted during the Evaluation Mission held in Beijing from 9 to 20 April 2018. The evaluation questions are based on the Organisation for Economic Cooperation and Development/Development Assistance Committee (OECD/DAC) criteria, and the standards of the German Evaluation Society (DeGEval), as outlined in Section 1.2 of this report, and further outlined in the Evaluation Matrix as an overarching tool for the evaluation (see Annex I).

The evaluation primarily employed the methodology of a contribution analysis to assess the OECD/DAC and DeGEval standards, with a particular focus on utility in the case of the latter. A contribution analysis is an approach to assessing the performance of policies and projects towards an outcome or outcomes. Evaluation questions focus on 'contribution', i.e. to what extent observed results (whether positive or negative) are the



consequence of the project. Thus, it provides an alternative way of thinking about the problem of attribution to the traditional positivist approach of proving causality by a counterfactual. A contribution analysis does not attempt to prove whether one factor – a policy, activity or output – caused the desired outcome, but explores the plausible contribution of these to observed results. Based on a Theory of Change (ToC), the links between the activities, outcomes and contexts of the project and data collected from various sources, the aim is to build a credible ‘performance story’ to demonstrate whether projects are influencing or even driving change.

Key results in relation to the OECD/DAC criteria of the evaluation are:

## Relevance

The project (module) objective responded to current Chinese priorities, given that a reform of the legal system that includes rule of law principles was being pursued as a priority by the Chinese government. Nevertheless, China’s interpretation of the rule of law is different from that of the West, emphasising collective over individual rights, and it remains wary of creating a legal system along the lines of a constitutional democracy. For this reason, there were certain limitations to the interventions that could be made by the project, particularly in relation to tackling politically sensitive issues such as the protection of civil and political human rights, corruption cases and increasing public awareness of rule of law issues (DOC, INT).

The project was also in line with strategies and policies formulated by the German Federal Government. These included the position paper BMZ (2015b): *The BMZ’s New Asia Policy*, and the strategy papers BMZ (2009): *Promotion of Good Governance in German Development Policy* and BMZ (2015a): *Development Cooperation with Global Development Partners*. There is no BMZ country strategy for China, as China is no longer categorised as a development cooperation partner under Official Development Assistance (ODA), hence, cooperation is considered as international cooperation as opposed to development cooperation (DOC). The project was in line with the Sustainable Development Goals (SDGs), particularly SDG 16 and its targets 16.3, 16.6 and 16.7, and SDG 5 and its targets 5.1, 5.2, 5A and 5B. As such, the project outcome and its areas of intervention aimed to increase compliance with rules and regulations, and enhance effective, accountable and transparent governance, including promoting inclusive decision making, although often they did so indirectly rather than directly (DOC, INT). (See also Section 4.2 Effectiveness and 4.3 Impact.)

The project, in its design, suitably covered all key institutions and functional areas of relevance to improving rule of law in a country. However the project had not conducted a thorough needs analysis, and its capacity development strategy only outlined the key problems to be tackled by the different project components on a basic level, without analysing the needs of project stakeholders or the target groups in depth. Neither did the project incorporate a gender lens, nor mention how the project components intended to contribute to addressing the different needs of women and men. The project concept was not conclusive in that the project’s partners were also the main beneficiaries of its activities, while the project had no direct contact through its activities with its broadly defined indirect target groups (Chinese population, Chinese and international companies in China). The target groups should therefore have been better defined. (DOC, INT).

The components of the project that were most relevant both to Chinese and German rule of law priorities and project stakeholder needs were the overarching political rule of law symposium and rule of law dialogue (Output A). These were a prerequisite to discussing mutual challenges impacting on the legal system, complemented by capacity-building activities on a technical level related to outputs B (legislative assistance), C (executive) and D (judiciary), which covered core institutions and areas of rule of law. As such, the relevance of the rule of law dialogue was of key significance in that it provided the prerequisite platform and momentum for discussion and negotiation, which enabled the other project components.

Germany’s positive standing, and the access Germany has to Chinese partners in the field of rule of law as a result of its privileged position, was a key strength and achievement of the project and not easily replicated by

other international bilateral or multilateral actors. Nor do the Chinese partners see an easy substitute or approach to achieving the same kind of qualitative cooperation (DOC, INT, SURV). This also brings with it a certain risk of being instrumentalised, or of expertise and transferred knowledge being used to strengthen the centralised political system to the detriment of rule of law in the German understanding. Despite the clearer distribution of competencies in government, which the 2018 amendments of the constitution aim for, the risk of strengthening the centralised political system has also increased due to the expanded authority of the leadership of the Communist Party of China (CPC). However, one can also argue that the project was more relevant than before because this development highlights the importance of engaging the Chinese side on rule of law issues.

Overall, the design of the project matched the overall outcome of the project in the broadness of its intervention areas, and risks were formulated in line with the current Chinese context, although, given recent developments in the form of constitutional changes, these required reassessment and adjustment, as appropriate.

## Effectiveness

Overall, an assessment of the effectiveness of project activities revealed a mixed picture, with Output A and Output B contributing most positively to the project outcome. Output C, Output D, and the new Output E, required some adjustment or improvement to better achieve the project outcome. Of three outcome indicators, Outcome Indicator 1 was partially achieved, while the project was quite successful in achieving its outputs.

While a causal link between the political **rule of law dialogue (Output A-1: A regular (at least annual) rule of law dialogue between Germany and China takes place *at political (ministerial) level*)** and ongoing legislative proposals could not be firmly established, it is plausible that the political rule of law dialogue could create an incentive effect for legislative initiatives. The political and operational rule of law dialogue is seen as an important political and exchange forum by both sides, helping to further mutual information exchange, and contributing to the trusted German–Chinese relationship as a prerequisite for the conduct of other project components. Nevertheless, there is scope to further enhance synergies between the operational rule of law dialogue and the other project components, particularly Output B (legislative assistance) and Output C (executive capacity building) to create momentum for legislative reform on the Chinese side, and for Germany to use the platform to discuss rule-of-law themes in line with its rule of law values. Synergies should be sought by the key stakeholders involved in the rule of law dialogue in line with their division of labour, namely through cooperation between the BMJV, LAO and the GIZ project team.

While the exchange visits **or dialogue among lawyers (Output A-2: A regular (at least annual) rule of law dialogue between Germany and China takes place *at legal profession (association) level*)** **new Output E: Legal qualifications of lawyers and notaries are improved and their understanding of their role as an actor to administer justice is strengthened)** served to facilitate the establishment of personal networks and information exchange among Chinese and German lawyers (INT, SURV), the dialogue did not yield a significant contribution to the project outcome by strengthening public legal information (old Output E) or improving legal services on the part of lawyers (new Output E). It was also unclear how the establishment of a dialogue per se (Output A-2) could contribute or had contributed to the project outcome.

Chinese partners confirmed the usefulness of GIZ expertise and **legislative assistance** provided (**Output B: The legislative bodies receiving legislative assistance are able to formulate legislative proposals in line with international standards of European codified law**), citing positive examples of changes they took on board, based on the German model, including establishing a fast-track criminal procedure for minor criminal acts, reforming the judicial system to limit the number of judges, and increasing transparency of the judiciary through the publication of judgements on a website (INT). The added value of German legal expertise compared to that of other countries or multilateral actors was seen in the high quality of the expertise provided, based on similar legal systems and a longstanding trusted relationship on an equal footing (INT). The activities under Output B thus contributed positively to changing the legal and institutional framework conditions to transform China into a

rule of law system.

**Output C (Executive capacity building:** Civil Servants of selected administrative bodies are able to apply legislation based on rule of law principles in the thematic areas that the programme provides expertise to) activities were positively received by Chinese partners due to the quality of technical expertise provided, and yielded positive results in that they contributed to legislative reform processes in relation to China's fiscal policy and strengthening of budgetary supervision, particularly on local level. They did not, however, focus on increasing the capacity of civil servants to apply legislation and thereby increase the quality of regulations in line with rule of law principles (DOC, INT, SURV). As such, Output C contributed positively to the project outcome in the same way as Output B – through legislative assistance via a different Chinese partner – but did not fulfil its initial purpose.

The key contribution of training courses under **Output D (Judiciary:** The judges receiving training are able to reason their judgements in a legally methodical manner) was to transfer knowledge on legal subsumption techniques to a very large number (2,504) of judges from 2015 to 2018 at a national and provincial level. In addition, the training material was deemed to be of high quality and was being used, bought and distributed within the Chinese judiciary and in universities (INT, SURV). While Output D contributed to the project outcome by improving institutional framework conditions through transferring knowledge of the legal subsumption technique, on the handling of cases and tackling challenges faced by judges in the judicial system, this was not, however, necessarily translated into an improvement in the quality of judgements because there was no reliable evidence that training participants applied the knowledge.

The project was not able to conduct activities in the form of public awareness campaigns **to strengthen the access of legal information for the public (Output E)** due to a lack of interest on the side of Chinese partners, which was identified in 2015. The project was then adjusted in practice to include activities conducted with lawyer and notary associations under this component (new Output E), which overlapped with the dialogue conducted under Output A-2 with lawyers and notaries.

The evaluators found no evidence that the project caused any project-related negative results. In relation to additional or unintended positive results, legislative assistance conducted by the project opened up opportunities for discussion of gender equality issues, particularly in the context of legislative assistance provided under Output C, focused on economic and fiscal/budget reform undertaken by Chinese partners (gender budgeting), or in relation to legislation such as the labour law (INT).

## Impact

The broad scope of the intervention areas under the project, which focused on all key rule of law elements (legislative assistance, judiciary, executive, legal outreach) as well as activities under Output A-1 (rule of law dialogue) and Output B (legislative assistance), potentially contributed to dimensions of sustainability in the economic and social fields (poverty reduction), to strengthening citizen rights, and to creating more legal certainty. They could also contribute to SDG 16 (peace, justice and strong institutions) and SDG 5 (gender equality) targets. In its interventions, the project plausibly contributed to creating more legal certainty or reducing the space for arbitrary decision making by the executive. The application of rule of law based on law by the public administration and courts should also strengthen the individual citizen in relation to the state (DOC).

Positive examples under Output B that contributed to the long-term goals mentioned above include substantive recommendations made in relation to legislation, such as the civil code, competition law, budget or labour laws (DOC, INT). However, the translation of such recommendations into long-term policy-making and the systematic implementation of these policies in the legal system was not systematically monitored (DOC, INT). In addition, the integration of knowledge transfer into the legal system is subject to the willingness of Chinese

partners and ultimately to a decision of the CPC, and thus there is a risk that these long-term goals cannot intentionally be achieved, as they lie beyond the project's sphere of influence. This is particularly the case in relation to politically sensitive areas. However, even if politically motivated limitations took place, this does not preclude the project's contribution to an incremental improvement of institutional and social preconditions to transform China into a rule of law system.

The rule of law dialogue (Output A-1) provided a positive and constructive platform for Germany and China to discuss rule of law challenges, which are often difficult, complex and sensitive. The three themes discussed in the rule of law dialogue focused on economic themes and the domestic violence law. As such, the dialogue contributed to maintaining and potentially enhancing Germany's and China's trusted bilateral relationship (DOC, INT). The facilitation and participation of the project in the German–Chinese rule of law dialogue was deemed important for both sides as it took place on an equal footing and facilitated the bilateral relationship in the realm of discussions focused on the rule of law, speaking to interests on both sides, including in the economic sphere. It could therefore plausibly impact positively on mutual understanding, discussion and the negotiation of rule of law issues. It could also create the conditions to discuss other themes of importance to both countries, including rule of law aspects of human rights (INT).

The creation of (personal) networks between a wide variety and large number of German and Chinese stakeholders at a high political and technical working level as a result of project interventions also served the bilateral relationship in that information on rule of law developments in China could be exchanged, and mutual challenges in the rule of law field discussed, while also leaving open the possibility of this being taken further at an institutional level (INT).

While the rule of law dialogue contributed to a positive bilateral relationship between Germany and China due to exchanges at high Ministerial level, the evaluation found no evidence that project interventions contributed to improving the overall bilateral relationship between Germany and China, beyond the rule of law dialogue (INT). A contribution to mutual long-term development goals and further strengthening the bilateral relationship could have been achieved by the project if more synergies had been explored in working with other GIZ programmes (particularly on the environment).

## Efficiency

Output costs based on the project's cost commitment report up to April 2018 (including project staff time) were principally distributed in line with the level and number of activities conducted under each Output in the evaluation period 2015–2018. Output D (Judiciary) took up the highest percentage of costs (39%, or EUR 1,986,323), followed by 16 activities, including four rule of law dialogues under Output A (23%, or EUR 1,168,918), 25 activities under Output B (14%, or EUR 693,887), and 21 activities under Output C (9%, or EUR 475,095) and Output E (0%, or EUR 0).<sup>1</sup>

When analysed in relation to the effectiveness of activities, more efficiency could have been achieved by creating synergies between different outputs and by including a multiplier effect in Output D activities. If Output C activities were adjusted, it might be useful to assess a redistribution between Output D and Output C, particularly given that Output D also profited from co-financing. There might also have been further efficiencies if the costs required under Output A-2 (lawyer and notary exchange) had been reassessed, as this component also profited from cofinancing, and it might have been possible to charge lawyers who could afford it fees for participating in project activities.

A very positive contribution to the efficiency of the project, which also demonstrated ownership, was the

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<sup>1</sup> Output E refers to activities conducted under the current Theory of Change of the project. Lawyer and notary exchanges are financially slotted under Output A-2 as originally foreseen in the project.

willingness of Chinese partners to cover the costs of travel and accommodation for participants to Germany and other locations in 129 out of 135 activities conducted or planned under all outputs of the project from 2015 to 2018, amounting to estimated cost savings of EUR 4,989,250 EUR for the project if GIZ rates had been applied. These activities involved a total of 5,473 participants. In addition, participants from German partners under the project covered costs for travel and accommodation to China in 55 out of 135 activities from 2015 to 2018 to an estimated value of EUR 1,155,550, an additional cost saving for the project. Moreover, other Chinese partners supported project activities under Output A-2 with in-kind contributions.

Overall management and administration of the project accounted for 14%, or EUR 732,530 of the costs of the project. This is a substantial percentage and results from the nature of the project activities conducted, which required a lot of administration and logistics, the need to manage cofinancing components of the project, and a substantial amount of time needed to manage the project by the Programme Director (80%) and Deputy Programme Director (70%) (DOC, INT, GIZ Efficiency Tool).

The project benefited from a financial contribution by the BMJV to Output A-1 (rule of law dialogue) and cofinancing by the Robert Bosch Foundation to outputs A-2 (lawyer exchange). The total amount of cofinancing of the project amounted to EUR 1,382,516, of which EUR 112,500 came from partner contributions (BMJV). The cofinancing and partner contributions were split to 27 % and 65% respectively between Output A and Output D while 8 % of the partner contributions went towards Output A (DOC, INT, GIZ Efficiency Tool). A positive effect of the cofinancing was that under Output A-2 (lawyer exchange) the financial terms and conditions contributed to an acceptance by the Chinese side of a more diverse set of participants, as per the cofunder's request, which is not the case in other project activities (INT).

In relation to the achievement of the project outcome, the project could have enhanced efficiency by creating more synergies between outputs, which should also have been reflected in the project's substantive management. In addition, more cooperation between the project and other GIZ projects should have been considered, particularly in the area of the environment, with the project focusing on rule of law aspects of the environment. While a formal donor coordination mechanism under the United Nations Development Programme (UNDP) Resident Office exists, it was primarily used for discussion of current developments rather than for the coordination of activities, partly because country and multilateral donor programmes worked with different Chinese partners to implement activities, in accordance with their responsibilities and functions, resulting in many programmes working in silos (INT).

In relation to its management structure and implementation efficiency, the project saw a high level of staff fluctuation, affecting its capacity for effective project management. The project also had difficulties recruiting qualified international staff to Beijing, as well as qualified Chinese lawyers with the necessary German language proficiency in a financially competitive environment (INT). This limited the project's deployment of substantive legal expertise, and also affected the ability of the project to negotiate and effectively communicate with Chinese partners during project planning, implementation and monitoring.

The overall staffing level of 15 was adequate to implement the project in its five intervention areas. While the team structure was adequate, it needed to be assessed whether communication on substantive issues could be improved and further coordinated across reporting lines.

To enhance efficiency towards the achievement of the project outcome, a thorough needs analysis and capacity development strategy for all key partners under the project was recommended ahead of the next planning phase. In addition, the setting up of an effective project monitoring system including control groups and a mix of quantitative and qualitative indicators on outcome level as well as a systematic documentation and wider use of data collection tools could help to better showcase how well outputs were contributing to the project outcome, providing valuable information to enhance efficiency and effectiveness.

## Sustainability

The project was conceptualised with an exit strategy or dedicated plan for sustainability in mind, although elements of sustainability existed in several project intervention areas. With the exception of Output C, all project interventions were well anchored and implemented with an appropriate Chinese partner, who highly valued the expertise provided by the project. Positive examples existed of where the Chinese partner had attempted to create a multiplier effect based on knowledge transferred during training courses for civil servants (Output C) and the judiciary (Output D).

Considering the political and social context within which the project was implemented, outputs A-1 (rule of law dialogue), and B (legislative assistance) were quite durable, given the importance and mutual benefit the German and Chinese sides contribute and derive from the longstanding dialogue as a platform for information exchange, and the incorporation of provided legislative expertise in key legislation. Output D (judiciary training) could be enhanced in its durability if the approach to the activity were changed to reduce dependence on German expertise. The publication of training material, while a positive durable element, also required regular updating and revision with German expert support. outputs A-2 (lawyer exchange), C (executive capacity building) and E (legal outreach) had no durability.

The risk thus existed that unsustainable activity formats were maintained if there was no discussion with Chinese partners during annual planning and evaluation or feedback processes on how transferred knowledge and expertise could be integrated at an institutional level and systematically included in the legal system. In addition, there was a medium-to-low-range risk that transferred expertise would serve to strengthen the centralised system, which could, in the worst case, lead to circumstances that could result in a reversal of progress made in the legislative field and impact negatively on themes discussed during the rule of law dialogue. This scenario would have made it impossible for the project to achieve its outcome.

Project interventions positively contributed to economic and social results through the provision of legislative assistance to key legislation in the field of competitiveness, fiscal transfer and the budget law, the labour law and the civil code, particularly family law (DOC, INT). These could potentially contribute to improving competitiveness and employability, to the redistribution of resources (poverty reduction) and to non-discrimination, although it lies beyond the scope of this evaluation to assess this in depth, due to a lack of available data. The project had no unintended negative economic, social or ecological results that could be evaluated.

Criterion	Score	Rating
Relevance	Max. 100 points	76
Effectiveness	Max. 100 points	68
Impact	Max. 100 points	69
Efficiency	Max. 100 points	70
Sustainability	Max. 100 points	57
Overall Score and Rating for all criteria	<i>Average score of all criteria (sum divided by 5, max. 100 points see below)</i>	68



100-point-scale	6-level-scale (Rating)
92-100	Level 1 = very successful
81-91	Level 2 = successful
67-80	Level 3 = rather successful
50-66	Level 4 = rather unsatisfactory
30-49	Level 5 = unsatisfactory
0-29	Level 6 = very unsatisfactory

## Conclusions and recommendations

The Sino-German Legal Cooperation Programme had some key strengths, which should be considered in decision-making on the future of the project and also flow into the next project-planning period. These included GIZ's longstanding engagement in the rule of law field in China, and the trusted relationship that has been established with Chinese partners, providing a strong and positive basis for dialogue, information exchange and access to Chinese partners. This privileged position is envied and not easily replicated by other actors and should not be reneged on lightly. The high-level political rule of law dialogue is a reflection of this relationship, and thus a key instrument to further a wide range of German Federal Government development cooperation priorities with China, and to discuss mutual future challenges such as the environment, new technologies and digitalisation, and economic infrastructure projects (e.g. the One Belt and One Road Initiative along the former Silk Road), which also impact on the legal system. As such, the additional technical discussions on mutually selected legal themes during the operational rule of law dialogue positively complement its political component, and are also a useful platform of exchange among a very wide range of German and Chinese stakeholders on both sides, enabling the continuous discussion of rule of law reform, principles and the different interpretation of the rule of law definition. The political rule of law dialogue could create momentum for the successful implementation of the more technical rule of law components of the project. This presupposes that the political dialogue triggers political consequences which positively impact on the rest of the project.

Taking into account the political context in which the project operates, the weaknesses identified during the evaluation in relation to effectiveness, efficiency and impact of project activities, while partially being a reflection of this context, could, nevertheless, be mitigated through improved project management, which should include a reflective process during the next planning cycle as to whether long-running activities are still the right ones, in the right format with the right partner, how project results can be made more tangible and visible to project stakeholders on both sides, and whether the ambition of the project outcome as a whole, should be adjusted. In this regard, it could also be considered whether the project outcome should be reformulated to focus more on 'legal cooperation' rather than 'rule of law transformation'. The project could thus benefit from a certain renewed dynamic and creative approach to its conceptualisation and implementation.

In relation to creating sustainable results, the project faces challenges in negotiating the transfer of knowledge and expertise into the Chinese legal system in a systematic manner and in line with generally accepted rule of

law principles. This is mostly due to the political context. As a consequence, there is a real risk that project outputs may not be sustainable or the project outcome may not be achieved. While this does not mean that sustainable elements should not be incorporated into project activities, the project should be realistic about these limitations in its allocation of financial and human resources to new or adjusted project activities.

Based on the evaluation, the following recommendations are made:

#### **For German project stakeholders (particularly BMZ, BMJV, and GIZ)**

- Continuously adopt a creative and dynamic approach to defining and adjusting project activities with Chinese partners, capitalising on Germany's and GIZ's trusted position, with a view to outlining and discussing benefits and disadvantages of rule of law reform, including potentially sensitive themes. The goal and approach should be in advancing rule of law using a step by step approach that consistently advocates German rule of law principles, even without expecting full compliance.
- Capitalize on Germany's unique and trusted position with Chinese partners with a view to engaging in a constructive dialogue on how transferred German expertise and knowledge can be more systematically integrated into the Chinese legal system, taking into account the differing interpretations of rule of law on both sides.
- Continuously assess how German stakeholders can learn and benefit from the knowledge and expertise of their Chinese counterparts, so as to capitalise on personal networks with a view to working towards establishing institutional networks at working level.
- Consider whether the project outcome should be reformulated to focus on 'legal cooperation' rather than 'rule of law transformation'.

#### **For the GIZ project team**

In general,

- The project should always consider the mutual benefit of project activities on both sides and in this regard could consider issuing an annual or bi-annual newsletter, to be distributed to an extended distribution list of German and, as appropriate, Chinese partners and activity participants to provide information on developments, showcase achieved results and key legal reform processes.
- Increased synergy between the different project components should be sought to create momentum for other components and reinforce achievements on the legislative level, as well as to activate those components focused on enhancing the quality of judgements and executive decisions.
- The project should realistically assess the limitations posed by the political context and consider this when allocating financial and human resources to new or adjusted project activities.
- More cooperation between the project and other GIZ projects should be considered, particularly in the area of the environment, with the project focusing on rule of law aspects of the environment.
- More cooperation – either formally or informally – should be sought between the project and other donor programmes working in the field of rule of law for information exchange purposes and to assess where areas of complementary engagement make sense.

Regarding project outputs:

- The format of and follow-up of activities under Output A-2/E should be reassessed to go beyond mere information exchange and to monitor initiatives taken by lawyers after exchange visits in relation to improving legal services to better contribute to the project outcome.
- It is recommended that Output C is adjusted based on a needs assessment and capacity development strategy of the appropriate Chinese partners in order to fulfil its initial purpose.
- Under Output D a multiplier effect (for example in the form of Training of Trainers (ToT) as attempted in the predecessor project) should be considered and pursued and conducted on a systematic basis. In addition, the absorption capacity of the Chinese partner to conduct training courses should be reassessed, based on



a needs analysis and capacity development strategy, with a view to conducting trainings focused on ToT approaches and to respond to the high demand for training among judges. Efforts should also be made to discuss with Chinese partners a systematic integration of the legal subsumption technique in the educational curriculum for judges, and how judges can be encouraged to use the technique in their judgements or how it can be further tailored to best fit the Chinese system and at the same time serve the objective of enhancing the rule of law in China.

- The project should monitor follow-up by Chinese partners in relation to policy and decision-making under outputs C and D.
- During the selection of participants in project activities, more attention should be paid to the 'leave no one behind' principle by ensuring a diversity of participants, including marginalised groups (women, youth, disabled and ethnic minorities).

On project management and monitoring:

- Assess whether communication on substantive issues can be improved and further coordinated across reporting lines in the Project Team structure.
- The project should conduct a needs analysis and enhance its capacity-development strategy for all key project stakeholders so as to better inform the format, future content and selection of activity themes and possible activation of project components.
- The project's monitoring system needs to be improved so as to combine both quantitative and qualitative elements, and to establish tracking mechanisms, which can reliably showcase results towards outcome indicators 1 and 2, i.e. to track changes in legislation and application of judgements and regulations. This includes the creation of control samples.
- Outcome Indicator 2 is also not suitable for realistically capturing the contribution of the training activities under Output D to the project outcome, given that it sets the bar for measuring the success of judges' training courses very high. It is thus recommended that Outcome Indicator 2 is reformulated.
- Policy tracking under Outcome Indicator 1 should be systematically conducted for all promulgated legislation the project has provided expertise to.
- Qualitative feedback from project activities in relation to achieved outputs must be systematically documented and the dialogue with Chinese partners used at the beginning of the annual planning process and at the end of the year to take stock of strengths and weaknesses of activities and to enable adjustments to be made.

# 1 Evaluation objectives and questions

## 1.1 Objectives of the evaluation

The evaluation of the Sino-German Legal Cooperation Programme was commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) as a central project evaluation, and selected by GIZ as part of a random sample of projects to be evaluated as a pilot within GIZ's new evaluation system. The new evaluation system emphasises the independence of project evaluations and should take into account the growing complexity of projects and implementation contexts, the increased requirement for accountability and the evaluation challenges arising from the 2030 Agenda and the Joint Procedural Reform.

The Sino-German Legal Cooperation Programme ended in December 2018, and the evaluation conducted a forecast of the expected achievements until end of December 2018 to inform future programming and also took into account, as appropriate, the *predecessor module (PN 2009.2157.7)* to assess the long-term effectiveness, impact and sustainability of the project's results.

## 1.2 Evaluation questions

The Sino-German Legal Cooperation Programme was assessed on the basis of standardised evaluation criteria and questions to ensure comparability. These included the OECD/DAC criteria for the evaluation of development/international cooperation, and the evaluation criteria for German bilateral cooperation: relevance, efficiency, effectiveness, impact and sustainability. Aspects regarding coherence, complementarity and coordination were also included. In addition, the contributions to Agenda 2030 and its principles (universality, integrative approach, 'leave no one behind', multi-stakeholder partnerships) were also taken into account, as well as cross-cutting issues such as gender, the environment and human rights.

The OECD/DAC criteria cover the following evaluation elements:

- **Effectiveness** (including positive and negative effects of programmatic interventions for implementing partners and target groups, progress towards output and outcome level objectives, possible improvements),
- **Efficiency** (that is, the relationship between project costs and results, and potential improvements in cost-efficiency),
- **Relevance** (to target group needs, global and national rule of law priorities, partner organisations' achievements on rule of law),
- **Sustainability** (e.g. likely durability of results, replicability at national or regional levels), and
- **Impact** (positive and negative changes produced by a development intervention, directly or indirectly, intended or unintended).

The evaluation follows the evaluation standards of the Evaluation Society (DeGEval), namely usefulness, feasibility, fairness and accuracy. In line with the criterion of usefulness, the information needs and interests of the evaluation stakeholders were factored into the evaluation, as appropriate and feasible. The feasibility criterion ensured that the evaluation was conducted realistically, diplomatically and efficiently, and the propriety and accuracy criteria ensured that the evaluation was conducted in a fair and respectful manner, taking into account the different viewpoints of all stakeholders, and that the information and conclusions drawn by the evaluation were effectively based on the evaluation object. These evaluation dimensions and analytical questions were the basis for all central project evaluations in GIZ and can be found in the Evaluation Matrix (see Annex 1).

## 2 Object of the evaluation

### 2.1 Definition of the evaluation object

This evaluation was an **interim evaluation** of the technical cooperation module (PN 2014.2474.6) and covers the period 1 January 2015 to 31 March 2018, in accordance with the timeline of the evaluation.

The Sino-German Legal Cooperation Programme evaluated had a **financial volume** of EUR 7,200,000, in addition to EUR 1,382,516 in cofinancing and a financial contribution from the BMJV.

**Geographically**, the evaluation limited its assessment to Beijing, China, as all project stakeholders were based there. Even though some programmatic activities took place in China's regions of Guizhou, Shanghai and Jilin, there were no partners to engage with in these regions.

#### Political and social framework conditions of the project

The following political and social framework conditions of the project existed according to the project documentation provided to the evaluators, supplemented by information received as a result of interviews conducted during the Evaluation Mission, which took place from 9 April to 20 April 2018, as well as recognised external sources:

The government of the People's Republic of China remains wary of the comprehensive development of a political and legal system towards a constitutional democracy and a rule of law system with Western characteristics. China's rule of law definition differs from that of the West in that it prioritises the rights of the Chinese collective or of Chinese society above those of the individual. Unlike many Western political legal systems, which protect individual rights vis-à-vis the state as a result of historical fears of an overbearing and strong state, China's sheer size (9,596,961 km<sup>2</sup>) and population (1.41 billion) have instilled a fear of state collapse, leading to a prioritisation of the rights of the collective community over those of individuals. The constitutional model of China assumes that the Communist Party of China (CPC) is the guarantor of national unity and the motor for social and economic development, and therefore Chinese institutions and the legal system serve the political goals of the CPC.

On 11 March 2018, 2,958 delegates of the 13th National People's Congress (NPC) of China voted, in a secret ballot, for the first change in China's Constitution since 2004. Two delegates voted against, one abstained and three votes were ineligible (China Daily, 12 March 2018). One of the most important changes was the abolition of the limit of two five-year terms for the President (currently Xi Jinping, whose first term started on 14 March 2013) and the Vice President of China (Art 79, para 3). Xi Jinping's 'Thought on socialism with Chinese characteristics in a new era' was included in the Constitution's preamble. In addition, the 'socialist legal system' was to be enhanced into a 'socialist rule of law system'. China would continue to pursue the aims of becoming a 'social country that is modern, strong, and harmonious', including the 'strengthening of the Chinese nation' and the creation of a 'community with a common destiny'. The special status of the Communist Party of China is now enshrined in Article 1 of the Constitution instead of in its Preamble, as well as its leadership role as the determining element of a Chinese-style Socialism and one-party system.

A reform of the legal system that includes rule of law principles is being pursued as a priority of the government. In 2017, the 19th Party Congress of the CPC set the country's objectives for the next five years, with the establishment of a state based on the rule of law with Chinese characteristics remaining a political

priority. Xi Jinping, the General Secretary of the CPC, emphasised the importance of a government based on the rule of law in his opening speech as a basis for the establishment of a socialist system with Chinese characteristics. Such reforms should be guided by a central leadership group to facilitate such a law-based government. The Party Congress also confirmed the political and social leadership role of the CPC, with the priority of influencing all areas of society and government.

The decision of the Third Plenary Session of the 18th Central Committee of the Communist Party of China to enhance the reform process took effect in November 2013, and contained concrete guidance to reform the legal system in Chapter IX 'Promoting the rule of law'. Declared central objectives of the reform are the improvement of administrative decision-making, guaranteeing the administrative independence of the judiciary and the prosecution based on rule of law, the improvement of the judicial system to protect human rights, and the strengthening of legal educational measures to increase public awareness of the rule of law. The 2014 *Work Report of the NPC Standing Committee* recommended a permanent development of the Chinese legal framework in line with the highest legal quality standards. At the same time, the legislative process was to be improved by enhancing the role of the National People's Congress (NPC) delegates and the substantive negotiation process for laws was to be opened, with an improvement of the implementation of laws sought. The 2014 *Report on the Work of the Government*, delivered by Premier Li Keqiang, recommended the establishment of a government based on law, with increased capacity to implement the rule of law. The 2018 amendments to the Constitution included the right of legislation at regional and local levels, as long as regional and local authorities, including cities, did not infringe upon the constitutions, laws and administrative acts or local regulations of a Province or an Autonomous Region. In 2018, 'Supervisory Commissions' were created to effectively and comprehensively combat corruption.

The *Report on the Work of the Supreme People's Court (2014)* formulated a comprehensive reform project for the Chinese judiciary, which included increasing the transparency of court proceedings and judgements, improving the professionalism and capacity of Chinese judges, and the standardisation of judicial proceedings. Rule of law was formulated as an objective alongside a fair application of the law, free of corruption, even if the term does not completely correspond to a normative definition of the rule of law. The *4th Five Year Court Reform Plan (2014-2018)* of the Supreme People's Court (SPC) on judicial reform included key steps for reform, with the objective of professionalising the judiciary and enhancing the independence of judicial proceedings. The 2014 *Report on the Work of the Government* also included – as one of the current tasks of the government – a widening of educational measures to increase the public's understanding of the rule of law.

In the area of bilateral and international cooperation between Germany and China, Germany has a privileged position compared to other countries and is seen by the Chinese as a trusted and reliable partner, which delivers high-quality products and services. 'Made in Germany' is a sign of quality and excellence for many Chinese companies and institutions, as exemplified by Germany's excellence in engineering and manufacturing. This is also partly due to historic ties dating back to the Xinhai Revolution of 1911, which overthrew China's last imperial dynasty (the Qing dynasty), and aimed to transform China into a modern state, highlighting nationalism and national unity. German–Chinese cooperation was strong from 1911–1941, and included an alliance against the Japanese, helping to modernise China. The Communist Party's reverence of Karl Marx, and the admiration for the German Civil Code (BGB) and Prussian efficiency in state administration, are further elements that can help to explain the Chinese interest in cooperation with Germany. In relation to the rule of law, comparative law has a particular significance in China, and Germany and the United States are particular reference countries for China in this regard. In addition, modern legislation in East Asia, and so also in China, has historically been transferred from the West and in particular from Germany, with China and Germany having both their legal systems enshrined in the continental law system, based on codified law.

In the Chinese–German bilateral relationship, Germany's interests include engaging constructively with an increasingly influential China on the world stage on a wide variety of themes in the economic, social and legal

fields, with a view to exchanging information and transferring knowledge and expertise to tackle mutual challenges. A dialogue with China is not only important in the judicial and economic fields but also in relation to protection of the environment, new technologies, and digitalisation and infrastructure projects such as the 'One Belt and One Road Initiative' along the former Silk Road (INT).

In the context of the Sino-Legal Cooperation Programme, Germany and China signed an agreement on 30 June 2000 entitled the 'Sino-German Agreement on Exchange and Cooperation in the Legal Field'. This agreement provided the basis in international law for the expansion and intensification of bilateral relations in the field of law, and paved the way for one of the key overarching components of the project: the Sino-German rule of law dialogue. National coordinators of this dialogue are the Federal Ministry of Justice and Consumer Protection (BMJV) on the German side and the Ministry of Justice/Legislative Affairs Office (LAO) on the Chinese side.

Another, but separate, component of this cooperation is the annual Sino-German Human Rights Dialogue, under the auspices of the German and Chinese ministries for foreign affairs.

Fundamental rights are included in the Constitution and are comparable to Western fundamental rights, although they are also limited by social fundamental rights and obligations (Article 42 of the Constitution).

The legal framework conditions in China are influenced by its centralised structure and the leadership role of the Communist Party of China (CPC). The Chinese understanding of government is a broad one, with no separation between the government and the CPC. The separation of powers in the strict sense of a Western definition into legislative, judiciary and executive does not exist in China, with the CPC retaining the prerogative of a final say in relation to legislative acts, and decisions made by the executive as well as the judiciary. The Constitution provides for a 'democratic centralisation' (Article 3), which requires a centralisation of power in the CPC. In addition, government is understood to be divided into a series of functions rather than responsibilities. There is no clear separation of powers implemented in relation to the functions of China's institutions (see for example judicial bodies such as the Supreme People's Court (SPC) having the right to provide opinions in the legislative process). Despite the functional understanding of a legal system in China, rule of law reforms aim to create a legal system based on legal certainty and fairness. They include efforts to combat arbitrariness, maladministration and corruption on national and local level, always subject to the final prerogatives of the Communist Party.

Since 1978, 240 laws and 700 executive orders have been adopted in China, with many areas regulated for the first time since the establishment of the People's Republic of China in 1949. China has enacted a large body of legislation covering most subjects, and has very quickly created a legal environment robust enough to attract foreign direct investment, trade, and technology imports. However, China's rapid economic development and the resulting changes in society and the environment have not seen a corresponding regulation in legislation for many substantive issues.

China has reformed its legislative process, including new procedures such as discussions, hearings, and soliciting public opinion on draft laws. By October 2017, the 12th NPC Standing Committee had solicited public opinion on draft laws on 74 occasions. For the draft General Provisions of Civil Law alone, the Standing Committee held three deliberation sessions, sought public opinion on three occasions and organised several dozen expert meetings, and received 70,227 suggestions from 15,422 people. When deliberating on the second reading of the draft of Amendment (IX) to the Criminal Law, the Committee received more than 110,000 suggestions from the public (Xinhuanet, 15 December 2017).

The institutions and the personnel necessary to apply this new body of legislation have been set-up: there are

approximately 200,000 judges and a similar number of prosecutors,<sup>2</sup> as well as a large number of legal administrators in the Ministry of Justice and other government agencies at the national, provincial and local levels. (INT)

China's reform efforts also aim to create more transparency and adherence to laws by government entities. On 17 February 2016, the Administrative Bureaus of the Central Committee of the Communist Party of China and the State Council promulgated their 'Views on the comprehensive improvement of government and public administration information', and issued an implementation guideline. The guidelines list the responsibilities of public administrative bodies and their jurisdictions, with the goal of enhancing the understanding of how decisions are made, including their basis in law. Nevertheless, the application of laws through the judiciary and public administrative bodies is fragmented and often arbitrary, requiring improvement, particularly in relation to accountability, transparency and comparability of judgements and administrative acts.

Judicial reforms have been enacted with the aim of protecting judges and prosecutors from external influence. On 21 July 2016, 'Requirements to protect the ability of judicial bodies to exercise their duties' were issued by the administrative bureaus of the Central Committee of the Communist Party of China and the State Council of the People's Republic of China, which regulate how judges and prosecutors can be transferred or removed, and define the conditions under which they can refuse unjustified requests from administrative bodies, companies or individuals which contradict Chinese law or judicial justice. In addition, judicial districts have been separated from public administrative districts to limit the influence of local decision-making bodies on the judiciary. The personnel management of the courts is to be reformed so as to divide judicial personnel into their respective functions and separate them from civil servants, thereby enabling judges to concentrate on judging cases and to increase their professionalism. The percentage of judges in the judicial system is to be limited to 39% of total staff. It is, however, noteworthy that judges in China do not benefit from tenure of office and that their remuneration and benefits are not competitive with those offered in the private sector, limiting the attraction of the post to highly qualified lawyers.

Transparency and public information by the judiciary is also a key element of judicial reform, with indictments, execution and judicial processes open to the public (except for youth criminal cases and for reasons of national security). Under the motto 'Justice in the sunshine', the transparency of the judiciary and its public relations have also been digitised. Starting in 2013, online information portals have been created to inform the public of enforcement proceedings, trustworthy debtors, and judicial proceedings which can also be followed quasi-live. Public dissatisfaction with the judiciary nevertheless exists, with 'guanxi' – the influence of relatives, friends and contacts – a significant problem. Political interference in the judiciary remains pronounced, particularly for sensitive cases in the fields of corruption, dissent and fundamental human rights. The quality of judgements remains low and the execution of judgements is fragmented and reported to be largely ineffective.

There are approximately 370,000 registered lawyers in China (INT),<sup>3</sup> and every substantial Chinese business, whether state-owned, private or mixed, must have legal advice, with most of the larger ones having their own in-house counsel. The legal profession in China is seen as serving exclusively the representation of individuals rather than also being seen as an independent body contributing to the good administration of justice. The reform process in China prioritises the professionalisation of legal professionals, with the aim of strengthening the functioning of the legal system. However, many legal professionals only have a very limited legal education. In addition, many citizens and companies often do not know their rights or obligations in relation to other legal actors.

Until 1978, China promoted gender equality as one of the key principles of societal organisation. With economic reform in the 1990s and 2000s, gender inequality in Chinese labour markets increased. In 2015,

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<sup>2</sup> Statistic provided to the evaluators

<sup>3</sup> Statistic provided to the evaluators



China ranked 37th out of 187 countries in the UNDP Gender Inequality Index (GII). Among the components of the GII, women's labour force participation rate was 37.7%, the maternal mortality rate was 27 out of 100,000 births; 69.8% of women (aged 25 or older) had completed secondary education and 16.8% of legislators, senior public officials and managers were women (UNDP, 2018). Of the seats in the People's National Congress, 24.2% of them were held by women. The Constitution enshrines the equality of women and men, but this does not always translate into legislation, judgements or public administration decisions that take into account the different needs and challenges of women and men. Discrimination in the workplace and during recruitment, a lack of social mobility due to the 'hukou' system (Household Registration System), domestic violence, gender stereotypes in relation to women's roles, and a lack of education, particularly in rural areas, are some of the challenges faced by women in China. (Human Rights Watch, 2017; China Power Team, 2018).

Overall, the key problem the project sought to address was that the legal, institutional and social framework conditions for China's transformation towards a genuine rule of law system were still inadequate.

### Description of project interventions and stakeholders

The Sino-German Legal Cooperation Programme applies a holistic approach, with interventions in five areas, on multiple levels and aimed at multiple stakeholders:

- The support by the German Federal Government facilitates the long-term political and technical legal dialogue with key actors such as the Legislative Affairs Office of the State Council (LAO) and professional legal bodies in Germany and China.
- Legislative assistance aims to improve the quality of legislation and is implemented with Working Committees of the National People's Congress (NPC).
- Capacity building was provided to the executive and to administrative bodies at a national and local level.
- The judiciary were provided with expertise to improve the legal application of laws at national level (SPC) and in local courts. (Output D)
- Measures were implemented to increase the understanding of the principle of the rule of law among the public, in particular among marginalised groups with limited access to or knowledge of the legal system.

German support in the area of legal cooperation focuses on the facilitation of a regular and long-term political and operational expert dialogue between Germany and China in relation to rule of law themes (**Output A-1**). This support includes the preparation and implementation of the German–Chinese Rule of Law Symposium as a central element of the rule of law dialogue under the leadership of the German BMJV and the Chinese LAO, with the participation of the BMZ. The long-term dialogue aims to increase China's responsibility to improve the rule of law. On the basis of the rule of law dialogue, the German Federal Government is regularly informed about new developments in the Chinese legal system through background analysis and other expert contributions, workshops and conferences. The dialogue also aims to facilitate information exchange within political and expert communities.

**Output A-2** has the goal of establishing a dialogue between the professional legal bodies (lawyer associations and notary associations) in Germany and China to contribute to increasing the understanding of the role of these bodies within a rule of law system and to enhance the administration of justice through initiatives by lawyers and notaries.

Legislative assistance aims to improve the substantive legal and technical formulation of legislation (**Output B**). Key beneficiaries of legislative assistance are the parliamentary working groups of the Legal Affairs Commission (LAC) and Budgetary Affairs Commission of the Standing Committee of the National People's Congress. A key reference point for the legislative process are German and European laws. Expertise is provided on a context-specific basis so as to adapt flexibly to the local context. Besides providing recommendations on the formulation of laws, legislative assistance is also provided directly by experts from

German Ministries. As a consequence, the German partners are informed of legislative changes in China.

The application of legislation is also central to the development of China into a system based on the rule of law. This is the focus of capacity-building support provided to the executive (**Output C**) and the judiciary (**Output D**).

Support to public administration focuses on building the capacity of high-ranking civil servants in order to improve decision-making and legislative proposals at the national level, primarily in the fields of economic and administrative law. Capacity building in the area of economic law supports the establishment of secure investment and trade conditions and is a key element for facilitating trade and establishing an economic system based on principles of a social market economy. Depending on the required expertise, German administrative bodies provide specific expertise to the Chinese partners. A particular target group of this intervention are civil servants at a local level, where pilot training courses in the areas of investment law, trade law, trademarks and copyright law are carried out.

The application of laws based on rule of law principles in the judiciary is supported through education and training courses in relation to legal methodology and the development of training material in cooperation with the Supreme People's Court (SPC) and the National Judges College (NJC). The project attempts to take into account that the independence of the judiciary is limited as a result of the strong leadership role taken by the Communist Party of China (CPC), but also supports its strengthening as a result of the Chinese leadership's objective to professionalise the judiciary. The provision of expertise to the SPC in its formulation of recommendations during the interpretation of laws is a measure that can strengthen the legal basis of issued judgements. However, it has not so far been implemented.

A system based on the rule of law also requires public awareness and understanding of rule of law principles. The project therefore focuses on strengthening the Chinese population's access to legal information (**Output E**). This was to be achieved through media campaigns and publications formulated in cooperation with Chinese Partners (such as the Ministry of Justice) to support outreach to the public, and to strengthen access to the legal system of all population groups. Marginalised groups, such as ethnic minorities and economic migrants, were to be a particular focus of the campaigns. Due to a lack of interest on the part of Chinese partners, this component was not implemented after 2015.

The **Robert Bosch Foundation** cofinances the exchange of judges (Output D) and lawyers (Output A-2) between China and Germany. The exchange has the objective of increasing understanding between the two countries by improving mutual knowledge of the legal culture and practice as well as personal contacts between judges and lawyers. The Federal Ministry for Justice and Consumer Protection (BMJV) contributes to the financing of the political rule of law dialogue (Output A-1).

### **Rule of Law projects implemented by other international stakeholders and partners**

The Sino-German Legal Cooperation Programme is complementary, and implemented in parallel, to a number of relevant rule of law projects and projects of other international stakeholders and partners as per the current status of the provided project documentation, supplemented by information provided during interviews conducted by the Evaluation Team during its Mission to Beijing from 9 to 20 April 2018 (see also Table 1).



Table 1 Projects operating in parallel to The Sino-German Legal Cooperation Programme

Donor/intervention	Objectives	Synergies with Sino-German Legal Cooperation Programme (in terms of outcome and impact)
United Kingdom	Improvement of rule of law and economic environment	Project starting up, as of May 2018
Italy	Judicial exchange	Strengthening of results in relation to Output D
United States	Dialogue on Legal Implementation and Cyber Security	Strengthening of results in legal areas that the project does not cover
Stanford Law School	Strengthening of decisions of legal interns/clerks	Project with different Theory of Change from current project as it focuses on individual cases as examples of good adjudication rather than on subsumption of specific cases under abstract rules
UNDP	Administrative reform	Strengthening of results in relation to Output C with another partner
UNDP	Support to innovative and participatory aspects of the legislative process	Strengthening of results in relation to Output B with the same partner
EU	Improved regulation and advancement of the quality of legislation	Strengthening of results in relation to Output B
France	Judicial exchange	Strengthening of results in relation to Output B and D
JICA	Improvement of legislation	Strengthening of results in relation to Output B

The European Union (EU) supports China in the development of an open society, based on the rule of law and human rights. This is done on the basis of the biennial EU–China human rights dialogue. At the 2015 EU–China Summit, an EU–China legal affairs dialogue for policy exchanges, mutual learning and cooperation in legal affairs was also established. In addition, a number of educational projects for Master’s and PhD students from various disciplines are being implemented, and research is being conducted at the China-EU School of Law (CESL) and the China University of Political Science and Law. The objective is to improve the international education of Chinese law students and to increase knowledge of China’s legal system in Europe. The EU also runs a Governance Programme focused on improving environmental governance and legislation, and advocating for improved environmental standards.

The UNDP is implementing the ‘Strengthening Access to Justice and Legal Empowerment for People Living with HIV and Key Populations Project’, which includes direct legal assistance for victims and training courses for lawyers and civil servants in Yunnan Province. UNDP also works on public administration reform, provides support to the legislative process in relation to public participation, and works on gender-equality issues with Chinese partners, although funding for rule of law projects has been curtailed.

The Asian Development Bank supports several projects in the legal sector, focusing on the environment and the economy. The project 'Strengthening Enforcement of Environmental Laws and Regulations' was established in 2009 with USD 300,000 to support implementation of the current five-year plan of the Chinese government in the field of environmental law. The Asian Development Bank also works with Chinese partners on World Trade Organization (WTO) issues and themes, as well as in the fields of economic and commercial legislation, including central banking law, public–private-partnership laws, and financial consumer protection. Their key Chinese partner is the Ministry of Finance.

The Australian Human Rights Commission is implementing the Australian–Chinese Human Rights Technical Cooperation Project, ACHRTCP, with the goal of implementing human rights principles based on the cooperation of the Australian and Chinese governments and NGOs.

Since 2000, France has supported an exchange of Chinese and French judges, prosecutors and notaries, with an average of 10 Chinese judges participating every year in a one-year training programme consisting of French language training and week-long training courses at the French National Judicial Training School, with subsequent studies in French judicial institutions.

The engagement of the EU and other donors is complementary to the German contribution in that there is a stronger focus on human rights aspects and other thematic legal areas and target groups. The German contribution to the rule of law is significant in that it is the only project that follows a holistic approach, focused on capacity building of the legislative, judiciary and executive as well as legal outreach. In addition, the fact that the Sino-German Legal Cooperation Programme has been running for more than 20 years, combined with Germany's privileged position in its relationship to China, make GIZ a trusted partner with unique access to Chinese partners, not easily achieved by other international actors in the field of rule of law.

Nevertheless, the creation of synergies between different donor projects was difficult, given that donors worked with different Chinese partners during implementation. In addition, projects tended to work independently and in silos, with space for cooperation with the GIZ Sino-German Legal Cooperation Project in certain areas, particularly in relation to legislative assistance. All donors expressed the potential synergy effect in an increased cooperation with the GIZ Sino-Legal Cooperation programme.

## 2.2 Results Model including hypotheses

### Results Model

The Sino-German Legal Cooperation Programme had the following Results Matrix, shown in Figure 1.

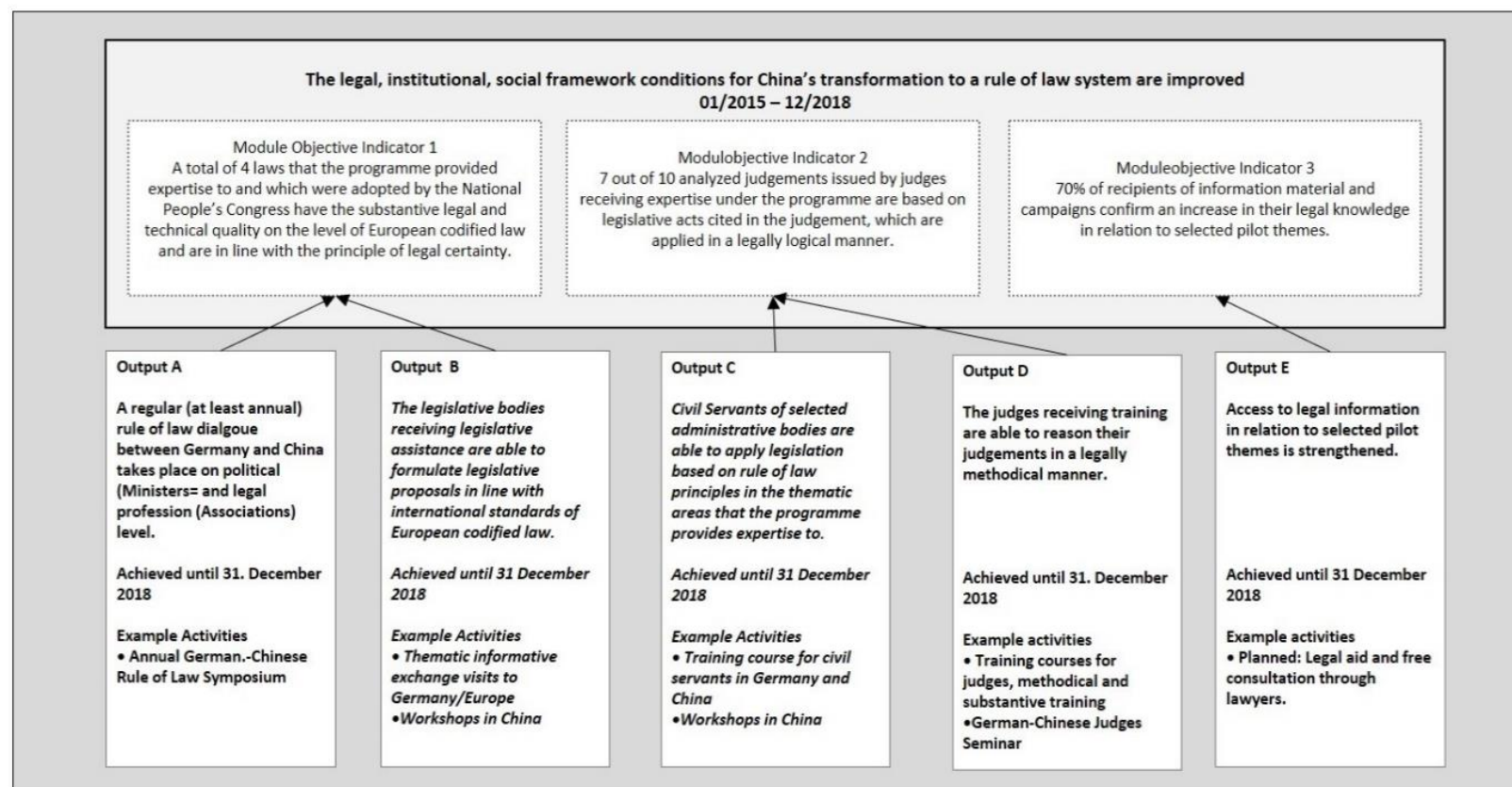


Figure 1 Results Matrix

The Sino-German Legal Cooperation Programme had the Results Model, shown in Figure 2. For English translation see next page:

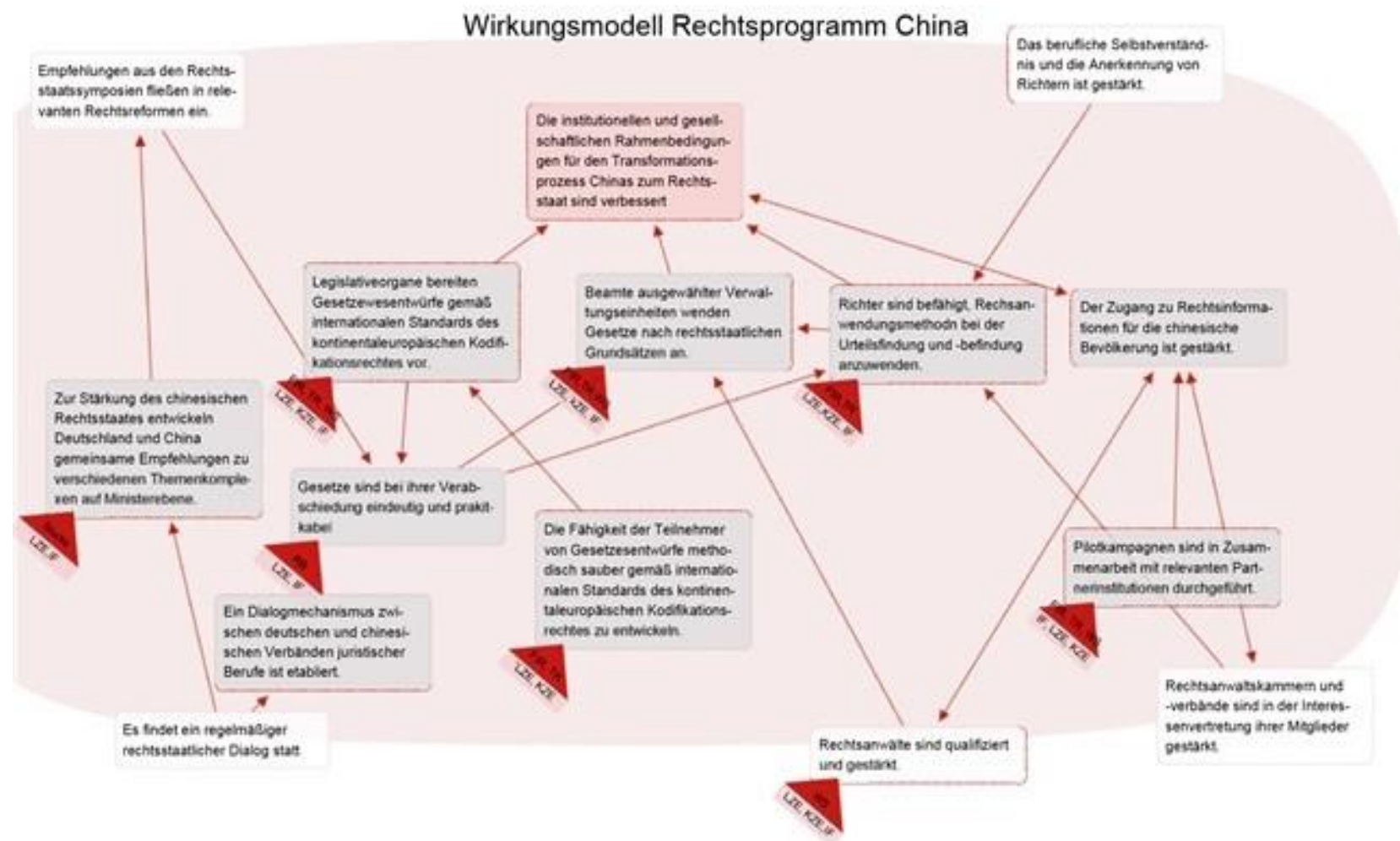


Figure 2 Results model (Theory of Change)

The project's Results Model outlined an intended change process and described causally related changes. They comprised positive intended changes as well as other changes beyond the sphere of responsibility and influence of the project.

The Results Model had the following outcome and outputs and corresponding indicators:

**OUTCOME:** The legal, institutional, and social framework conditions for China's transformation into a rule of law system are improved.

**OUTCOME INDICATOR 1:** A total of four laws that the project provided expertise to, and which were adopted by the National People's Congress, have the substantive legal and technical quality on the level of European codified law and are in line with the principle of legal certainty.

**OUTPUT A:** A regular (at least annual) rule of law dialogue between Germany and China takes place on political level (ministerial) and in the context of legal profession (associations).

**Output A-1 Indicator:** China and Germany developed recommendations for four thematic areas on highest political level to strengthen China's rule of law system.

**Output A-2 Indicator:** A dialogue mechanism between German and Chinese professional associations is established.

**OUTPUT B:** The legislative bodies receiving legislative assistance are able to formulate legislative proposals in line with international standards of European codified law.

**Output Indicator B-1:** Training participants have improved their knowledge of international standards and European Codified Law by 5 points on a scale from 1–10 and thus have increased capacity to develop legislative proposals based on improved legal methodology.

**OUTPUT C:** Civil Servants of selected administrative bodies are able to apply legislation based on rule of law principles in the thematic areas that the project provides expertise to.

**Output Indicator C-1:** 70% of training participants confirm the practical relevance of substantive themes and methods taught during the training courses.

**Output Indicator C-2:** The ability of training participants to apply legal reasoning has improved by 5 points on a scale of 1–10.

**OUTCOME INDICATOR 2:** 7 out of 10 analysed judgements issued by judges receiving expertise under the project are based on law and cited in the judgement, which are applied in a legally logical manner.

**Output D:** The judges receiving training are able to reason their judgements in a legally methodical manner.

**Output Indicator D-1:** Judges who participated in trainings are able to correctly reason judgements in line with legal methodology and standards.

**Output Indicator D-2:** 70% of judges confirm that the knowledge transferred during trainings is being used in their judgements.

**OUTCOME INDICATOR 3:** 70% of recipients of information material and campaigns confirm an increase in their legal knowledge in relation to selected pilot themes.

**Output E:** Access to legal information in relation to selected pilot themes is strengthened.

**Output Indicator E-1:** Pilot campaigns to selected thematic areas are conducted in cooperation with relevant partners.

## 3 Evaluability and evaluation process

### 3.1 Evaluability: data availability and quality

Table 2 Project documentation

Basic document	Available (Yes/No)	Estimation of actuality and quality	OECD/ DAC criteria to which they relate
Project proposal and overarching project/funds proposal (etc.) and additional information on implementation.	Y	<i>2014 Project proposal and additional information available</i>	Relevance, Effectiveness, Efficiency, Impact, Sustainability
Modification offers	Y	<i>Four modification offers 2015–2018</i>	Relevance, Effectiveness, Efficiency
Contextual analyses, political-economic analyses or capacity assessments to illuminate the social context	Y	<i>Available in 2014 project proposal and 2016–2018 project progress reports as well as additional contextual analysis/organigrams</i>	Relevance, Effectiveness, Efficiency, Impact, Sustainability
Peace and Conflict Assessment (PCA Matrix), Gender analyses, environmental and climate assessments, Safeguard & Gender etc.	N	<i>Not available</i>	Relevance, Effectiveness, Sustainability
Annual project progress reports and project reporting	Y	<i>2016–2018 project progress reports</i>	Relevance, Effectiveness, Efficiency, Impact, Sustainability
Evaluation reports	N	<i>Not available</i>	Effectiveness, Impact, Sustainability,
Country strategy BMZ	N	<i>Not available</i>	Relevance
National strategies	Y/N	<i>Descriptions of national strategies in 2014 project proposal and 2016–2018 project progress reports</i>	Relevance
Sectoral/technical documents	Y	<i>Additional information provided outlining rule of law reform processes in China compiled by project team</i>	Relevance, Effectiveness
Results Matrix	Y	<i>Updated Results Matrix available but no reference to gender</i>	Relevance, Effectiveness, Efficiency, Impact,



		<i>dimension</i>	Sustainability
Results Model	Y/N	<i>Initial Results Model available but no reference to external factors or updates in relation to activities under Output E/A-2; updated Results Model available after Evaluation Mission.</i>	Relevance, Effectiveness, Efficiency, Impact, Sustainability
Data of the results-based monitoring (RBM) system (WoM) (Qsil)	Y/N	<i>RBM data available for outcome indicators 1 and 2 and output indicators A to D from 2015–2018, although only partially complete for Indicator B-1, Indicator C-2, and of limited value for Outcome Indicator 2; no data for Outcome Indicator 3 or Output E available.</i>	Relevance, Effectiveness
Map of actors (Qsil)	Y	<i>Updated 2017 version available and during course of Evaluation Mission updated map of Chinese actors received as well as of German actors.</i>	Relevance, Effectiveness, Impact, Sustainability
Capacity development strategy/overall strategy (Qsil)	Y	<i>Provided in April 2018 but rudimentary and not in line with Capacity Works.</i>	Effectiveness, Efficiency, Impact, Sustainability
Steering structure (Qsil)	Y	<i>Current 2017 organigram available and updated during Evaluation Mission.</i>	Effectiveness, Efficiency
Plan of operations (Qsil)	Y	<i>Available for 2015–2018.</i>	Effectiveness, Efficiency
Cost data (at least current cost commitment report), if available data with costs assigned to outputs	Y	<i>2018 Cost-obligations report available and updated to April 2018 during Evaluation Mission.</i>	Efficiency
Excel sheet assigning working-months of staff to outputs	Y	<i>Updated 2018 Excel sheet assigning working months to staff available; administrative costs corrected and updated during Evaluation Mission; additional information needed to complete Efficiency Tool sought from Project Team.</i>	Efficiency
Predecessor Project Documents	Y/N	<i>Project Proposal, Results Models and Project Progress Reports available. Evaluation not available.</i>	Sustainability, Impact

Key data sources for data collection against the project's outcome indicators were publicly available databases (e.g. the online platform of Supreme People's Court for judgments by Chinese courts) and interviews with participants in project activities. The data on publicly available databases is judged as reliable and accurate by the project and other donors and/or organisations conducting projects in China.

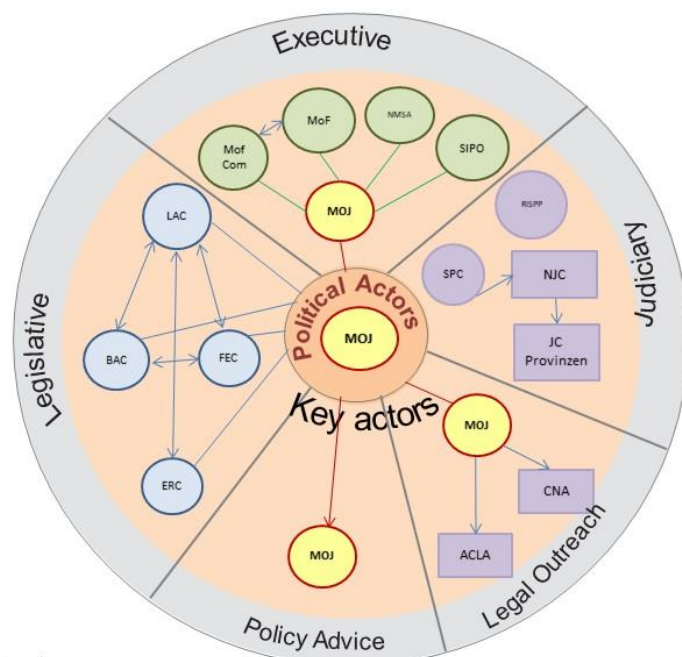
Changes to outcome indicators 1–3 of the Results Matrix were monitored, documented and assessed in the period 2015–2018 using operational plans and collected data in the form of Excel sheets, questionnaires and an analysis of random samples of judgements selected according to a set of criteria (Outcome Indicator 2) as well as policy-tracking documents for legislation (Outcome Indicator 1) and external evaluations of the selected judgements and laws for each relevant indicator by the GIZ project team. Data has been collected for each module objective indicator from 2015 to 2018. The GIZ analysis tool 'Kompass' was not used.

Baseline data for The Sino-German Legal Cooperation Programme was established, based on the predecessor project data (e.g., data derived from the initial tests and from evaluation/feedback forms completed by participants of training courses on judicial methodology before 31 December 2014). However, this baseline data was neither considered nor reflected in the monitoring system of the current project or updated based on a needs analysis or capacity-development strategy.

The data collected as part of the project's monitoring system at the output level was not standardised and often not summarised in accordance with the information tracked by the output and outcome indicators. When this was attempted in response to information requests from the evaluators during the Mission, gaps in collected data for some years had to be supplemented and corrected. With the exception of the General Part of the Civil Law, for the three laws that were promulgated and for which the project had provided legal advice since 2015, policy tracking to assess whether Outcome Indicator 1 was achieved was not done on a systematic basis.

In relation to Outcome Indicator 2, the project's monitoring was based on an assessment of a sample of 10 judgements a year (a total of 30 judgements for 2015–2017), by a Chinese external evaluator. The judgements were assessed against a set of qualitative criteria determined by the project team to determine whether judgements from selected training participants had improved in quality in line with Outcome Indicator 2.



**Remarks:**

- Within the programme areas the actors do not always have relationships with each other, or these are not always known.
- Due to the political context in China there is no differentiation between primary and secondary actors. All partners are key actors. An exception is the Judiciary: The NJC is a sub-Unit of the SPC and also the most important implementing partner of this programme area.
- Due to a decision of the National People's Congress in 2018, the LAO was integrated in the MoJ and all administrative bodies responsible for market regulation (SAIC, NDRC, AQSIQ etc) were merged into one body called the National Administration for Market Regulation (NMSA)

Figure 3 Stakeholder landscape

and informative background material on China's legal system and current reform processes was produced by the project team, including for the implementation of project activities, the project monitoring system did not systematically document qualitative feedback from project activities so as to properly showcase achieved results.

### 3.2 Evaluation process

#### Project stakeholders

The main stakeholders of the evaluation included the implementing partners in China, such as the Legislative Affairs Office of the State Council (LAO); the Legislative Affairs Commission (LAC) and Budgetary Affairs Commission of the Standing Committee of the National People's Congress; the Supreme People's Court (SPC); the National Judges College (NJC); the Ministry of Commerce (MofCom), the Ministry of Justice (MoJ); the All China Lawyers Association and the China Notary Association.

The Legislative Affairs Office of the State Council (LAO) had the key political leadership role in relation to the project. In 2018, due to a decision of the National People's Congress, the LAO was integrated into the Ministry of Justice. In addition, the administrative bodies responsible for market regulation (State Administration for Industry and Commerce, National Development and Reform Commission) were merged into one body called the State Market Regulatory Administration.

However, there was no control group included to establish a baseline of the quality of judgements of training participants so as to assess whether the change in quality of the judgements was indeed due to the training courses. During the Evaluation Mission, the evaluators assessed the judgements of 10 training participants in accordance with the quality criteria set up by the project team, and included judgements they issued in the years before, during and after the training courses, as all judgements are available online. The result was that there was almost no difference in the quality of judgements issued by the judges in the sample, whether or not they participated in the training. This means that the current project monitoring system for Outcome Indicator 2 does not reliably show whether judges' training courses under Output D are contributing to the Outcome through an improved quality of judgements (Outcome Indicator 2).

Data for Outcome Indicator 3 was not collected, as no activities had taken place under Output E since 2015.

While a large amount of highly qualitative

On the German side, the key stakeholders include the German Federal Ministry for Economic Cooperation and Development (BMZ), the German Ministry of Justice and Consumer Protection (BMJV), the Federal Parliament (Bundestag), Federal Courts and Administrative bodies, and the Federal State Courts, Administrative Bodies and Parliaments. The German Bar, the Federal Notary Chamber and German companies and universities are also involved in the project.

The target groups of the Sino-German Legal Cooperation Programme as stipulated in the project document, as are the Chinese population and Chinese and international companies.

### **Evaluation team and data collection**

While the evaluation Terms of Reference and the agreed contract foresee only one international evaluator for this Evaluation, the lead evaluator included a second international evaluator in the Evaluation Team, given the large number of intervention areas to be evaluated under the project, the number of stakeholders involved and the time constraints.

The local evaluator was selected according to set of criteria that included his/her legal education, insight into development cooperation, knowledge of the Chinese legal context, legal aid experience, and fluency in English. In addition, the local evaluator was not to be a GIZ employee or beneficiary. The role of the local evaluator was to support the evaluators in conducting research to cross-verify information provided in project documentation and during interviews, as well as supporting the development of the interview and survey methodology ahead of the Evaluation Mission. In addition, the local evaluator conducted semi-structured interviews and surveys with selected stakeholders, with a view to having the largest possible sample of stakeholders taking part in the evaluation. The search for a local evaluator proved difficult, particularly given the limited availability of English- or German-speaking Chinese experts with both legal and evaluation experience.

The participation of project stakeholders in the evaluation started before the Mission, during the inception stage of the project, in the form of conducted semi-structured interviews and surveys by the local evaluator, and correspondence with the GIZ project team. During the Evaluation Mission, the evaluators were able to hold face-to-face semi-structured interviews with all Chinese stakeholders with whom a meeting was requested (see Annex 2: List of interviews). In addition, the Evaluation Team was able to schedule additional meetings with stakeholders, such as with other donors or partners conducting rule of law projects in China, and with the Delegation of German Industry and Commerce. A request by the evaluators to conduct a survey among the 3,000 members in China of the Delegation of German Industry and Commerce to gauge their perspective on the programme remained unanswered, despite several attempts before and during the Evaluation Mission to elicit a response.

The criteria for selecting interview partners for face-to-face semi-structured interviews in relation to implementing partners focused on whether the partners had been directly involved in project activities and/or could provide informed opinions about the project and the rule of law in China. The interviewees selected were intended to reflect the diversity of the key project-implementing partners.

Other actors who were not implementing partners (development actors, academics, legal practitioners) were selected for semi-structured interviews according to whether they had some legal understanding or knowledge of, or practical experience in, law, so as to be able to assess the effectiveness, impact and public awareness of the project among a core group of academics and practitioners who should normally have knowledge of a rule of law project on the scale of the GIZ project. The sampling focused on a random selection by the project team of up to 10 individuals of each category of actors (notaries, lawyers, scholars, executive, and judges) for a total of 50 with whom to conduct semi-structured interviews, so as to gain more insight into the effectiveness and

impact, including public outreach of the project. Of this initially targeted sample of 50 individuals, representing a cross-section of project stakeholders and academics, 33 initially responded positively to the request for an interview with the local evaluator before the Evaluation Mission. The local evaluator was able to conduct a total of 24 interviews (6 of which were with females) with the different categories of stakeholders who finally confirmed their availability.

A survey was conducted with a random sample of law students at the University of Beijing and the China University of Politics and Law (CUPL). The Beijing University students were not familiar with the GIZ project and thus acted as a control group to the survey conducted with CUPL law students, who were very familiar with the project. A total of 176 survey responses were received from law students at the University of Beijing and the China University of Politics and Law (CUPL). Of these, 119 were female law students and 25 had a disability.

A total of 22 key stakeholders of the project, including Chinese implementing partners, project team management and staff, German stakeholders of the project, and key external organisations, country representations or donors conducting rule of law projects in China were interviewed by the evaluators during the Evaluation Mission in Beijing, between 9 April 2018 and 20 April 2018, and a further six stakeholders of the project on the German side were interviewed following the completion of the Mission.

All interviews and surveys were conducted with a view to protecting the source of the information – under Chatham House Rules. Data collected from the surveys and interviews, particularly personal data received, was treated with confidentiality and deleted at the end of the evaluation process.

The evaluator also conducted a Workshop with the GIZ project team to discuss the project's Theory of Change and adapt it to changes that have occurred under the current project.

Data triangulation took place at every stage of the evaluation process, particularly during the Evaluation Mission. The evaluation used various lines of evidence, based on appropriate sampling of stakeholders and distinct data collection methods to feed triangulation and produce credible findings and valid conclusions. As far as possible, findings from each line of inquiry (desk research, interviews, surveys, story-gathering, direct observation) were cross-checked through with another line of inquiry.

In terms of transferring information on the evaluation methodology, its purpose and its initial findings, to the GIZ project team, the GIZ country director in China and the portfolio manager of GIZ projects in China, the evaluators held a kick-off meeting at the beginning of the Evaluation Mission as well as a debriefing meeting at the end.

## 4 Assessment of the project according to OECD/DAC criteria

### Methodology and limitations

The evaluation was guided by the information provided in the Terms of Reference and the project documentation by GIZ, as outlined in the Table 2, and the data-collection methodology outlined in Section 3.1, with in-depth insights gained from interviews conducted between 9 April 2018 and 20 April 2018 during the Evaluation Mission. The evaluation questions are based on the OECD/DAC criteria and the DeGEval standards, as outlined in Section 1.2 of this report and further outlined in the Evaluation Matrix, presented in Annex 1.

The evaluation primarily employed the methodology of a contribution analysis to assess the OECD/DAC and DeGEval standards, with a particular focus on utility in the case of the latter. A contribution analysis is an approach to assessing the performance of policies and projects towards an outcome or outcomes. Evaluation questions focus on 'contribution', i.e. to what extent observed results (whether positive or negative) are the consequence of the project. Thus, a contribution analysis provides an alternative way of thinking about the problem of attribution to that of the traditional positivist approach of proving causality by a counterfactual. A contribution analysis does not attempt to prove whether one factor – a policy, activity or output – caused the desired outcome, but explores the plausible contribution of these to observed results. Based on a theory of change, the links between the activities, outcomes and contexts of the project, and data collected from various sources, the aim is to build a credible 'performance story' to demonstrate whether projects are influencing or even driving change.

The contribution analysis was deemed as particularly suitable for the evaluation of the Sino-German Legal Cooperation Programme because, in its nature, the project aimed to contribute to an objective that benefits citizens and companies and provides value to them: an improvement in the rule of law system. It is, however, very difficult to measure what contribution the project specifically made to this objective, especially in relation to the questions: Which positive or negative results can be attributed to the project? What influence has it had? As such, a contribution analysis goes beyond performance measurement, as characterised by a regular monitoring of whether or not activities have taken place and which results they have or have not achieved.

Specifically, the following questions guided the collection of evidence for the contribution analysis:

- What evidence exists that the project outputs and objective indicators outlined in the Results Model were achieved?
- What evidence exists to confirm or refute the hypotheses of the Results Model?
- What evidence exists for alternative explanations of the success of the project, i.e. external factors and risks?

#### *Limitations of contribution analysis methodology for the evaluation*

There are certain limitations of the contribution methodology, one of which is the time needed to conduct a full-scale contribution analysis, which includes an audit of the performance story through further data collection and subsequent revision. Due to the limited time and financial resources available for this evaluation, this audit of the performance story could not take place. However, in the future, the BMZ and GIZ could consider whether it would make sense to conduct a follow-up analysis of the performance story.

In addition, the level of certainty about the contribution the project is making to observed results is limited to a

certain degree, as it depends on the hypotheses being tested and the availability of and access to information, as well as the quality of the evidence and data collected and the time available to conduct the analysis. In China, this proved challenging, depending on the readiness of stakeholders to provide information and relay their experiences to the evaluators through electronic means or in face-to-face interviews. This limitation was mitigated to a degree by focusing on conducting semi-structured interviews wherever possible, and working with a local expert to conduct surveys and complete questionnaires with target groups.

Another challenge of the methodology lies in the manner in which causality can be inferred in the real-life project evaluation, as this largely depends on the quality of information collected and the time available to process it.

Lastly, the methodology is limited in relation to its external validity, i.e. the degree to which its results can be generalised and applied to other rule of law projects. This is due to the specific context, methodology and design of the project and the framework conditions under which it is being implemented in China. However, within the Chinese context, the methodology could provide valuable insights for project managers and decision makers as to the strengths and weaknesses of the project's ability to reach its objective in the field of rule of law.

## 4.1 Relevance

### Evaluation basis and design for assessing relevance

#### *Evaluation basis*

The relevance of the project was assessed based on the evaluation questions outlined in Section 1.2 and information set out in the Terms of Reference and project documentation provided by GIZ, as outlined in Table 2, and the participatory data-collection methodology outlined in Section 3.1 to gain in-depth insights from semi-structured interviews and surveys conducted by the local evaluator during the Evaluation Mission from 9 to 20 April 2018.

The key project stakeholders and target groups involved in a participatory manner to evaluate relevance were those mentioned in Section 3.2, where the Legislative Affairs Office of the State Council (LAO) within the restructured Ministry of Justice, the Committees of the Standing Committee of the National People's Congress and the Ministry of Commerce were specifically relevant on the Chinese side. On the German side, the key stakeholders include the German Federal Ministry for Economic Cooperation and Development (BMZ) and the German Federal Ministry of Justice and Consumer Protection (BMJV). In addition, external partners such as UNDP, the EU, the Asian Development Bank, France and the United Kingdom (UK) were also included to gain different perspectives of implementing similar projects in the Chinese context.

#### *Evaluation design*

To assess relevance, the evaluation followed the contribution analysis methodology and evaluation questions for each DAC criterion and thus analysed whether:

- The project's activities in the areas of legislative assistance and provision of expertise to the executive, the judiciary, and the legal outreach are in line with the above-mentioned Chinese reform objectives.
- The project's support to realising rule of law principles in the area of good governance is in line with the BMZ concept to 'support good governance as part of Germany's development assistance' and its Asia Policy, as well as other relevant position papers of the German Federal Government, such as the Position Paper on Development Cooperation with Global Development Partners.

Specifically, relevance was assessed against the evaluation dimensions, key evaluation questions and indicators outlined in the Evaluation Matrix (see Annex 1).

### *Empirical methods*

Data sources for the collection of evidence to assess the fulfilment of evaluation indicators in relation to relevance were:

- 2014 Project proposal and four modification offers,
- the 2016-2018 Project progress reports,
- the current and revised results models and theories of change,
- collected RBM data against outcomes indicators 13 and output indicators A–D for the period 2015–2018,
- Chinese and German stakeholder landscape analysis, including descriptions,
- capacity-development strategy,
- additional background information in the form of background papers compiled by GIZ project team to describe ongoing legal reforms and the legal system in China,
- press mapping of the project in the German and Chinese press,
- document review of relevant BMZ strategies, including BMZ (2009): *Promotion of Good Governance in German Development Policy*, BMZ (2015b) *The BMZ's New Asia Policy* and BMZ (2015a) *Development Cooperation with Global Development Partners*,
- semi-structured interviews and surveys with key stakeholders outlined in Section 3.1,
- Additional information collected from external sources, including on the situation of women in China (UNDP GII Index, World Bank Rule of Law Index).

The above-mentioned documents and additional information collected during interviews and surveys provided a good basis for analysing the context and social framework conditions of the project, and provided an overview of the key project stakeholders and their roles and responsibilities. They also provided some insight into ongoing Chinese rule of law reform priorities and current national strategies. While mention is made of the BMZ 'Good Governance Strategy' in project documentation, there is no BMZ country strategy for China, therefore additional BMZ policies, such as the 'New Asia Policy' were consulted and interviews conducted with the BMZ to assess relevance. The provided documents did not describe how the project intended to deal with the different perspectives of women and men, hence external sources and interviews supplemented data collection. In addition, a review of the project's media visibility in China and Germany (Press Book) was conducted to gain insight into the perspectives of stakeholders on both sides in regard to the key benefits and relevance of the project to their work and the level of public awareness of the project.

Additional interviews were conducted with a selected number of stakeholders on the German side to gain insight into their perspectives of the usefulness of German–Chinese cooperation in the rule of law field, including from an economic perspective.

The strengths of the above-mentioned data-collection process and sources were its participatory and inclusive nature, enabling the team to reach out to a very broad selection of key project stakeholders. Where possible, control groups were included when conducting surveys. Control groups included non-participants in project activities among direct beneficiaries and other stakeholders such as universities. A written record of primary data collected in the form of interviews and surveys was kept by the evaluators, followed by a timely discussion and synthesis of information after each meeting and of the results of the surveys and interviews, so as to assess further data-collection needs or issues for clarification with other stakeholders.

Weaknesses or limitations encountered during the data-collection process included time constraints, which required a selection to be made of which key project stakeholders to interview. The sample was therefore not entirely representative but provided enough insight to draw reasonable and relatively reliable conclusions about relevance. In addition, data collection was sometimes hampered by the non-availability or refusal by some stakeholders to participate in interviews or surveys.

Overall, the evaluators encountered a high level of readiness and openness on the part of Chinese project stakeholders, other external partners and actors, and the GIZ project team to respond to queries, and thus data



triangulation took place throughout the Evaluation Mission, enabling a solid data and method triangulation within the OECD/DAC criteria. Data collected was therefore deemed reliable, although information transferred was limited by the knowledge, role and responsibilities, and interaction level each interviewee had with the project.

### Analysis and assessment regarding relevance

The current Chinese reform priorities outlined in Section 2.1 indicate that a reform of the legal system that includes rule of law principles is being pursued as a priority of the Chinese government, and the project outcome, 'The legal, institutional and social framework conditions to transform China into a state under the rule of law are improved' is in line with this. In 2017, the 19th Party Congress of the Communist Party of China set the country's objectives for the next five years, with the establishment of a state based on the rule of law with Chinese characteristics remaining a political priority. In this context, China aims for more legal certainty, particularly in the economic sphere, and as such the path towards more rule of law in China is also influenced by the country's economic development. China is also grappling with challenges such as the protection of the environment, which impact on both collective and individual rights. (DOC, INT)

Nevertheless, China's interpretation of the rule of law is different from that of the West, emphasising collective over individual rights, and it remains wary of creating a legal system along the lines of a constitutional democracy. For this reason, there exist certain intervention limitations to the project, particularly in relation to tackling politically sensitive issues such as the protection of fundamental civil and political rights or individual corruption cases and in relation to increasing public awareness of rule of law issues (DOC, INT).

The project was also in line with strategies and policies formulated by the German Federal Government. These include its 2015 'New Asia Policy', which highlights regional cooperation and a global partnership with Asian countries in relation to social, economic and ecological themes. It states that dialogue with China will be sought, and that rule of law dialogue and cooperation with China, including human rights issues, will be supported. The goal is to invest German expertise and transfer knowledge to solve social and ecological challenges in partner countries, including China. The BMZ (2009) 'Good Governance Policy' outlines several principles that guide cooperation and the promotion of good governance, including conducting a continuous, long-term policy dialogue, promoting state and civil society, taking local realities as a starting point and mainstreaming governance across all sectors. In addition, it outlines intervention areas for good governance with different country stakeholders, including rule of law, gender quality, administrative reform and good financial governance. The strategy paper BMZ (2015a): *Development Cooperation with Global Development Partners* highlights the need to tackle global challenges through the strengthening of rule of law and human rights among others. There is no BMZ country strategy for China, as China is no longer categorised as a development cooperation partner under ODA. (DOC)

The project was in line with the Sustainable Development Goals, particularly SDG 16 and its targets 16.3, 16.6 and 16.7, and SDG 5 and its targets 5.1, 5.2, 5A and 5B. SDG 16 aims to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'. SDG 5 aims to 'increase gender equality and empower all women and girls'. Gender equality is essential to expanded economic growth, promoting social development and enhancing business performance. The full incorporation of women's capacities into labour forces can add percentage points to national economic growth rates. As such, the project outcome and its areas of intervention aimed to increase compliance with rules and regulations, and enhance effective, accountable and transparent governance, including promoting inclusive decision-making, although often they do so indirectly rather than directly (see also Section 4.2 Effectiveness and 4.3 Impact) (DOC, INT).

The key problem the project aimed to address was that the legal, institutional and social framework conditions to transform China into a rule of law system were still inadequate. It aimed to do so through a comprehensive

approach and conceptual design focused on rule of law dialogue (Output A) and capacity building of the legislative (Output B), the executive (Output C), and the judiciary (Output D), as well as legal outreach (Output E). As such, the project design suitably covered all key institutions and functional areas of relevance to improving rule of law in a country (DOC).

The project had not conducted a thorough needs analysis, and its capacity-development strategy only outlined the key problems to be tackled by the different project components, without an in-depth analysis of the needs of project stakeholders or the target groups. As such, the project did not incorporate a gender lens or mention how the project components intended to contribute to addressing the different needs of women and men. Project activities substantively focusing on gender-equality issues were few and unsystematic (DOC, INT). Nevertheless, Output B (legislative assistance) could potentially contribute to addressing gender inequalities through its recommendations, and women judges/civil servants/lawyers participated in the dialogue activities (Output A) and capacity-building activities under outputs C (executive) and D (judiciary) (DOC, INT).

The most relevant components of the project that spoke to both Chinese and German rule of law priorities and project stakeholder needs was the overarching rule of law dialogue (Output A), complemented by capacity-building activities on a technical level, related to Output B (legislative assistance), Output C (executive) and Output D (judiciary), which covered core institutions and areas of rule of law, where China has a fragmented record in administering justice and a lack of qualitative regulations and judgements based on law. The rule of law dialogue provides a constructive platform for high-level political and expert discussion of a variety of current and future challenges faced by China and Germany and which impact the legal system. The dialogue enabled an exchange of information and transfer of knowledge/expertise on an equal footing with a wide range of stakeholders on both sides, including potentially providing momentum and stimulus for the other, more technically focused, rule of law components of the project. The rule of law dialogue is thus highly relevant as it provides the prerequisite platform for discussion and negotiation, which enables the other project components (INT). The design of the rule of law dialogue (Output A) and legislative assistance (Output B) strikes a good balance between contributing to rule of law through recommendations made to economic and financial legislation increasing legal certainty (for example on investor relations, consumer protection, labour and tax legislation), and indirectly contributing to the improvement of political rights in the fields of gender equality, combating domestic violence (see recommendations made to the Family Law or the Domestic Violence Law), and increasing the efficiency and transparency of the state in its administration of justice. The project's outputs C and D mainly focus on capacity building of institutions and improvement of the organisational frameworks in which these institutions operate, as well as on improvement of procedures and regulations that regulate the actions of the executive (DOC, INT).

Legal outreach (Output E), while addressing the Chinese priority of increasing transparency and public information on legal issues, was not implemented by the project. Activities were to have focused on conducting public awareness campaigns through Chinese institutions, but a lack of interest on the Chinese side was identified by the predecessor project in 2015. Legal outreach in the form of public awareness campaigns better address the German interests than the Chinese priority of increasing public information with a view to increasing legal certainty by showing how key rule of law institutions arrive at their decisions. For example, the Community Party of China (CPC) issue the 'Views on the comprehensive improvement of government and public administration information', along with implementation guideline, which list the responsibilities of public administrative bodies and their jurisdictions, with the goal of enhancing the understanding of how decisions are made, including their basis in law (DOC, INT).

Chinese partners expressed the high value and added value they attribute to the project and its activities, such as the rule of law dialogue (Output A) and capacity-building activities under outputs B, C, and D. This is due to the longstanding engagement of the project in China and the privileged position Germany holds in the eyes of the Chinese, given its historic ties to China, the similarity of their legal systems based on codified law, and that Germany is seen as an economic model for China in many respects. As such, Germany, and GIZ in particular,



are seen as approaching and implementing project activities based on a dialogue of equals, and tailored to the needs of Chinese partners based on discussion and negotiation. This positive standing and access it provides to Chinese partners in the rule of law field is a key strength and achievement of the project and cannot easily be achieved by other international bilateral or multilateral actors. Nor do the Chinese partners see an easy substitute or approach to achieving the same kind of qualitative cooperation (DOC, INT, SURV).

This also brings with it a certain risks, however: mainly that of being instrumentalised, or of expertise and transferred knowledge being used to strengthen the centralised political system to the detriment of rule of law in the German understanding. Despite the clearer distribution of competencies in government, which the 2018 amendments of the constitution aim for, the risk of strengthening the centralised political system has also increased due to the expanded authority of the leadership of the Communist Party of China (CPC). However, one can also argue that the project is more relevant than before, because this development highlights the importance of engaging the Chinese side on rule of law issues. Thus, to increase the relevance of the project even further, it is recommended that a creative and dynamic approach to defining and adjusting project activities with Chinese partners, capitalising on Germany's and GIZ's trusted position, is adopted, with a view to outlining and discussing benefits and disadvantages of rule of law reform, including potentially sensitive themes. The goal and approach should be to advance rule of law using a step-by-step approach that consistently advocates German rule of law principles, even without expecting full compliance.

The five areas of intervention of the project target both Chinese and German project stakeholders, including implementing partners (see Annex 3: Stakeholder landscape), the Chinese population, and Chinese and Chinese and international companies as target groups. The results for the Chinese population and German companies are rather indirect, whereas the direct target groups of the project's capacity-building activities are its implementing partners. The project concept is thus not conclusive in that the project does not have direct contact with the Chinese population or Chinese and Chinese and international companies as its target groups through its activities. These target groups should thus be more specifically defined (DOC, INT). In relation to the inadequate institutional and legal framework conditions for rule of law in China, the Chinese population, Chinese and Chinese and international companies need increased legal certainty in the formulation of legislation in line with international rule of law principles, as well as during the application and enforcement of regulations and judgements, so as to reduce arbitrariness in the executive. The project addresses the needs of the target groups through a holistic approach of its five intervention areas by targeting both the legislative and executive inadequacies of the Chinese legal system (see Section 2.1).

Overall, the design of the project matches the outcome goal of the project in the broadness of its intervention areas. Risks are formulated in line with the current Chinese context, although, given recent developments in the form of constitutional changes, these also require a reassessment by the project. However, changes in relation to project adjustments, particularly those related to Output E (legal outreach), have not been updated or described in the project's Results Model or Theory of Change, which was adapted during the Evaluation Mission to accurately reflect current project activities and their causal links to outputs and the outcome.

### **Theory of Change analysis**

The outcome indicators 1–3 outlined in the Results Model are SMART (specific, measureable, achievable, relevant and time-bound). They defined, in a specific and relevant manner, and quantitatively measure, how the outcome can be reached, including outlining a baseline and target indicator, and the current status of the indicator in each project progress report from 2015–2018. Although outcome indicators include qualitative components, such as that legislation and judgements should have the technical quality of European codified law and are reasoned in a logical manner, they primarily measure progress in capacity building of the targeted Chinese partners against indicators 1 and 2. In relation to Indicator 3 ('70% of recipients of information material and campaigns confirm an increase in their legal knowledge in relation to selected pilot themes'), and to assess whether the ambitious objective of the project to 'improve the legal, institutional and framework conditions to

transform China into a rule of law system' can be achieved, qualitative indicators need to supplement the current indicators of the Results Model.

In addition, Outcome Indicator 1 does not capture the rule of law dialogue (Output A-1) in its formulation, which hinders a systematic monitoring of its achieved results, as well as the ability of the project to strategically adjust other project outputs in line with achievements resulting from the rule of law dialogue.

Since the project only monitored outcome indicators 1–3 of the Results Model, additional qualitative indicators would have enabled a better assessment of achievements regarding the outcome, particularly whether the transfer of knowledge through capacity-building activities of the project had been integrated into Chinese partners' work, and whether public awareness of rule of law principles had increased. These indicators had been developed as part of the evaluation methodology and are outlined in the Evaluation Matrix (see Annex 1). They focus on the awareness and utility of the project interventions for project target groups.

During the implementation period of the project since 2015, the Results Model was changed, but not updated in relation to activities under output indicators, to better address the needs and respond to the interests expressed by Chinese partners. Activities under Output Indicator E-1 were adapted to focus on strengthening of legal knowledge by establishing cooperation and exchanges between lawyer associations and notary associations as a result of a lack of interest on the part of the Chinese cooperation partners to conduct public legal campaigns. This resulted in an overlap with Output Indicator A-2, which also focused on the establishment of dialogue between legal professional associations.

During the Evaluation Mission, conducted from 9 to 20 April 2018, the Results Model was adapted because the Theory of Change described did not include a sufficient description of the external factors impacting on the project. The hypotheses of the Theory of Change were also not described in the Results Model, although the project documentation does outline some assumptions underlying the Results Model. The Evaluation Mission thus wanted to confirm that the Results Model correctly reflected the intended changes of current project interventions. Lastly, the Theory of Change did not clearly show how Output C contributed to Outcome Indicator 1 and Outcome Indicator 2, and Output E had not been adapted to reflect the changes and objectives in activities related to the cooperation between lawyers and notaries. It was also unclear how the new activities under Output E related to Output Indicator A-2.

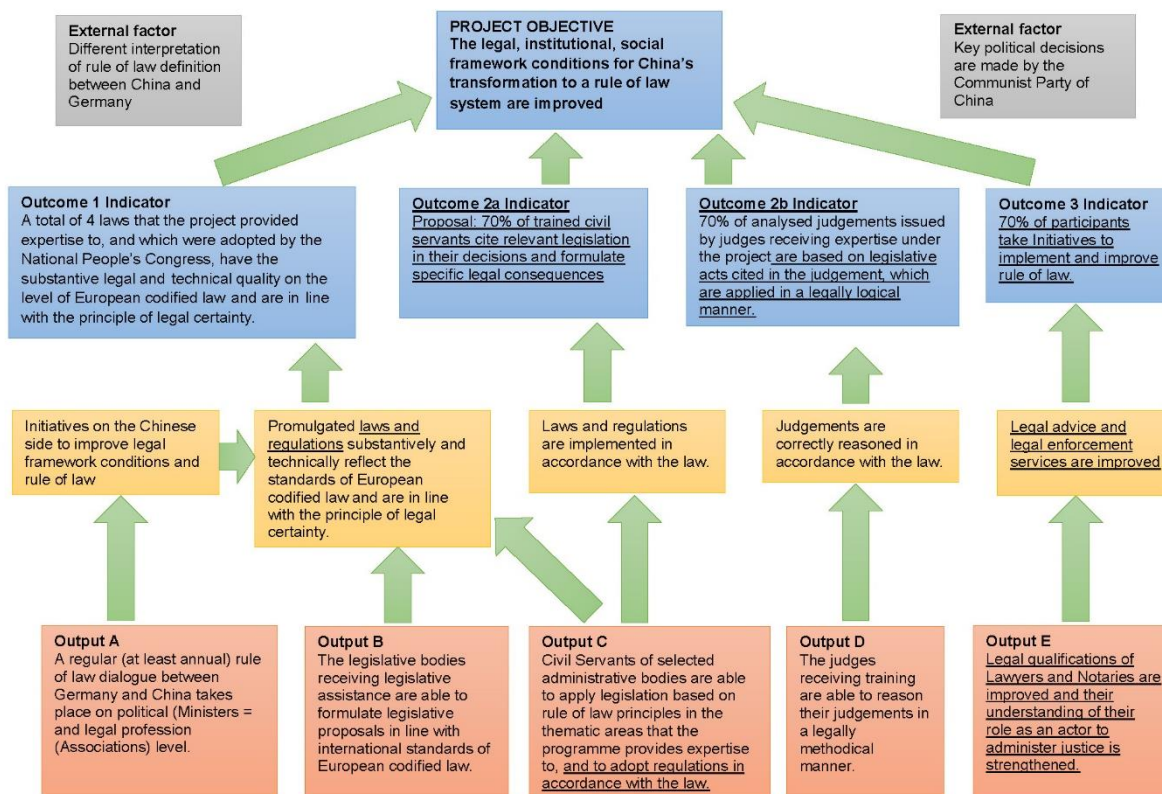


Figure 4 Revised Results Model (Theory of Change)

Note: revisions are underlined.

In the revised Theory of Change the green arrows highlight causally related changes leading to results (hypotheses) and the Outcome, with outcome indicators included to show how the contribution to achieving the Outcome will be measured. The underlined parts are new formulations to better reflect the current activities of the project. This particularly relates to Output E, which has been reformulated to capture the lawyers' and notaries' dialogue or exchanges, which were previously slotted under Output A. It was felt that the current activities warranted a separate output and thus a newly formulated Outcome Indicator 3.

The previous Output E had not been implemented since 2015, and as there were no plans to conduct such activities, due to a lack of interest on the Chinese side, the previously formulated Output E was reformulated and replaced in the revised Theory of Change, after discussion and agreement with the project team. This did not mean, however, that activities contributing to raising public awareness on rule of law issues could not be conducted under the other outputs as an integral part of their activities in the form of publications and the like.

Output C was reformulated to better capture the project's capacity building, targeting civil servants in a similar fashion as were judges, by focusing on the adoption of regulations in accordance with the law. Activities under Output C only partially contributed to Outcome Indicator 1 through legal initiatives taken by Chinese partners under this Output. The other activities focus on increasing capacities of civil servants to improve the quality of their regulations, which it was felt was not captured by any of the current outcome indicators. Hence, a new indicator, Outcome Indicator 2a, was formulated.

In relation to the system boundary, it was confirmed that the project outcome lay within the influence of the project, because it specifically referred to changing the 'legal, institutional and social framework conditions' to transform China into a rule of law system, which was specific enough to be achieved by the project, with the actual transformation of China into a rule of law system clearly lying outside the system boundary of the project.

Criterion	Assessment dimension	Score
Relevance	The project fitted into the relevant strategic reference frameworks.	<i>Max. 40 points – 32</i>
	Suitability of the conception to match core problems/needs of the target group(s).	<i>Max. 30 points – 22</i>
	The design of the project was adequately adapted to the chosen project objective.	<i>Max. 20 points – 16</i>
	The conceptual design of the project was adapted to changes in line with requirements and re-adapted where applicable.	<i>Max. 10 points – 5</i>
Overall rating of relevance		<i>76 of 100 points</i>

## 4.2 Effectiveness

### Evaluation basis and design for assessing effectiveness

#### Evaluation basis

The effectiveness of the project was assessed, based on the evaluation questions outlined in Section 1.2, information set out in the Terms of Reference and project documentation provided by GIZ as outlined in Table 2, and the participatory data-collection methodology outlined in Section 3.1 to gain in-depth insights from semi-structured interviews and surveys by the local evaluator conducted during the Evaluation Mission from 9 to 20 April 2018. The key project stakeholders and target groups involved in a participatory manner to evaluate effectiveness are those mentioned in Section 3.1. Effectiveness was assessed on the basis of Figure 2 Results Model (Theory of Change) in Section 2.2, and Figure 4 Revised Results Model (Theory of Change) outlined in Section 4.1.

#### Evaluation design

The underlying guiding questions regarding effectiveness of the project, tested based on a contribution analysis, were whether:

- The whole approach of the project spoke to the interdependence of the different intervention areas with the goal of establishing a rule of law system, and the project was able to support China's transformation to a rule of law system more effectively than a single intervention area would be able to do.
- There was a mutual readiness to accept expertise, as foreseen in the project and as a result of the predecessor project (PN 2009.2157.7), and well-established cooperation in the current project with Chinese partner organisations.
- Target groups of the project (particularly those indirectly associated with the project such as lawyers, notaries and law students) were aware of, and were implementing, knowledge gained from programmatic interventions.

These questions were answered by a qualitative analysis, based on the evaluation indicators below, of whether project target groups and implementing partners would have achieved a similar level of awareness of rule of law principles and knowledge without the project.

Specifically, effectiveness was assessed against the evaluation dimensions, key evaluation questions and indicators outlined in the Evaluation Matrix (see Annex 1).

Relevant rule of law indicators, which speak to international standards as outlined by the United Nations, measuring performance, capacity, integrity, transparency and accountability of judiciary/legislative were added to the analysis of effectiveness as appropriate (e.g.: undue delays, respect for rights of defendants; judicial independence, performance monitoring system for judges; material resources of courts/legislative committees; percentage of judges/lawmakers that are women; competence of lawmakers/judges).

Based on the Theory of Change and the revised Results Model, the following hypotheses in relation to effectiveness were tested in accordance with the five intervention areas of the project, with the contribution analysis methodology being appropriate to test all five.

#### **Hypothesis<sup>4</sup>**

##### **Hypothesis 1:**

A regular rule of law dialogue (Activity) in the form of the German–Chinese Legal Symposium on Ministry level and between German and Chinese legal professional associations (Output) has increased China's responsibility/initiative to strengthen rule of law (Outcome).

##### **Hypothesis 2:**

The provision of German legal expertise/assistance (Activity) has led to legislative proposals in line with European codified law standards and to laws (Output) that are clear and can be implemented when promulgated (Outcome).

##### **Hypothesis 3:**

Capacity-building activities of representatives of the executive/public administration in the areas of economic law and consumer law (Activities) have led to an increased application of law in line with rule of law principles (Output), which manifest themselves in decisions of public administrative bodies (Outcome).

##### **Hypothesis 4:**

Capacity-building activities (training courses) of representatives of the judiciary (Activity) have led to an increased ability of judges to apply legally methodological reasoning in their judgements (Output), increasing their adherence to rule of law principles (Outcome).

##### **Hypothesis 5:**

Legal outreach conducted in cooperation with Chinese partners (Activity) has led to an increased access of the Chinese public to legal information (Output), increasing their legal knowledge (Outcome).

#### ***Empirical methods***

Data sources for the collection of evidence to confirm or refute the above-mentioned hypotheses and fulfilment of evaluation indicators in relation to effectiveness are:

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<sup>4</sup> Hypotheses are formulated based on information in the project documentation and not verbatim in line with the currently formulated Outputs and Outcomes in the Theory of Change.

- 2014 Project proposal and four modification offers,
- the 2016–2018 Project progress reports,
- the current and revised Results Models and Theories of Change,
- collected RBM data against outcome indicators 1–3 and Output Indicators A–D for the period 2015–2018,
- Chinese and German stakeholder landscape analysis, including descriptions,
- capacity-development strategy,
- additional background information in the form of background papers compiled by GIZ project team to describe ongoing legal reforms and the legal system in China,
- press mapping of the project in the German and Chinese press,
- semi-structured interviews and surveys with key stakeholders outlined in Section 3.1,
- additional information collected from external sources, including on the situation of rule of law in China (World Bank Rule of Law Index).

The collected RBM indicator data, while comprehensive, only partially provided a reliable basis to assess stakeholder capacity and effectiveness of project interventions to transfer knowledge for Outcome Indicators 1 and Outcome Indicator 2 against outputs A–D. With the exception of the General Part of the Civil Law, policy tracking was not done on a systematic basis for the eight laws that were promulgated and for which the project had provided legal advice since 2015 so as to assess whether Outcome Indicator 1 was achieved. In relation to Outcome Indicator 2, while the project's monitoring was based on an assessment of a sample of 10 judgements a year, or a total of 30 judgements for the period 2015–2017 by a Chinese external evaluator against a set of qualitative criteria determined by the project team to assess whether judgements from selected training participants had improved in quality in line with Outcome Indicator 2, there was no control group included to establish a baseline of the quality of judgements of training participants so as to assess whether the change in quality of the judgements was indeed due to the training. The project monitoring system for Outcome Indicator 2 did not reliably show whether judges' training courses under Output D were contributing to the Outcome through an improved quality of judgements.

Monitoring data was still being collected during the evaluation for activities conducted in 2017 under Output C to assess whether Outcome Indicator 2 has been achieved. Programmatic activities under Output E, Outcome Indicator 3, were adapted to better reflect the interest of the Chinese stakeholders, and thus RBM data collected for this indicator was not available.

The above-mentioned data sources were thus supplemented by semi-structured interviews, questionnaires and surveys with key stakeholders who were directly (implementing partners) and indirectly (scholars, law students) associated with the project in order to collect information as a basis for the evaluation of effectiveness. In addition, a review of the project's media visibility in China (Press Book) was conducted to gain insight into the effectiveness, impact and level of public awareness of the project.

The strengths of the above-mentioned data-collection process and sources were its participatory and inclusive nature, enabling the team to reach out to a very broad selection of key project stakeholders. Where possible, control groups were included when conducting surveys. A written record of primary data collected in the form of interviews and surveys was kept by the evaluators, followed by a timely discussion and synthesis of information after each meeting and of the results of the surveys and interviews, so as to assess further data collection needs or issues for clarification with other stakeholders.

Weaknesses or limitations encountered during the data-collection process included time constraints which required only a selection of key project stakeholders to be interviewed. The sample was therefore not fully representative, but provided enough insight to draw reasonable and reliable conclusions about the contribution of the project to its objective. In addition, data collection was sometimes hampered by the non-availability or refusal by some stakeholders to participate in interviews or surveys.



Overall, the evaluators encountered a high level of readiness and openness on the part of Chinese project stakeholders, other external partners and actors and the GIZ project team to respond to queries, and thus data triangulation took place throughout the Evaluation Mission, enabling a solid data and method triangulation within the OECD/DAC criteria. Data collected was therefore deemed reliable, although information transferred was limited to the knowledge, role and responsibilities and interaction level each interviewee had with the project.

### Analysis and assessment regarding effectiveness

The **Outcome** of the project is the module objective, which is defined as ‘the legal, institutional, and social framework conditions for China’s transformation into a rule of law system are improved’.

**Outcome Indicator 1:** ‘A total of four laws that the project provided expertise to and which were adopted by the National People’s Congress have the substantive legal and technical quality on the level of European codified law and are in line with the principle of legal certainty.’

Outcome Indicator 1 was only partially achieved. In the period 2015–2018, the project provided expertise to and formulated recommendations for three pieces of legislation, which were then promulgated. Only one of these pieces of legislation, albeit a fundamental one – the General Part of the Civil Code – was assessed by the project, using a policy-tracking tool to evaluate whether the quality of the legislation was on the level of European codified law and in line with the principle of legal certainty. The policy-tracking tool shows that a number of features or principles of the German Civil Code or fundamental law had been integrated during the reform of the Chinese civil law into the General Part, including in relation to customary practice, legal capacity, immorality, and transaction capacity, to name a few (DOC, INT).

In addition, during the reform discussions of the Civil Code with Chinese partners, the project organised exchange visits in 2015 and 2016 between German and Chinese partners to Germany and Portugal/France on the issue of codifying the civil law, and provided background legal analysis. A symposium was also organised to discuss specific civil law themes in depth (DOC). These exchange visits took place during the discussions of selected legislative proposals and recommendations made to these by the project.

To achieve the project outcome – the legal, institutional, and social framework conditions for China’s transformation into a rule of law system are improved – the **rule of law dialogue (Output A-1:** A regular (at least annual) rule of law dialogue between Germany and China takes place at political (ministerial) level) was organised three times from 2015–2017, with a further one planned for August 2018, in line with the project’s work plan. The dialogue aims to provide the political and technical framework to discuss rule of law themes on ministerial level and among legal practitioners, which should then create momentum for initiatives on the Chinese side for legislative reform. Themes are selected based on mutual agreement between the German and Chinese partners, and discussed on an equal footing. The themes discussed (bankruptcy law, consumer protection, domestic violence law) during the rule of law dialogues, were relevant to rule of law and particularly to creating legal certainty, with a strong focus on economic themes, with the exception of the discussion of the domestic violence law, which existed in draft form at the time (DOC, INT). Among Chinese partners, the rule of law dialogue was seen as a positive contribution to discussing legal themes that speak to challenges China is grappling with by allowing insight into how Germany dealt with similar challenges.

The dialogue also served as an information exchange, as well as providing the possibility to network with legal practitioners to discuss challenges encountered in their daily work (INT). For the German side, the rule of law dialogue provided a platform of discussion with Chinese partners on legal themes, providing them with in-depth insight and information on legal developments in China (INT). While a causal link between the rule of law dialogue and ongoing legislative proposals cannot firmly be established, it is plausible that the rule of law dialogue could create momentum for the formulation of new legislative initiatives, particularly in the economic



field (such as on e-commerce) and for the discussion of future mutual challenges such as digitalisation or environmental protection (DOC, INT). The rule of law dialogue is seen as an important political and exchange forum by both sides, helping to further mutual information exchange, and contributing to the trusted German–Chinese relationship as a prerequisite for the conduct of other project components. Nevertheless, there is scope to enhance synergies between the rule of law dialogue and the other project components, particularly Output B (legislative assistance) and Output C (executive capacity building) to create momentums for legislative reform on the Chinese side, and for Germany to use the platform to discuss rule of law themes in line with its rule of law values.

To achieve the project outcome – the legal, institutional, and social framework conditions for China's transformation into a rule of law system are improved – a dialogue between legal professional associations of lawyers and notaries (**Output A-2**: A regular (at least annual) rule of law dialogue between Germany and China takes place at legal profession (association) level/**new Output E**: Legal qualifications of lawyers and notaries are improved and their understanding of their role as an actor to administer justice is strengthened) has been successfully established.

Twelve exchange visits and workshops were conducted from 2015–2017, including on thematic issues such as environmental law (DOC). The exchange visits served to facilitate the establishment of personal networks and information exchange, including the discussion of professional challenges among Chinese and German lawyers. The exchanges also resulted in the creation of an alumni network facilitated by the Robert Bosch Foundation on a personal level between Chinese and German lawyers. The establishment of institutional networks between German and Chinese lawyers associations was less developed (INT, SURV). However, the dialogue in its current format had not yielded a significant contribution to the project outcome by strengthening public legal information (old Output E) or improving legal services on the part of lawyers (new Output E). German and Chinese lawyers already exchanged information on professional challenges and for networking reasons, but the evaluation found no evidence that third parties were subsequently reached out to in the form of providing legal information or services (INT, SURV).

It is also unclear how the establishment of a dialogue per se (Output A-2) contributed to the project outcome. While a privileged segment of lawyers who had participated in GIZ exchange visits and provided opinions in legislative processes, such a contribution is an exception rather than the rule. Most lawyers would like to focus on improving legal aid assistance and the handling of cases, while also increasing the frequency of training courses (INT, SURV). The project's cooperation with the China Notaries Association was still nascent, with two activities carried out in 2016–2017 and in the planning stage for 2018, due to a lack of absorption capacity of the association, although interest in such a cooperation was high (INT). It is recommended that the format and follow-up of activities under this Output be reassessed to go beyond mere information exchange and to monitor initiatives taken by lawyers after exchange visits in relation to improving legal services to better contribute to the project outcome.

To achieve the project outcome – the legal, institutional, and social framework conditions for China's transformation into a rule of law system are improved – in the period 2015–2017, the project organised 25 activities in different formats (workshops, trainings, exchange visits, symposiums) with the aim of providing legislative expertise to Chinese partners and transferring knowledge on ongoing legislative reform processes, under **Output B (Legislative assistance**: The legislative bodies receiving legislative assistance are able to formulate legislative proposals in line with international standards of European codified law).

The themes discussed during the activities were the result of a common agreement between GIZ and the Chinese partners. Expertise was thus provided on a variety of legal themes, such as on family law, budget law, labour law, constitutional control and civil service law, and international legal aid in criminal law, to name a few (DOC, INT). Chinese partners confirmed the usefulness of GIZ expertise and legislative assistance provided, citing positive examples of changes they took on board, based on the German model, including establishing a

fast-track criminal procedure for minor criminal acts, reforming the judicial system to limit the number of judges, and increasing transparency of the judiciary through the publication of judgements on a website (INT). The added value of German legal expertise compared to that of other countries or multilateral actors was seen in the high quality of the expertise provided, based on similar legal systems and a longstanding trusted relationship on an equal footing (INT). The activities under Output B thus contributed positively to changing the legal and institutional framework conditions to transform China into a rule of law system.

To achieve the project outcome – the legal, institutional, and social framework conditions for China's transformation into a rule of law system are improved – the project aimed to improve the capacity of executive civil servants to apply legislation based on rule of law principles under **Output C (Executive Capacity building)**: Civil Servants of selected administrative bodies are able to apply legislation based on rule of law principles in the thematic areas that the programme provides expertise to).

In the period 2015–2017, the project organised 20 activities in different formats (training, workshops, exchange visits, symposiums) which all focused on discussing specific legal themes, mainly in the economic field, or on improving the organisation of the executive to increase efficiency in decision-making (DOC, INT). These activities were positively received by Chinese partners due to the quality of technical expertise provided, and yielded positive results in that they contributed to legislative reform processes in relation to China's fiscal policy and strengthening of budgetary supervision, particularly at local level. They did not, however, focus on increasing the capacity of civil servants to apply legislation and thereby increase the quality of regulations in line with rule of law principles (DOC, INT, SURV). As such, Output C contributed positively to the project outcome in the same way as Output B did, through legislative assistance via a different Chinese partner, but did not fulfil its initial purpose. This is partially due to the fact that under this component the project has not worked with the appropriate partners on the Chinese side to focus on training civil servants to apply legislation, and partially due to a preference on the side of the current Chinese partners to focus on civil service organisation rather than implementation of regulations (INT, SURV). It is recommended that this component is adjusted, based on a needs assessment and capacity development strategy of the correct Chinese partners, in order to fulfil its initial purpose.

**Outcome Indicator 2:** Seven out of 10 analysed judgements issued by judges receiving expertise under the project are based on law and cited in the judgement, which are applied in a legally logical manner.

Outcome Indicator 2 was not fulfilled. The project assessed a sample of 10 judgements a year, or a total of 30 judgements for the period 2015–2017, by a Chinese external evaluator against a set of qualitative criteria determined by the project team to assess whether judgements from selected training participants had improved in quality in line with Outcome Indicator 2. The result was that 21 out of 30 judgements fulfilled the criteria. However, there was no control group included to establish a baseline of the quality of judgements of training participants so as to assess whether the change in quality of the judgements could indeed be attributed to the training courses (DOC, INT). During the Evaluation Mission, the evaluators assessed the judgements of 10 training participants in accordance with the quality criteria set up by the project team, and included judgements they issued in the years before, during and after the training courses, as all judgements are available online. The result was that there was almost no difference in the quality of judgements issued by the judges in the sample, even if they participated in the training courses. This means that the current project monitoring system for Outcome Indicator 2 did not reliably show whether judges' training courses under Output D were contributing to the Outcome through an improved quality of judgements. Outcome Indicator 2 was also not suitable for realistically capturing the contribution of the training activities under Output D to the project outcome, given that it set the bar to measure the success of judges' training courses very high. It is thus recommended that the Outcome Indicator 2 is reformulated.

To achieve the Project Outcome – the legal, institutional, and social framework conditions for China's transformation into a rule of law system are improved – under **Output D (Judiciary capacity building)**: The

judges receiving training are able to reason their judgements in a legally methodical manner), the project conducted a total of 64 activities in different formats (training, workshops, exchange visits), involving German and Chinese judges, with the aim of increasing the ability of Chinese judges to reason their judgements in a legally methodical manner.

Training courses were conducted in the format of a lecture and interactive discussions based on cases, by selected in mutual agreement between GIZ and the Chinese partner. Training course material was prepared and published, serving as a reference and resource. A training course was usually conducted for 100-150 Chinese judges and led by a German judge, with Chinese translation. Chinese partners consistently attribute a high value to the training courses due to the high quality of expertise and training material provided by German judges and GIZ. In addition, project monitoring in the form of questionnaires distributed before and after the training courses as well as initial and final tests demonstrate a high level of knowledge transfer in relation to the legal subsumption technique taught during the training courses (DOC, INT).

Training participants reported that the training primarily helps them in their work by providing a new way of analytical thinking in relation to complex cases. Very few, however, seem to use the knowledge in the systematic drafting of their judgements. This was partly due to the officially recommended format and working methods for judgements in use in the Chinese judiciary, which were difficult to change, and partly due to the high workload of judges, and the fact that judges believed that one training course would not yield such a result. In addition, Chinese partners are somewhat resistant to taking over the subsumption technique on a systematic and widespread basis in their judgements without this technique undergoing a Chinese assessment of what is the best fit for its judicial system (INT, SURV). Demand for the GIZ training course and the training material was high among judges, particularly in the provinces, although it had been suggested that training should be focused on the younger generation and on candidate judges (INT, SURV). A key limitation was the absorption capacity of the Chinese partner to conduct an increased number of training courses, given competing priorities to conduct training for judges from other countries that were part of the 'Belt and Road Initiative' along the former Silk Road (INT).

The key contribution the training courses made was to transfer knowledge on legal subsumption techniques to a very large number (2,504) of judges from 2015–2018 at both national and provincial level. In addition, the training material was deemed to be of high quality and was being used, bought and distributed within the Chinese judiciary and in universities (INT, SURV). To increase effectiveness, a multiplier effect (for example in the form of Training of Trainers (ToT)) should be considered and conducted on a systematic basis. While this was tried under the predecessor project and one ToT course conducted by the project in 2016, the ToT course only focused on ToT teaching techniques rather than combining this with the legal subsumption training courses. The National Judges College (NJC) has also designed training courses, with the aim of using these at a provincial level (DOC, INT). In addition, the absorption capacity of the Chinese partner to conduct training courses should be reassessed, based on a needs analysis and capacity development strategy, with a view to conducting training courses focused on ToT approaches and to respond to the high demand for training courses among judges. Efforts should also be made to discuss an integration of the legal subsumption technique in the educational curriculum for judges with Chinese partners, and how judges could be encouraged to use the technique in their judgements, or how it could be further tailored to best fit the Chinese system and at the same time serve the objective of enhancing the rule of law in China. One incentive to do so may be the fact that all Chinese judgements were now published online and accessible to the public.

Under this Output, exchange visits for up to 12 German and Chinese judges to Germany and China, financed by the Robert Bosch Foundation, were organised, including to Chinese provinces where specific mutually agreed legal themes, the judicial organisation and the legal systems of China and Germany as well as the handling of cases by judges were discussed. Chinese partners placed a high value on these exchanges, due to the longstanding and trusted partnership with Germany, the similarity of their legal systems, the commitment of the German judges and the high quality of expertise provided (DOC, INT, SURV). The exchange visits

contributed to transferring knowledge on how German judges tackled challenges to the judicial system and how they handled cases, and to establishing personal networks among Chinese and German judges, although language barriers were a factor (DOC, INT, SURV). Networks were mostly established between German judges at Federal State level and Chinese judges working in Chinese provinces (INT).

Overall, Output D contributed to the project outcome by improving the institutional framework conditions. This was achieved by a transfer of knowledge, to a large number of judges, of legal subsumption and case handling techniques – and of ways of tackling other challenges faced by judges in the judicial system. This had not, however, been shown to have translated systematically into an improvement in the quality of judgements.

**Outcome Indicator 3:** 70% of recipients of information material and campaigns confirm an increase in their legal knowledge in relation to selected pilot themes.

Outcome Indicator 3 was not fulfilled. The project was not able to conduct activities in the form of public awareness campaigns to strengthen the access of legal information for the public due to a lack of interest on the side of Chinese partners, which was identified in 2015. The project was then adjusted in practice to include activities conducted with lawyer and notary associations under this component (new Output E), which overlapped with the dialogue conducted under Output A-2 with lawyers and notaries. The effectiveness of activities and Output A-2/new E in contributing to the project outcome have been analysed above.

While the legal outreach component of the project was unsuccessful in its aim to provide public legal information (Output E) in the form of campaigns, activities under the other project outputs could systematically include a visible public information element (for example informative newsletters/publications on the rule of law dialogue, legislative reform efforts, case studies etc.), which could help spread legal information among the project's beneficiaries on both the German and Chinese side. The current media visibility of the project on Chinese and German side was limited to periodic updates of project activities and geared to a specific donor or legal community audience, rather than to substantive legal information and analysis of the legal system in China, although an effort had been made with the compilation of two volumes on Chinese civil and economic law. (Press Book).

Overall, the effectiveness of project activities revealed a mixed picture, with Output A and Output B contributing positively to the project outcome. Outputs C, D and the new E required some adjustment or improvement to better achieve the project outcome. To increase effectiveness, those project intervention areas which focused on the implementation of rule of law decisions, such as civil servant decisions (Output C) and judgements (Output D) needed to be enhanced through planning and discussion with Chinese partners, and more synergies sought between project intervention areas to reinforce results achieved during the dialogue (Output A) or on legislative level (Output B). An example is the domestic violence law, which was discussed in a rule of law dialogue and already existed in draft law form, but which was not subsequently tracked by the programme in terms of changes per European Codified Law, or whether it could potentially inform the Civil Code Reform process as well as inform training activities for judges and civil servants in relation to judgements and decisions made on the issue. A positive step in relation to the latter was the planned activities under Output D in 2018, which included a study tour on the protection of disadvantaged parties to procedures and a judges seminar on legal regulation and mechanisms to combat domestic violence in China and Germany.

The project should also conduct a thorough needs analysis and enhance its capacity development strategy for all key project stakeholders so as to better inform the format, future content and selection of activity themes, and possible adjustment of project components. In addition, during the selection of participants more attention should be paid to ensuring a diversity of participants (women, youth, disabled, ethnic minorities) and the project should monitor follow-up by Chinese partners in relation to policy and decision-making under outputs C and D. In order to increase ownership and follow-up to project interventions by Chinese partners (including potential scaling-up of activities), the project should discuss the above-mentioned elements in the annual planning

process and during evaluations at the end of the year. The focus should be on how expertise and knowledge transferred under the project could be better integrated into the working methods of the Chinese partner institutions and made visible. This would enhance the current capacity building design of the project interventions under outputs C and D by increasing the focus on the institution, instead of only on people (training, exchange visits). The latter has the downside that knowledge transfer is lost when there were staff changes, which occur often in Chinese partner institutions (INT). In addition, a needs analysis and capacity development strategy for key partners – particularly those that were limited in their absorption capacity (see Section 4.1 Relevance) could help to assess where most effectiveness could be achieved.

The project's monitoring system needed to be improved so as to combine both quantitative and qualitative elements, and tracking mechanisms established that could reliably showcase results towards the Outcome Indicator 1 and Outcome Indicator 2, to track changes in legislation and application of judgements and regulations. This includes the creation of control samples. In addition, policy tracking should be systematically done for all promulgated legislation that the project has provided expertise to. Qualitative feedback from project activities in relation to achieved outputs needed to be systematically documented, and the dialogue with Chinese partners used at the beginning of the annual planning process and at the end of the year to take stock of strengths and weaknesses of conducted activities so as to be able to make adjustments.

To enhance effectiveness, it was imperative that Germany capitalised on its unique and trusted position with Chinese partners with a view to engaging in a constructive dialogue on how transferred German expertise and knowledge could be more systematically integrated into the Chinese legal system, taking into account the differing interpretations of rule of law on both sides. The project should always consider the mutual benefit of project activities on both sides and in this regard could consider issuing an annual or bi-annual newsletter which was distributed to an extended distribution list of German and, as appropriate, Chinese partners and activity participants to provide information on legal developments, showcased achieved results and key legal reform processes.

### **Risks and unintended results**

In assessing risks and unintended results, it was important to highlight that the objective of the project itself – to improve the legal, institutional and social framework conditions to transform China into a rule of law system – was politically sensitive *per se* and subject to different interpretations on the German and Chinese sides.

The overall risk of the project not achieving its objectives was judged to be in the medium-to-high range. The above-mentioned political developments and reform priorities were external factors, seen as a 'double-edged sword' that could both positively and negatively impact on the implementation and achievement of the objective of the Sino-German Legal Cooperation Programme, and could also lead to unintended results as outlined below.

On the one hand, the concentration of power in the hands of Xi Jinping, the General Secretary of the Communist Party of China (CPC) and President of the People's Republic of China, as a result of the recent constitutional amendments, combined with the declared political will to continue legal reforms, could be conducive to capacity building on the part of the project's implementing partners in relation to the development of rule of law in key areas such as the codification of civil law, the reform of environmental law, the professionalisation of the judiciary, or the fight against corruption (see for example reform efforts in the area of Civil Law and the promulgation of the general part of the Civil Code). This, in turn, has the potential of making progress in relation to the rule of law.

On the other hand, the concentration of centralised power could also mean that the Sino-German Legal Cooperation Programme's activities and transfer of knowledge could foster this strengthening of centralised power structures in China, with a potentially detrimental effect on progress in transforming the legal and



institutional framework conditions into a genuine rule of law system. This risk was particularly elevated in politically sensitive areas, such as the protection and guaranteeing of individual human rights, if they were seen by authorities as challenging the collective rights of Chinese society. (See, for example, restrictive legislation related to internet security and NGOs, which demonstrated that the Chinese leadership wished to control society in politically relevant areas.) This could lead to an unwillingness on the Chinese side to accept expertise in relation to capacity building, and to initiate the necessary rule of law reforms in the legislative, judiciary and public administration, potentially slowing or even reversing progress made in relation to the rule of law.

There was also a high risk that the project would be unable to contribute to, or be limited in establishing, the framework conditions for a legal system based on the rule of law, as defined in the German sense or generally accepted principles of the rule of law. This was because 'rule of law' in China is rather defined as 'rule by law', in which the formal procedural application of law by the government prevails over the respect of individual fundamental and human rights. China is governed by the Chinese Communist Party (CPC) in a highly centralised system. The establishment of a socialist legal system with Chinese characteristics is a firmly declared objective of the Chinese leadership, but the Chinese definition of rule of law differs in key aspects from that which pertains in the West. Rule of Law, and particularly the independence of the judiciary, is to be seen through the prism of the leadership role of the CPC, and is politically influenced. The application or non-application of laws by the Executive can be politically motivated. This has been demonstrated recently in the selective application of the law on 'party cells' to German firms in one province in China (INT). In relation to legal outreach, certain issues may be too politically sensitive for Chinese partners and cannot be tackled.

The project was implemented with a large number of partners on the German and Chinese side (see Project stakeholder overview in Section 3.2). In addition, the 2018 constitutional reform also saw a restructuring of Chinese institutions, with the key political partner, LAO, being integrated into the Ministry of Justice. Whether this change strengthens or weakens the access of the project to decision-makers, and the impact this might have on activities, remains to be seen. The potential for problems in relation to coordinating different competences and responsibilities between the relevant political stakeholders and cooperation partners was a low risk, but could cause difficulties for project implementation, in the form of delays in implementation. In addition, the potential to create synergies or momentums between project intervention areas was reduced, given that the different cooperation partners worked autonomously within their area of responsibility.

## **Risk mitigation**

The project combined a political/expert dialogue on rule of law with technical expertise in the country, based on a longstanding unique and privileged, as well as trusted, relationship with Chinese partners. In addition, the cooperation with Chinese partners was implemented on an equal footing. In this regard, risk mitigation in the project could take place by continuously assessing progress, and adjusting activities to respond to changes in the political context, including by trying to counterbalance the risk of strengthening the centralised system. Even if politically motivated limitations were imposed, this did not preclude an incremental improvement of institutional and social preconditions. The risk of overlapping competencies and coordination problems could be mitigated by engaging in a systematic mutual planning and feedback process on the challenges and benefits of implemented activities and achieved results, with all relevant actors on both sides. The establishment of a safeguards system within the project could also be useful to monitor these risks.

The evaluators found no evidence that the project caused any project-related negative results, although there was a risk that project activities might strengthen the centralised political system. In relation to additional or unintended positive results, legislative assistance conducted by the project opened opportunities for discussion of gender-equality issues, particularly in the context of legislative assistance provided under Output C, which focused on economic and fiscal/budget reform undertaken by Chinese partners (gender budgeting), or in relation to legislation such as the labour law (INT). While the project conducted a few gender-related activities

under outputs A-2 (lawyer exchange: women as lawyers), B (gender and labour law) and D (judicial exchange on women in the judiciary), the approach was rather standard: focusing on the role of women in the different professional categories, and trying to ensure that participants in project activities included a sufficient number of women (INT, DOC). The project could have been more active in seizing opportunities to conduct substantive project activities through a gender lens so as to improve the rule of law situation of women in China.

### Key results regarding selected hypotheses

Hypothesis <sup>5</sup>	Confirmed/ Unconfirmed	Comments
<b>Hypothesis 1:</b> A regular rule of law dialogue (Activity) in the form of the German-Chinese Legal Symposium on Ministry level and between German and Chinese legal professional associations (Output A (A-1 and A-2/new E)) has increased China's responsibility/initiative to strengthen rule of law (Outcome).	Partially confirmed	Confirmed in relation to Output A-1, with the caveat that the rule of law dialogue can be enhanced as a platform to increase China's initiatives to strengthen rule of law and to create momentums for other project components. Unconfirmed for Output A-2 as it was unclear how the exchanges between lawyers contribute to China's initiatives to strengthen rule of law.
<b>Hypothesis 2:</b> The provision of German legal expertise/assistance (Activity) has led to legislative proposals in line with European codified law standards and to laws (Output B (B-1)) which are clear and can be implemented when promulgated (Outcome).	Confirmed	While only one example, the General Part of the Civil Code is a fundamental piece of legislation with an ongoing reform process that may yield further Civil Code components being codified.
<b>Hypothesis 3:</b> Capacity-building activities of representatives of the executive/public administration in the areas of economic law and consumer law (Activities) have led to an increased application of law in line with rule of law principles (Output C (C-1/C-2)), which manifest themselves in decisions of public administrative bodies (Outcome).	Unconfirmed	Activities were not conducted focused on increasing the application of law, but rather, at the legislative level, focused on economic and consumer law. The original intention of Output C was to build the capacity of civil servants to apply laws and make decisions in line with the law. The project activities focused on capacity building for legislative proposals similar to those of Output B but with different partners. Hence, the project needed to adjust Output C activities and partners to achieve its original intention.
<b>Hypothesis 4:</b> Capacity building activities of representatives of the judiciary	Unconfirmed	Activities transferred knowledge on legal methodological reasoning to judges but this did not translate into judges applying

<sup>5</sup> Hypotheses are formulated based on information in the project documentation and not verbatim in line with the currently formulated Outputs and Outcomes in the Theory of Change.



(Activity) have led to an increased ability of judges to apply legal methodological reasoning in their judgements (Output D (D-1/D-2)), increasing their adherence to rule of law principles (Outcome).		this reasoning in their judgements due to internal guidelines within judicial institutions not being adapted to instruct judges to use the legal methodological reasoning technique systematically.
<b>Hypothesis 5:</b> Legal outreach conducted in cooperation with Chinese partners (Activity) has led to an increased access of the Chinese public to legal information (Output E), increasing their legal knowledge (Outcome).	Not applicable	Legal outreach activities have not taken place under the project, due to a lack of interest on the side of Chinese partners, therefore the hypothesis could not be tested.

Criterion	Assessment dimension	Score
Effectiveness	The project achieved the objective on time in accordance with the project objective indicators agreed upon in the contract.	<i>Max. 40 points – 30</i>
	The services implemented by the project successfully contributed to the achievement of the project objective.	<i>Max. 30 points – 22</i>
	The occurrence of additional (not formally agreed) positive results was monitored, and additional opportunities for further positive results seized.	<i>Max. 30 points -16</i>
	No project-related negative results occurred – and if any negative results occurred, the project responded adequately.	
Overall Rating Effectiveness		<i>68 of 100 points</i>

## 4.3 Impact

### Evaluation basis and design for assessing impact

#### *Evaluation basis*

The impact of the project was assessed based on the evaluation questions outlined in Section 1.2 and information set out in the Terms of Reference and project documentation provided by GIZ, as outlined in Table 3.1, and the participatory data-collection methodology outlined in Section 2.3 to gain in-depth insights from semi-structured interviews and surveys conducted by the local evaluator during the Evaluation Mission from 9 to 20 April 2018. The key project stakeholders and target groups involved in a participatory manner to evaluate impact were mentioned in Section 3.2. Impact was assessed on the basis of the current and adapted Theories of Change outlined in Section 3.1.

#### *Evaluation design*

The underlying guiding questions of the project regarding impact, tested based on a contribution analysis, were whether:

- the project intervention had an impact on the political and economic level in terms of the relationship of Germany to China, particularly in relation to German–Chinese companies,
- the project interventions could contribute to the Sustainable Development Goals (SDGs), particularly SDG 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels), based on the SDG agenda indicators,
- the project interventions could contribute to the long-term objectives outlined in the project proposal of creating favourable conditions for legal certainty, and (indirectly) contributing to economic growth and poverty reduction.

Based on the Theory of Change and the Results Model, the following hypotheses in relation to impact were tested:

#### **Hypothesis<sup>6</sup>**

##### **Hypothesis 1:**

Project interventions focused on capacity building of the legislative, judiciary and executive have contributed to improving China's transformation to a rule of law system in accordance with SDG 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels).

##### **Hypothesis 2:**

Project interventions have had a positive impact on the bilateral relationship between China and Germany.

Specifically, (positive and negative) impact was assessed against the evaluation dimensions, key evaluation questions and indicators outlined in the Evaluation Matrix (see Annex 1).

Relevant rule of law Indicators, which address international standards, as outlined by the United Nations, measuring performance, capacity, integrity, transparency and accountability of judiciary/legislative could not be added to the analysis of effectiveness (e.g. undue delays, respect for rights of defendants; judicial independence, performance monitoring system for judges; material resources of courts/legislative committees; percentage of judges/lawmakers that were women; competence of lawmakers/judges) because the

<sup>6</sup> Hypotheses are formulated based on information in the project documentation and not verbatim in line with the currently formulated Outputs and Outcomes in the Theory of Change

interpretation of existing Chinese statistics do not allow such indicators to be used in China.

#### *Empirical methods*

Data sources for the collection of evidence to confirm or refute the above-mentioned hypotheses and fulfilment of evaluation indicators and data triangulation in relation to impact, including strengths and weaknesses of collected data and the RBM indicator data are the same as those cited under Section 4.2 Effectiveness.

In addition to the limitations mentioned under Effectiveness (see Section 4.2), it was also not feasible for the evaluation to focus on other marginalised groups, due to a lack of available monitoring data. The only mention of marginalised groups in the project documents related to the adapted Outcome Indicator 3 and Output E, where it was agreed with the Ministry of Justice to carry out activities focused on the legal framework guaranteeing access to justice for marginalised groups; however, no such activities were carried out at the time of this Evaluation.

### **Analysis and assessment regarding impact**

An assessment as to whether the project has achieved or contributed to overarching development results could only be done on a limited basis, due to a lack of available and reliable monitoring data on outcome and impact level.

#### **Hypothesis 1: ‘Project interventions focused on capacity building of the legislative, judiciary and executive have contributed to improving China’s transformation to a rule of law system in accordance with SDG 16.’**

According to the project documentation, the project’s long-term goals were to contribute to creating a secure legal environment and the application of laws based on rule of law principles. This in turn should potentially positively influence employment and poverty reduction and contribute to the SDGs. While no BMZ country strategy exists for China, the project’s contribution to the above-mentioned long-term goals and the Development Agenda 2030, particularly SDGs 16 and 5 (Achieve gender equality and empower all women and girls) was indirect and unintended rather than direct and intended. (See Section 4.1 on Relevance above.)

#### *Contribution of the project to the Agenda 2030*

The project contributed to the implementation of the UN Development Agenda 2030 as follows:

*Participatory development and good governance:* The strengthening of the public administration based on legal principles, and the delivery of judgements based on law, were key objectives of the project. The integration of rule of law principles to reform legislation can put reform pressure on the executive and the public administration. The project also aimed to make the judiciary more professional and transparent in order to establish the judiciary as the third power in the state.

The objective of the project to support the rule of law in China contributed to the BMZ concept to Support Good Governance and to the implementation of the Sustainable Development Goal 16: the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels.

*Social-economic results:* The project provided capacity building to the Chinese government to establish a modern legal system and to apply the rule of law. This could have contributed to legal certainty and facilitated inclusive and sustainable economic growth. One can assume that the project thus indirectly contributed to improving social justice and to poverty reduction.

*Human rights:* Legislative assistance based on European quality standards of codified law can contribute to

integrating human rights standards in Chinese legislation. The project supported courts to issue judgements based on a legal methodical approach, which could have led to increased legal certainty in individual cases. Through an improved access to legal information, the Chinese public could increase their knowledge of their rights and the legal possibilities to protect them.

The project does not mention a contribution to gender equality (SDG 5), although the BMZ, in its commission dated 15 December 2014, said that gender issues were explicitly relevant to the project and GIZ does apply gender standards (Safeguards & Gender) to projects. Nevertheless, the project could contribute to SDG 5 through its intervention areas by taking a gender lens in relation to substantive legislative assistance and thematic discussions within the rule of law dialogue.

The definition of 'rule of law', according to international standards, incorporates several key principles, including accountability of government under law, the just and even application of laws, accessible, fair and efficient enactment of laws and accessible and impartial dispute resolution (World Justice Project). In its interventions, the project plausibly contributed to creating more legal certainty or reducing the space for arbitrary decision-making by the executive. The application of rule of law based on law by the public administration and courts should also strengthen the individual citizen in relation to the state (DOC).

The broad scope of the intervention areas under the project, which focused on all key rule of law elements (legislative assistance, judiciary, executive, legal outreach) as well as activities under **Output A-1 (rule of law dialogue)** and **Output B (legislative assistance)** could potentially have contributed to dimensions of sustainability in the economic and social fields (poverty reduction), to strengthening citizen rights, and to creating more legal certainty.

Positive examples under Output B which contributed to the long-term goals mentioned above, included substantive recommendations made in relation to legislation, such as the civil code, competition law, budget or labour laws (DOC, INT). However, the translation of such recommendations into long-term policy-making, and the systematic implementation of these policies in the legal system, had not been systematically monitored (DOC, INT). In addition, the integration of knowledge transfer into the legal system was subject to the willingness of Chinese partners and ultimately to the decision of the CPC, and there was thus a risk that it was not the intention that these long-term goals could be achieved. This was particularly the case in relation to politically sensitive areas. The predecessor project unsuccessfully attempted to work on the reform of legislation on non-governmental organisations, which demonstrated the potential limits to discussion and negotiation of rule of law themes with the Chinese partners (DOC). Activities under outputs C, D and A-2/E had less potential to contribute to the long-term goals in their current format (Output D focused on knowledge transfer to judges through training) without increasing follow-up in the form of multiplier effects; outputs C and A-2/E had not been effectively adjusted (see Section 4.2 Effectiveness.).

Even if politically motivated limitations took place, this did not preclude the project's contribution to an incremental improvement of institutional and social preconditions to transform China into a rule of law system.

## **Hypothesis 2: 'Project interventions have had a positive impact on the bilateral relationship between China and Germany.'**

The political rule of law dialogue (Output A-1) provides a positive and constructive platform for Germany and China to discuss rule of law challenges, which were often difficult, complex and sensitive. The three themes that were discussed in the political rule of law dialogue focused on economic themes and on the domestic violence law. As such, the dialogue contributed to maintaining and potentially enhancing the trusted bilateral relationship between Germany and China (see also 4.2 Effectiveness) (DOC, INT). While there was a small risk that short-term political tensions in the bilateral relationship between China and Germany could cause difficulties for project implementation, given the high political sensitivity of the project's rule of law theme, at the

time of writing there were no political tensions in the bilateral relationship between Germany and China that detrimentally influenced the project. The facilitation and participation of the project in the operational German–Chinese rule of law dialogue was deemed important for both sides, as it took place on an equal footing and facilitated the bilateral relationship in the realm of discussions focused on the rule of law, speaking to interests on both sides, including in the economic sphere. It could therefore plausibly be considered to impact positively on mutual understanding, discussion and the negotiation of rule of law issues. It could also create the conditions to discuss other themes of importance to both countries, including rule of law aspects of human rights (INT).

The creation of (personal) networks between a wide variety and large number of German and Chinese stakeholders on a high political and technical working level as a result of project interventions also serve the bilateral relationship in that information on rule of law developments in China could be exchanged and mutual challenges in the rule of law field discussed, although this could be further institutionalised (INT).

While the political rule of law dialogue had contributed to a positive bilateral relationship between Germany and China, due to exchanges at a high ministerial level, the evaluation found no evidence that project interventions contributed to improving the overall bilateral relationship between Germany and China, beyond the rule of law dialogue. (INT)

A contribution to mutual long-term development goals and a further strengthening of the bilateral relationship could also have been achieved by the project if more synergies were sought in working with other GIZ programmes (particularly on the environment). This would have reinforced recommendations made in the legislative field and coordinated efforts could have formed the basis for discussions with the Chinese side to incorporate substantive recommendations on cross-cutting issues such as gender in their policies, or to consider them during rule of law reform efforts. In relation to ‘leave no one behind’, project interventions did not consciously target marginalised groups (such as women, children, young people), although positive changes in legislation, such as the reform of the Domestic Violence Law or Family Law (see Section 4.2 Effectiveness), may also have positively impacted their situation. Nevertheless, the evaluation found no clear evidence of this. In relation to gender equality, in particular, the project should have made more effort to substantively integrate a gender lens in its interventions and to assess whether and how the ‘leave no one behind’ principle could be applied to include the disabled and ethnic minorities in project activities (see Section 4.2 Effectiveness).

The project did not cause any project-related negative results which the evaluation could assess at the impact level.

## Key results regarding selected hypotheses

Hypothesis <sup>7</sup>	Confirmed/Unconfirmed	Comments
<b>Hypothesis 1:</b> Project interventions focused on capacity building of the legislative, judiciary and executive have contributed to improving China's transformation to a rule of law system in accordance with SDG 16	Partially confirmed	The broad scope of the project intervention areas, which focused on all key rule of law elements (legislative assistance, judiciary, executive, legal outreach), as well as the rule of law dialogue, could potentially contribute to dimensions of sustainability in the economic and social fields (poverty reduction), to strengthening citizens' rights, and to creating more legal certainty, which are key components of SDG 16 targets. However, the translation of such recommendations into long-term policy-making and the systematic implementation of these policies in the legal system had not been systematically monitored, and was subject to the willingness of Chinese partners and ultimately to a decision of the CPC, with a risk that these long-term goals could not intentionally be achieved.
<b>Hypothesis 2:</b> Project interventions have had a positive impact on the bilateral relationship between China and Germany.	Partially confirmed	The facilitation and participation of the project in the German–Chinese rule of law dialogue was focused on the rule of law, addressing interests on both sides, including in the economic sphere, and could plausibly impact positively on mutual understanding, discussion and the negotiation of rule of law issues, including by contributing to the creation of personal networks. While the rule of law dialogue had contributed to a positive bilateral relationship between Germany and China due to exchanges at high ministerial level, the evaluation found no evidence that project interventions contributed to improving the overall bilateral relationship between Germany and China, beyond the rule of law dialogue.

<sup>7</sup> Hypotheses are formulated based on information in the project documentation and not verbatim in line with the currently formulated outputs and outcomes in the Theory of Change

Criterion	Assessment dimension	Score
Impact	The intended overarching development results occurred or were foreseen (should be plausibly explained).	<i>Max. 40 points – 29</i>
	The project contributed to the intended overarching development results.	<i>Max. 30 points – 20</i>
	The occurrence of additional (not formally agreed) positive results at impact level was monitored and additional opportunities for further positive results were seized.	<i>Max. 30 points – 20</i>
	No project-related negative results at impact level occurred – and if any negative results occurred, the project responded adequately.	
Overall rating for impact		<i>69 of 100 points</i>

## 4.4 Efficiency

### Evaluation basis and design for assessing efficiency

#### Evaluation basis

The efficiency of the project was assessed, based on the evaluation questions outlined in Section 1.2 and information set out in the Terms of Reference and project documentation provided by GIZ, as outlined in Table 2, and the participatory data-collection methodology, outlined in Section 3.1, to gain in-depth insights from semi-structured interviews and surveys conducted by the local evaluator during the Evaluation Mission from 9 to 20 April 2018. The GIZ Efficiency Tool was used to analyse available data.

The key project stakeholders and target groups involved in a participatory manner to evaluate efficiency are mentioned in Section 3.2. Efficiency was assessed on the basis of the current and adapted Theories of Change outlined in Section 3.1. Alternatives and potential improvements in relation to the efficient management of the project were guided by a comparison with rule of law projects of a similar scale, taking into account the specificity of China's context.

#### Evaluation design

The underlying guiding question of the project regarding efficiency was whether:

- the efficient use of resources under the project was facilitated and was based on effective coordination and



communication.

Specifically, efficiency was assessed against the evaluation dimensions, key evaluation questions and indicators in the Evaluation Matrix, including efficiency in terms of project implementation, allocation of resources and efficient use of resources input (see Annex 1).

### Empirical methods

Data sources for the collection of evidence to confirm or refute the above-mentioned questions and the fulfilment of evaluation indicators in relation to efficiency were:

- 2014 Project proposal and four modification offers,
- the 2016–2018 project progress reports,
- the current and revised Results Models and Theories of Change,
- collected RBM data against outcome indicators 1–3 and output indicators A–D for the periods 2015–2018,
- stakeholder landscapes for the German and Chinese sides,
- capacity development strategy,
- the current Project Steering Structure (Organigram 2018),
- the plan of operations for 2015–2018,
- cost data (up to April 2018) and assignment of resources to project interventions as well as current contracts under the project.

The above-mentioned data sources were supplemented by semi-structured interviews with key stakeholders (project team, implementing partners) to assess the efficiency of cooperation and management structures. In addition, the GIZ Efficiency Tool was used to analyse information on the efficient use of financial and human resources in the project. For this purpose, additional information in relation to costs, co-financing, contracts and indicator data was sought and clarified with the Project Team during the Evaluation Mission to enable data input into the GIZ Efficiency Tool.

### Analysis and assessment regarding efficiency

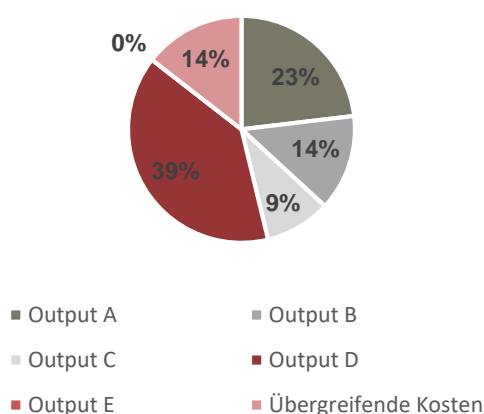


Figure 5 Share of output costs

Output costs based on the project's cost commitment report up to April 2018 (including project staff time) were principally distributed in line with the level and number of activities conducted under each output in the evaluation period 2015–2018. A total of 127 activities were conducted, with 65 activities, including three publications organised under Output D (Judiciary), which takes up the highest percentage of costs (39%, or EUR 1,986,323), followed by 16 activities, including 4 rule of law dialogues under Output A (23% or EUR 1,168,918), 25 activities under Output B (14%, or EUR 693,887), and 21 activities under Output C (9% or EUR 475,095) and Output E (0% or EUR 0).<sup>8</sup> (GIZ Efficiency Tool)

When analysed in relation to the effectiveness of activities (see Section 4.2 Effectiveness), more efficiency could be generated by creating more synergies between different outputs and by including a multiplier effect in

<sup>8</sup> Output E refers to activities conducted under the current Theory of Change of the project. Lawyer and Notary exchanges are financially slotted under Output A-2 as originally foreseen in the project.

the activities of Output D. If Output C activities were to be adjusted, it may be useful to assess a redistribution between Output D and C, particularly given the fact that Output D also profits from co-financing. There may also be further efficiencies in reassessing the costs needed under Output A-2 (Lawyers and Notaries exchange), as this component also profits from cofinancing, and charging those lawyers who can afford it fees for participation in project activities might be considered.

The planned costs for 2018 after the period of this evaluation (April 2018), an amount of EUR 1,456,201, were mostly allocated to Output A (70%, or EUR 1,079,340), followed by Output B (14% or EUR 207,509) and Output D (11% or EUR 163,677). This cost distribution also generally followed the level of planned activities in 2018, particularly since a political rule of law dialogue was planned in September 2018 (GIZ Efficiency Tool).

A very positive contribution to the efficiency of the project, which also demonstrated ownership, was the willingness of Chinese partners to cover the costs of travel and accommodation for participants to Germany and other locations in a total of 129 out of 135 activities conducted or planned under all outputs of the project from 2015–2018, amounting to an estimated EUR 4,989,250 in cost savings for the project if GIZ rates had been applied. These activities involved, or would involve in 2018, a total of 5,473 participants. In addition, participants from German partners under the project had covered, or would cover, costs for travel and accommodation to China in a total of 55 out of 135 activities from 2015–2018 to the tune of an estimated EUR 1,155,550, an additional cost saving for the project. Moreover, other Chinese partners supported project activities under Output A-2 with in-kind contributions. (DOC, INT, GIZ Efficiency Tool)

Overall management and administration of the project accounted for 14% or EUR 732,530 of the costs of the project. This percentage results from the nature of the project activities conducted, which required a lot of administration and logistics, the need to manage co-financing components of the project, and the substantial amount of time needed to manage the project by the Programme Director (80%) and Deputy Programme Director (70%) (DOC, INT, GIZ Efficiency Tool). If the voluntary contribution from the Chinese side of an estimated EUR 4,989,250 was also considered, the project effectively administered EUR 12,189,250. Although this was not captured by the GIZ Efficiency Tool, the cost of the overall management and administration of the project was reduced to 6%, which was in line with the administrative costs of rule of law projects of a similar nature and size. (DOC, INT)

The project benefited from a financial contribution by the BMJV to Output A-1 (rule of law dialogue) and co-financing by the Robert Bosch Foundation to Outputs A-2 (lawyer exchange) and Output D (judiciary training). The total amount of co-financing of the project amounts to 1,382,516 EUR, of which 112,500 EUR were partner contributions (BMJV). The co-financing and partner contributions were split by 27% and 65% respectively between Output A and Output D under the project (DOC, INT, GIZ Efficiency Tool). A positive effect of the co-financing was that under Output A-2 (lawyer exchange) the financial terms and conditions have contributed to an acceptance by the Chinese side of a more diverse set of participants, as per the co-financer's request, which was not the case in other project activities (INT). To enhance efficiencies for the project under the co-financed outputs, an adjustment of the activity to create a multiplier effect in the form of Training of Trainers (ToT) could be considered under Output D (judiciary training) activities. Under Output A-2 (lawyer exchange), the financing should focus on those lawyers who cannot easily afford the training courses and commit to taking initiatives in relation to improving the administration of justice.

In relation to the achievement of the project outcome, the project could enhance efficiency by creating more synergies between outputs, in particular using Output A-1 (rule of law dialogue) and Output B (legislative assistance) to create momentum for potential adjustments of Output C (executive) and D (judiciary) activities, which could in turn reinforce achievements under outputs A and B. This should also be reflected in the project's substantive management, and efforts had already been made and should have ensured that staff inform each other regularly of ongoing developments in the different intervention areas. In addition, more cooperation between the project and other GIZ projects needed to be considered, particularly in the area of the

environment, with the project focusing on rule of law aspects of the environment.

While a formal donor coordination mechanism under the UNDP Resident Office exists, it is primarily used for discussion of current developments rather than a coordination of activities, partly because country and multilateral donor programmes worked with different Chinese partners to implement activities in accordance with their responsibilities and functions, resulting in many programmes working in silos (INT). To enhance efficiency, there needed to be more cooperation – either formally or informally – between the project and other donor programmes working in the field of rule of law, to exchange information and assess areas where complementary engagement made sense. It was in the interest of several donors to do so (INT).

In relation to its management structure and implementation efficiency, the project had seen a high level of staff fluctuation since 2015, affecting its capacities for effective project management. The project also had difficulty recruiting qualified international staff to Beijing, as well as qualified Chinese lawyers with the necessary German language proficiency in a financially competitive environment (INT). This limited the deployment of substantive legal expertise, and also affected the ability of the project to negotiate and effectively communicate with Chinese partners during project planning, implementation and monitoring.

The overall staffing level of 15 was adequate to implement the project in its five intervention areas, with reporting lines split between the Programme and Deputy Programme Director, in accordance with the substantive areas they worked on, and administrative staff reporting to the programme director, with the exception of IT. While the team structure was adequate, it needed to be assessed whether communication on substantive issues could be improved and further coordinated across reporting lines (DOC, INT).

The project could also benefit from enhancing its staff capacities or requesting GIZ Headquarter or external support to conduct a needs analysis and capacity-development strategies, as well as setting up an effective project-monitoring system towards the project outcome, which had key weaknesses (see sections 2.1 Data evaluability, 4.2 Effectiveness and 4.3 Impact).

To enhance efficiency towards the achievement of the project outcome, a thorough needs analysis and capacity-development strategy for all key partners under the project needed to be conducted ahead of the next planning phase. In addition, the setting up of an effective project-monitoring system, including control groups and a mix of quantitative and qualitative indicators at outcome level, as well as a systematic documentation and wider use of data-collection tools could help to better showcase how well outputs were contributing to the project outcome, providing valuable information to enhance efficiency and effectiveness.

Criterion	Assessment dimension	Score
Efficiency	The project's use of resources was appropriate with regard to the outputs achieved. [Production efficiency]	50 of 70 points
	The project's use of resources was appropriate with regard to achieving the projects objective (outcome). [Allocation efficiency]	20 of 30 points
Overall rating of efficiency		70 of 100 points

## 4.5 Sustainability

### Evaluation basis and design for assessing sustainability

#### *Evaluation basis*

The sustainability of the project was assessed based on the evaluation questions outlined in Section 1.2 and information set out in the Terms of Reference and project documentation provided by GIZ, as outlined in Table 2, and the participatory data-collection methodology, outlined in Section 3.1, to gain in-depth insights from semi-structured interviews and surveys conducted by the local evaluator during the Evaluation Mission from 9 to 20 April 2018. Key project stakeholders and target groups involved in a participatory manner to evaluate sustainability are mentioned in Section 3.2. Sustainability was assessed on the basis of the current and adapted Theories of Change, outlined in Section 3.1.

#### *Evaluation design*

The underlying guiding question of the project regarding sustainability was whether:

- the project was conceptualised to be sustainable in relation to its project interventions and results of providing legal expertise and assistance, capacity building of the executive and judiciary, and legal outreach,
- the project interventions and results were ecologically, socially and economically balanced.

Specifically, sustainability was assessed against the evaluation dimensions, key evaluation questions and indicators outlined in the Evaluation Matrix (see Annex 1).

#### *Empirical methods*

Data sources for the collection of evidence to confirm or refute the above-mentioned question and fulfilment of evaluation indicators in relation to sustainability were:

- 2014 project proposal and four modification offers,
- the 2016–2018 Project progress reports,
- the current and revised results models and theories of change,
- collected RBM data against outcomes indicators 1–3 and output indicators A–D for the period 2015–2018,
- Chinese and German stakeholder landscape analysis, including descriptions,
- capacity-development strategy,
- additional background information in the form of background papers compiled by GIZ project team to describe ongoing legal reforms and the legal system in China,
- press mapping of the project in the German and Chinese press,
- semi-structured interviews and surveys with key stakeholders, outlined in Section 3.1,
- additional information collected from external sources, including on the situation of rule of law in China (World Bank Rule of Law Index).

Data sources for the collection of evidence to assess the fulfilment of evaluation indicators and data triangulation in relation to sustainability, including strengths and weaknesses of collected data and the RBM indicator data, as well as limitations, were the same as those cited under Section 4.2 Effectiveness. Due to a lack of available and reliable monitoring data on output and outcome level, the ability of the evaluators to make an in-depth assessment of project results in the context of economic, social and ecological sustainability was limited. To inform and assess the sustainability of the project, the results achieved under the predecessor project were also taken into account.

### Analysis and assessment regarding sustainability

The project was not conceptualised with an exit strategy or dedicated plan for sustainability in mind, although

elements of sustainability existed in several project intervention areas. These included Output A-1 (rule of law dialogue), which is a long-standing and constructive dialogue between German and Chinese partners based on political agreements signed at the highest level, where mutually selected themes are discussed on an equal footing, and Output B (legislative assistance), which aimed to provide legal expertise as a basis for the long-term adaptation of the codified legal framework in China, with the General Part of the Civil Code promulgated in line with many elements of European standards included (DOC, INT). Under Output D (training of judges), activities aimed to increase knowledge transfer and public legal information through compilation, publication and availability in libraries, and for purchase of training material for judges, although the training itself was dependent on the participation of German judges and could benefit from a multiplier effect in the form of a training of trainers approach to enhance sustainability (DOC, INT). Sustainability elements were weak in relation to Output A-2 (lawyer exchange) and Output C (executive capacity building), as the former had only created limited networks among lawyers, and the latter has contributed to knowledge transfer in the economic and fiscal legislative field. Output E (legal outreach) had not yet been implemented (DOC, INT, SURV).

With the exception of Output C, all project interventions were well anchored and implemented with an appropriate Chinese partner, who highly valued the expertise provided by the project. There were positive examples of the Chinese partner attempting to create a multiplier effect, based on knowledge transferred during training courses for civil servants (Output C) and the judiciary (Output D), by summarising training material and having training participants conduct presentations for other civil servants/judges, as well as by video recording training courses for further use at a provincial level. In addition, Chinese reform efforts, in particular the goal to increase the transparency of the judiciary, may be incentives for Chinese partners to focus on increasing public information and sustainability (DOC, INT, SURV).

To ensure the long-term application of achieved results, the Chinese side had abundant human and financial resources available, as exemplified by its voluntary financial contribution to the project's activities under all outputs (see Section 3.3 Efficiency), demonstrating its ownership (DOC, INT). It also had the necessary institutional structures in place to monitor long-term achievements and targets of Agenda 2030 for Sustainable Development, particularly in the provinces and at a local level, given that China often pilots reform processes and policies before scaling them up to the rest of the country. In this regard, the key factor to ensuring sustainability of results was whether the CPC was willing to systematically integrate expertise and knowledge provided from the project into China's legal system. (INT)

Considering the political and social context within which the project was being implemented, outputs A-1 (rule of law dialogue), and B (legislative assistance) were quite durable, given the importance and mutual benefit the German and Chinese sides contribute and derive from the longstanding dialogue as a platform for information exchange, and the incorporation of provided legislative expertise in key legislation. Output D (judiciary training) could be enhanced in its durability if the approach to the activity was changed to reduce dependence on German expertise. The publication of training material, while a positive durable element, also required regular updating and revision with German expert support. outputs A-2 (lawyer exchange), C (executive capacity building) and E (legal outreach) in their current form have no durability.

The risk thus exists that unsustainable activity formats are maintained, in the event of there being no discussion with Chinese partners during annual planning and evaluation or feedback processes on how transferred knowledge and expertise can be integrated at institutional level (see Section 4.3 Impact) and systematically included in the legal system. In addition, there was a medium-to-low-range risk that transferred expertise may serve to strengthen the centralised system, which could, in the worst case, create circumstances that could reverse progress made in the legislative field and impact negatively on themes discussed during the rule of law dialogue. This scenario would make it impossible for the project to achieve its outcome.

Project interventions have positively contributed to economic and social results through the provision of legislative assistance to key legislation in the field of fiscal transfer and budget law, labour law and civil code, in

particular family law. These can potentially contribute to improving competitiveness and employability, to the redistribution of resources (poverty reduction) and to non-discrimination, although it lies beyond the scope of this evaluation to assess this in depth, due to a lack of available data. The project could not identify any unintended negative economic, social or ecological results that could be evaluated.

Criterion	Assessment dimension	Score
Sustainability	Prerequisite for ensuring the long-term success of the project: Results were anchored in (partner) structures.	<i>Max. 40 points – 26</i>
	Forecast of durability: Results of the project were permanent, stable and long-term resilient.	<i>Max. 30 points – 16</i>
	Were the results of the project ecologically, socially and economically balanced?	<i>Max. 30 points – 15</i>
Overall rating for sustainability		<i>57 of 100 points</i>

## 4.6 Long-term results of predecessor

### Evaluation basis and design for assessing long-term results of the predecessor

#### *Evaluation basis*

The predecessor Sino-German Legal Cooperation Programme (PN 2009.2157.7) was assessed based on the project documentation provided to the evaluators for the years 2010-2014. This was complemented by semi-structured interviews with the current project team during the Evaluation Mission from 9 to 20 April 2018.

#### *Evaluation design*

The evaluation of the predecessor project followed the same design, guiding questions and evaluation questions in relation to effectiveness, impact and sustainability as the current project, although a full evaluation of the predecessor was not conducted. The predecessor project fed into the evaluation for efficiency, impact and sustainability in the sense that information from the predecessor project was used to assess elements of these three evaluation criteria for the current project.

#### *Empirical methods*

Data sources for the evaluation of the predecessor project included its monitoring data captured in its results models, which informed the current project in the sense of creating a certain baseline for continuation. Progress reports and the final report of the predecessor project provided insight into the effectiveness, impact



and sustainability of the current project as the main source of information, given that an evaluation of the predecessor project was not available.

**Data sources to assess the predecessor project included:**

- 2009 project proposal and one modification offer,
- 2013–2015 Results Matrix,
- 2010–2014 operational plans,
- 2010–2014 project progress reports and the 2015 Project end report.

The project documentation provided for the predecessor project does not include monitoring data, although baseline and target data were captured in the Results Matrix and the project progress reports. It was thus difficult to assess the reliability of the achieved results, based on project progress reports only. Nevertheless, these provided an informative basis to understanding how project intervention areas under the current project had developed, and, in particular, whether certain approaches to activities or themes had been continued. The predecessor project documentation also does not include a Theory of Change, needs analysis or capacity development strategy.

**Analysis and assessment regarding long-term results of the predecessor**

The predecessor project's outcome was formulated as 'the legal and institutional framework conditions to transform China into a social market economy based on legal certainty are improved'. It aimed to achieve the outcome through four intervention areas focused on Output 1 (legislative assistance), Output 2 (judicial training), Output 3 (executive training) and Output 4 ('Improving the legal conditions for the establishment of civil society and the social situation of women and men'). As such, the predecessor project followed a similar comprehensive design as the current project by targeting key actors in the legal system and, in its approach, combining legislative assistance in the economic, social, criminal and civil law fields with capacity building of judges and the executive to implement judgements and decisions in line with rule of law principles. These three components were essentially taken over by the current project in Output B (legislative assistance), Output C (executive) and D (judiciary), whereas the outcome was adjusted to focus on improving the legal and institutional framework conditions towards transforming China's political system into a rule of law system. The last component of the predecessor project (Output 4) was more ambitious than the legal outreach component in the successor project (Output E) in that it specifically focused on improving the legal situation for civil society and the social situation of women (DOC).

In a similar way to the current project, the predecessor project did not conduct a needs analysis nor develop a capacity-development strategy. In addition, its monitoring system had the same weaknesses as those of the current project, particularly in relation to measuring outcome indicators, i.e. whether Output 2 and Output 3 contributed to the predecessor project outputs and outcome beyond transferring expertise or knowledge on the output level, as there were no control groups established and no appropriate monitoring data was available, beyond the statements made in project progress reports and the project final report. No project progress monitoring or evaluation of the predecessor project took place, so it was difficult reliably to assess the baseline targets of the predecessor project which served to inform the current project. (DOC)

Nevertheless, some conclusions and lessons in relation to effectiveness, impact and sustainability could be deducted from the predecessor project for the current project on the basis of the available data and predecessor project documentation.

The predecessor project provided legislative assistance in the economic, social, criminal and civil law fields (Output 1), which were informed by the Chinese and European Union legislative agendas, with some recommendations and expertise based on the German legal system taken over in legislation such as the Consumer Protection Law, the Labour Protection Law, the Civil Procedural Code and the Budget Law. It also



provided expertise in relation to a variety of legislation similar to that of the current project, such as the Income Tax Law, the Social Law, the Waterway Law, and the Law on Psychological Health. Monitoring data or assessments to systematically track legislative changes made in relation to rule of law principles were not available, therefore their adherence to rule of law principles as outlined in its output indicators could be assessed. However, the predecessor project conducted a number of activities (workshops, symposiums, exchange visits) on these laws, which served to exchange information, expertise and knowledge on the different legal aspects regulated in these laws (DOC). A positive effect of these activities for the current project was that it ensured continuity, and that the current project was able to build on these legislative assistance activities, including by providing recommendations to some key rule of law legislation such as the Civil Code, which was now in line with European codified legal standards.

In relation to capacity building of the judiciary (Output 2) and the executive (Output 3), the predecessor project also focused on conducting training courses, workshops and exchange visits, which primarily served to transfer knowledge of legal methodological reasoning to a large number of judges and civil servants. In addition, the predecessor project conducted training of trainers activities for judges and for the younger generation of judges, but was not able to expand these due to a lack of absorption capacity on the part of the Chinese partner. One of the lessons learned and recommendations made under the predecessor project was to include a multiplier effect in the judges' training courses to ensure sustainability in the form of advanced training courses or by training Chinese judges on a pilot basis. The current project, while aware of these recommendations, had not been able to implement these elements due to the same lack of absorption capacity of the Chinese partner (DOC, INT). It would thus have been important to conduct a needs analysis and capacity-development strategy for the Chinese partner during the planning phase of the current project under this component.

A positive sustainability element, which the predecessor project pursued, was the compilation of training material based on case studies, which was subsequently published and was made available for purchase and was being used by legal practitioners. (DOC, INT) In relation to Output 3 (training for the executive), similar lessons learned can be drawn, as the predecessor project focused on transferring knowledge to the executive through training, but there was no reliable monitoring data available that showcases how this knowledge was applied or integrated into civil servant decision-making. Sustainability elements under this component include the publication of the 'Handbook on Intellectual Property Rights for German and Chinese Companies' and the 'Handbook for Budget Management', which were used by Chinese partners during the organisation of training courses (DOC). It is unclear whether the handbooks were being used by a wider spectrum of Chinese stakeholders.

Output 4 ('Improving the legal conditions for the establishment of civil society and the social situation of women and men') was not implemented by the predecessor project. This was partly due to the fact that the predecessor project provided recommendations to other pieces of legislation than those focused on improving gender equality and the situation of the civil society, as these were not on the legislative agenda or among the reform priorities of the Chinese partners (DOC). The other factor was that there was a lack of effective communication between the predecessor project and the Chinese partner on the goal of the civil society component, including an inability to agree on themes to be discussed in this field (DOC). The current project adjusted this component by focusing on public information campaigns and legal outreach, although this component, as with the predecessor's, was not implemented. This demonstrates that these components suffered from a lack of interest on that part of the Chinese partners, and highlights the continuous need for dialogue and negotiation with the Chinese partners, as well as the limitations posed by the political context in which both projects were implemented. Output E (legal outreach) under the current project should thus have been conceptualised, taking the lessons from the predecessor project into account, and a needs analysis conducted to identify relevant partners and formulate suitable project activities. This would also have helped to decide whether Output E should be readjusted or taken out of the current project altogether.

In conclusion, the current project could have better integrated the recommendations and lesson learned in relation to effectiveness and sustainability for some components (outputs C, D and E) from the predecessor project in its planning phase, by conducting a needs analysis and capacity development strategy for key Chinese partners. In addition, the monitoring system should have been adjusted to ensure that the reformulated outcome indicators could be properly measured. This would have positively impacted on the ability of the current project to achieve the project outcome. Due to the lack of available and reliable monitoring data against outcome indicators under the predecessor project, a further assessment of the long-term effectiveness, impact or sustainability of the project could not be conducted, although it can be concluded, based on project documentation, that the project being evaluated suffered from the same key implementation success factors and limitations as the predecessor project (DOC).

## 5 Key results and overall rating

Key results in relation to the OECD/DAC criteria of the evaluation are:

### Relevance

The project (module) objective responded to current Chinese priorities, given that a reform of the legal system that includes rule of law principles is being pursued as a priority by the Chinese government. Nevertheless, China's interpretation of the rule of law is different from that of the West, emphasising collective over individual rights, and it remains wary of creating a legal system along the lines of a constitutional democracy. For this reason, there were certain intervention limitations to the project, particularly in relation to tackling politically sensitive issues such as the protection of fundamental human rights or combating corruption and increasing public awareness of rule of law issues (DOC, INT).

The project was also in line with strategies and policies formulated by the German Federal Government. These include its 2015 Asia policy (BMZ, 2015b), the BMZ good governance policy (BMZ, 2009) and the BMZ strategy paper on development cooperation with global development partners (BMZ, 2015a). There is no BMZ country strategy for China, as China is no longer categorised as a development cooperation partner under ODA, hence cooperation is considered international cooperation as opposed to development cooperation (DOC). The project was in line with the Sustainable Development Goals, particularly SDG 16 and its targets 16.3, 16.6 and 16.7 and SDG 5 and its targets 5.1, 5.2, 5A and 5B. As such, the project outcome and its areas of intervention aimed to increase compliance with rules and regulations, and enhance effective, accountable and transparent governance, including promoting inclusive decision making, although often they did so indirectly rather than directly (DOC, INT) (see also Section 3.2 Effectiveness and 3.3 Impact).

The project, in its design, suitably covered all key institutions and functional areas of relevance to improving rule of law in a country. However, the project had not conducted a needs analysis and its capacity-development strategy only basically outlined the key problems to be tackled by the different project components, without analysing the needs of project stakeholders or the target groups in depth. Neither did the project incorporate a gender lens, nor mention how it was intended that the project components would contribute to addressing the different needs of women and men. The project concept was not conclusive in that the project's implementing partners were also its direct target groups, while the project had no direct contact through its activities with its broadly defined indirect target groups (Chinese population, Chinese and international companies in China). The target groups should therefore have been better defined (DOC, INT).

The components of the project that were most relevant to both Chinese and German rule of law priorities and project stakeholder needs were the overarching political rule of law dialogue (Output A) as a prerequisite to discussing mutual challenges impacting on the legal system, complemented by capacity-building activities on a technical level related to Output B (legislative assistance), Output C (executive) and D (judiciary), which covered core institutions and areas of rule of law. As such, the relevance of the rule of law dialogue was of key significance in that it provided the prerequisite platform and momentum for discussion and negotiation, which enabled the other project components.

Germany's positive standing and access to Chinese partners in the rule of law field as a result of its privileged position was a key strength and achievement of the project not easily replicated by other international bilateral or multilateral actors. Nor did the Chinese partners see an easy substitute or approach to achieving the same kind of qualitative cooperation (DOC, INT, SURV). This also brings with it a certain risk of being instrumentalised, or of expertise and transferred knowledge being used to strengthen the centralised political

system to the detriment of rule of law. Following the 2018 amendments to the constitution, this risk increased. However, one could also argue that the project is more relevant than before. Overall, the design of the project matched the overall outcome of the project in the broadness of its intervention areas, and risks were formulated in line with the current Chinese context, although recent developments in the form of constitutional changes required a reassessment.

## Effectiveness

Overall, the assessment of the effectiveness of project activities revealed a mixed picture, with Output A and Output B contributing most positively to the project outcome. Outputs C, D and the new E required some adjustment or improvement to better achieve the project outcome. Out of three outcome indicators, Outcome Indicator 1 was partially achieved, while the project was quite successful in achieving its outputs.

While a causal link between the political **rule of law dialogue (Output A-1: A regular (at least annual) rule of law dialogue between Germany and China takes place on political (ministerial) level) and ongoing legislative proposals could not be firmly established, it is plausible that the political rule of law dialogue could create an incentive effect for legislative initiatives. The political and operational rule of law dialogue was seen as an important political and exchange forum by both sides, helping to further mutual information exchange and contributing to the trusted German–Chinese relationship as a prerequisite for the conduct of other project components. Nevertheless, there was scope to further enhance synergies between the operational rule of law dialogue and the other project components, particularly Output B (Legislative Assistance) and Output C (Executive capacity building) to create momentum for legislative reform on the Chinese side, and for Germany to use the platform to discuss rule of law themes in line with its rule of law values.**

While the exchange visits **or dialogue among lawyers (Output A-2: A regular (at least annual) rule of law dialogue between Germany and China takes place at legal profession (associations) level/new Output E: Legal qualifications of lawyers and notaries are improved and their understanding of their role as an actor to administer justice is strengthened) served to facilitate the establishment of personal networks and information exchange among Chinese and German lawyers (INT, SURV), the dialogue did not yield a significant contribution to the project outcome by strengthening public legal information (old Output E) or improving legal services on the part of lawyers (new Output E). It was also unclear how the establishment of a dialogue per se (Output A-2) could contribute or had contributed to the project outcome.**

Chinese partners confirmed the usefulness of GIZ expertise and **legislative assistance provided (Output B: The legislative bodies receiving legislative assistance are able to formulate legislative proposals in line with international standards of European codified law), citing positive examples of changes they took on board, based on the German model, including establishing a fast-track criminal procedure for minor criminal acts, reforming the judicial system to limit the number of judges, and increasing transparency of the judiciary through the publication of judgements on a website (INT). The added value of German legal expertise compared to that of other countries or multilateral actors was seen in the high quality of the expertise provided, based on similar legal systems and a longstanding trusted relationship on an equal footing (INT). The activities under Output B thus contributed positively to changing the legal and institutional framework conditions to transform China into a rule of law system.**

**Output C (Executive capacity building: Civil Servants of selected administrative bodies are able to apply legislation based on rule of law principles in the thematic areas that the programme provides expertise to) activities were positively received by Chinese partners due to the quality of technical expertise provided, and yielded positive results in that they contributed to legislative reform processes in relation to China's fiscal policy and strengthening of budgetary supervision, particularly on local level. They did not, however, focus on increasing the capacity of civil servants to apply legislation and thereby increase the quality of regulations in line with rule of law principles (DOC, INT, SURV). As such, Output C contributed positively to the project**

outcome in the same way as Output B – through legislative assistance via a different Chinese partner – but did not fulfil its initial purpose.

The key contribution of training courses under **Output D (Judiciary:** The judges receiving training are able to reason their judgements in a legally methodical manner) was to transfer knowledge on legal subsumption techniques to a very large number (2,504) of judges from 2015 to 2018 at a national and provincial level. In addition, the training material was deemed to be of high quality and was being used, bought and distributed within the Chinese judiciary and in universities (INT, SURV). While Output D contributed to the project outcome by improving institutional framework conditions through transferring knowledge of the legal subsumption technique, on the handling of cases and tackling challenges faced by judges in the judicial system, this was not, however, necessarily translated into an improvement in the quality of judgements because there was no reliable evidence that training participants applied the knowledge.

The project was not able to conduct activities in the form of public awareness campaigns to strengthen the access of legal information for the public (**Output E**) due to a lack of interest on the side of Chinese partners, which was identified in 2015. The project was then adjusted in practice to include activities conducted with lawyer and notary associations under this component (new Output E), which overlapped with the dialogue conducted under Output A-2 with lawyers and notaries.

The evaluators found no evidence that the project caused any project-related negative results. In relation to additional or unintended positive results, legislative assistance conducted by the project opened up opportunities for discussion of gender equality issues, particularly in the context of legislative assistance provided under Output C, focused on economic and fiscal/budget reform undertaken by Chinese partners (gender budgeting), or in relation to legislation such as the labour law (INT).

## Impact

The broad scope of the intervention areas under the project, which focused on all key rule of law elements (legislative assistance, judiciary, executive, legal outreach) as well as activities under Output A-1 (rule of law dialogue) and Output B (legislative assistance) potentially contributed to dimensions of sustainability in the economic and social fields (poverty reduction), to strengthening citizen rights, and to creating more legal certainty. They could also contribute to SDG 16 (peace, justice and strong institutions) and 5 (gender equality) targets. In its interventions, the project plausibly contributed to creating more legal certainty or reducing the space for arbitrary decision making by the executive. The application of rule of law based on law by the public administration and courts should also strengthen the individual citizen in relation to the state (DOC).

Positive examples under Output B that contributed to the long-term goals mentioned above include substantive recommendations made in relation to legislation, such as the civil code, competition law, budget or labour laws (DOC, INT). However, the translation of such recommendations into long-term policy-making and the systematic implementation of these policies in the legal system was not systematically monitored (DOC, INT). In addition, the integration of knowledge transfer into the legal system is subject to the willingness of Chinese partners and ultimately to a decision of the Communist Party of China, and thus there is a risk that these long-term goals cannot intentionally be achieved, as they lie beyond the project's sphere of influence. This is particularly the case in relation to politically sensitive areas. However, even if politically motivated limitations took place, this does not preclude the project's contribution to an incremental improvement of institutional and social preconditions to transform China into a rule of law system.

The political rule of law dialogue (Output A-1) provided a positive and constructive platform for Germany and China to discuss rule of law challenges, which were often difficult, complex and sensitive. The dialogue mostly focused on economic themes, with the exception of a discussion on the domestic violence law. As such, the dialogue contributed to maintaining and potentially enhancing Germany's and China's trusted bilateral

relationship (DOC, INT). The facilitation and participation of the project in the German-Chinese rule of law dialogue was deemed important for both sides as it took place on an equal footing and facilitates the bilateral relationship in the realm of discussions focused on the rule of law, speaking to interests on both sides, including in the economic sphere. It could therefore plausibly impact positively on mutual understanding, discussion and the negotiation of rule of law issues. It could also create the conditions to discuss other themes of importance to both countries, including rule of law aspects of human rights (INT).

The creation of (personal) networks between a wide variety and large number of German and Chinese stakeholders on a high political and technical working level as a result of project interventions also served the bilateral relationship in that information on rule of law developments in China could be exchanged, and mutual challenges in the rule of law field discussed, while also leaving open the possibility of this being taken further at an institutional level (INT).

The evaluation found no evidence that project interventions had an impact on improving the broader overall bilateral relationship between Germany and China, including in the sphere of diplomatic relations. (INT).

A contribution to mutual long-term development goals and further strengthening the bilateral relationship could be achieved by the project if more synergies were sought in working with other GIZ programmes (particularly on the environment) or other multilateral organisations or donors.

In relation to 'leave no one behind', project interventions had not consciously targeted marginalised groups (such as women, children, young people, disabled, ethnic minorities), although positive changes in legislation, such as the reform of the domestic violence law or family law, may also positively impact their situation. Nevertheless, the evaluation found no clear evidence of this. In relation to gender equality, in particular, the project should make more efforts to substantively integrate a gender lens in its interventions, and assess where opportunities exist to include young legal professionals, those with disabilities, or representatives of ethnic minorities in project activities.

## Efficiency

Output costs based on the project's cost commitment report up to April 2018 (including project staff time) were principally distributed in line with the level and number of activities conducted under each output in the evaluation period 2015–2018. Output D (Judiciary) took up the highest percentage of costs (39%, or EUR 1,986,323), followed by 16 activities, including four rule of law dialogues under Output A (23%, or EUR 1,168,918), 25 activities under Output B (14%, or EUR 693,887), and 21 activities under Output C (9%, or EUR 475,095) and Output E (0%, or EUR 0).<sup>9</sup> When analysed in relation to the effectiveness of activities, more efficiency could have been achieved by creating synergies between different outputs and by including a multiplier effect in Output D activities. If Output C activities were adjusted, it might be useful to assess a redistribution between Output D and Output C, particularly given that Output D also profited from co-financing. There might also have been further efficiencies if the costs required under Output A-2 (Lawyers and Notaries exchange) had been reassessed, as this component also profited from cofinancing, and it might have been possible to charge lawyers who could afford it fees for participating in project activities.

A very positive contribution to the efficiency of the project, which also demonstrated ownership, was the willingness of Chinese partners to cover the costs of travel and accommodation for participants to Germany and other locations in 129 out of 135 activities conducted or planned under all outputs of the project from 2015 to 2018, amounting to estimated cost savings of EUR 4,989,250 for the project if GIZ rates had been applied. These activities involved a total of 5,473 participants. In addition, participants from German partners under the

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<sup>9</sup> Output E refers to activities conducted under the current Theory of Change of the project. Lawyer and notary exchanges are financially slotted under Output A-2 as originally foreseen in the project.



project covered costs for travel and accommodation to China in 55 out of 135 activities from 2015 to 2018 to an estimated value of EUR 1,155,550, an additional cost saving for the project. Moreover, other Chinese partners supported project activities under Output A-2 with in-kind contributions.

Overall management and administration of the project account for 14%, or EUR 732,529.72, of the costs of the project. This is a substantial percentage and resulted from the nature of the project activities conducted, which required a lot of administration and logistics, the need to manage cofinancing components of the project, and from the substantial amount of time needed to manage the project by the Project Director (80%) and Deputy Project Director (70%) (DOC, INT, GIZ Efficiency Tool).

The project benefited from a financial contribution by the BMJV to Output A-1 (rule of law dialogue) and cofinancing by the Robert Bosch Foundation to outputs A-2 (lawyer exchange). The total amount of cofinancing of the project amounted to EUR 1,382,516, of which EUR 112,500 came from partner contributions (BMJV). The cofinancing and partner contributions were split 27% and 65% respectively between Output A and Output D while 8 % of the partner contributions went towards Output A (DOC, INT, GIZ Efficiency Tool). A positive effect of the cofinancing was that under Output A-2 (lawyer exchange) the financial terms and conditions contributed to an acceptance by the Chinese side of a more diverse set of participants, which was not the case in other project activities (INT).

In relation to the achievement of the project outcome, the project could have enhanced efficiency by creating more synergies between outputs, which should also have been reflected in the project's substantive management. In addition, more cooperation between the project and other GIZ projects should have been considered, particularly in the area of the environment, with the project focusing on rule of law aspects of the environment. While a formal donor coordination mechanism under the UNDP Resident Office exists, it was primarily used for discussion of current developments rather than for the coordination of activities, partly because country and multilateral donor programmes worked with different Chinese partners to implement activities, in accordance with their responsibilities and functions, resulting in many programmes working in silos (INT).

In relation to its management structure and implementation efficiency, the project saw a high level of staff fluctuation, affecting its capacity for effective project management. The project also had difficulties recruiting qualified international staff to Beijing, as well as qualified Chinese lawyers with the necessary German language proficiency in a financially competitive environment (INT). This limited the project's deployment of substantive legal expertise, and also affected the ability of the project to negotiate and effectively communicate with Chinese partners during project planning, implementation and monitoring.

The overall staffing level of 15 was adequate to implement the project along its five intervention areas. While the team structure was adequate, it needed to be assessed whether communication on substantive issues could be improved and further coordinated across reporting lines.

To enhance efficiency towards the achievement of the project outcome, a thorough needs analysis and capacity development strategy for all key partners under the project was recommended ahead of the next planning phase. In addition, the setting up of an effective project monitoring system, including control groups and a mix of quantitative and qualitative indicators on outcome level, as well as a systematic documentation and wider use of data-collection tools could help to better showcase how well outputs were contributing to the project outcome, providing valuable information to enhance efficiency and effectiveness.

## **Sustainability**

The project was conceptualised with an exit strategy or dedicated plan for sustainability in mind, although elements of sustainability existed in several project intervention areas. With the exception of Output C, all



project interventions were well anchored and implemented with an appropriate Chinese partner, who highly valued the expertise provided by the project. Positive examples existed of where the Chinese partner had attempted to create a multiplier effect based on knowledge transferred during training courses for civil servants (Output C) and the judiciary (Output D).

Considering the political and social context within which the project was implemented, Output A-1 (rule of law dialogue), and Output B (legislative assistance) were quite durable, given the importance and mutual benefit the German and Chinese sides contribute and derive from the longstanding dialogue as a platform for information exchange, and the incorporation of provided legislative expertise in key legislation. Output D (judiciary training) could be enhanced in its durability if the approach to the activity were changed to reduce dependence on German expertise. The publication of training material, while a positive durable element, also required regular updating and revision with German expert support. Output A-2 (lawyer exchange), Output C (executive capacity building) and Output E (legal outreach) in their current form have no durability.

The risk thus existed that unsustainable activity formats were maintained if there was no discussion with Chinese partners during annual planning and evaluation, or feedback processes on how transferred knowledge and expertise could be integrated at an institutional level and systematically included in the legal system. In addition, there was a medium-to-low-range risk that transferred expertise would serve to strengthen the centralised system, which could, in the worst case, lead to circumstances that could result in a reversal of progress made in the legislative field and impact negatively on themes discussed during the rule of law dialogue. This scenario would have made it impossible for the project to achieve its outcome.

Project interventions positively contributed to economic and social results through the provision of legislative assistance to key legislation in the field of competitiveness, fiscal transfer and the budget law, the labour law and the civil code, particularly family law (DOC, INT). These could potentially contribute to improving competitiveness and employability, to the redistribution of resources (poverty reduction) and to non-discrimination, although it lay beyond the scope of this evaluation to assess this in depth, due to a lack of available data. The project had no unintended negative economic, social or ecological results that could be evaluated.

Criterion	Score	Rating
Relevance	Max. 100 points	76
Effectiveness	Max. 100 points	68
Impact	Max. 100 points	69
Efficiency	Max. 100 points	70
Sustainability	Max. 100 points	57
Overall score and rating for all criteria	Average score of all criteria (sum divided by 5, max. 100 points see below)	68

100-point-scale (Score)	6-level-scale (Rating)
92-100	Level 1 = very successful
81-91	Level 2 = successful
67-80	Level 3 = rather successful
50-66	Level 4 = rather unsatisfactory
30-49	Level 5 = unsatisfactory
0-29	Level 6 = very unsatisfactory

# 6 Conclusions and recommendations

## 6.1 Factors of success or failure

Several key external factors exist, which provide both positive and negative framework conditions for the project:

### External factors

These include a challenging political context in the form of a highly centralised one-party system of government and – in the context of a rule of law project – a different interpretation and definition of rule of law by Chinese partners, which prioritises collective over individual rights. Reform processes in the rule of law field are thus dependent on decisions made by the Communist Party of China. When rule of law reform processes are politically prioritised, this can create a strong and positive basis for the project to implement its activities if such reform processes further key rule of law principles such as transparency of the judiciary. At the same time, there is a risk that the rule of law reform processes can strengthen the centralised one-party system to the detriment of the rule of law, for example through constitutional amendments that abolish term limits.

China's strong economic development, and its increasing influence on the world stage, is also a factor that can impact on the project, in that China has abundant financial resources to contribute to rule of law reform, particularly in the long-term. Since these external factors can impact on all project components and all levels, it was important that project planning, implementation and evaluation took place through constructive dialogue and negotiation with Chinese partners on an equal footing. Germany's longstanding engagement in China in the rule of law field, as well as its reputation for delivering qualitative services and products, its historic ties to China and the similarities of the legal system based on continental codified law, have made it a trusted partner with a high level of access to Chinese partners. This provided a very positive basis for project implementation and future planning, not easily replicated by other actors, and which should be nurtured and capitalised upon.

### Internal factors

The high level of commitment and expertise of the GIZ project team staff contributed positively to the project's ability to deliver results on such a comprehensive basis involving five intervention areas. Staff capacities to manage the project needed to be further strengthened, particularly in relation to project planning and monitoring skills (including through backstopping support from GIZ HQ or external support), so that a needs analysis and capacity-development strategy could be developed and continuously updated.

An interdisciplinary approach to each project component (political, social and legal) would have created more synergies within the project and reinforce results. This should also have been considered when recruiting staff for the project team. These measures would have enabled a continuous dynamic assessment and adjustment of project activities in the context of a changing rule of law and political landscape. In this way, opportunities to promote rule of law principles towards the project outcome could be seized and risks mitigated.

## 6.2 Conclusions and recommendations

The Sino-German Legal Cooperation Programme had some key strengths which should be considered in decision-making on the future of the project and should also be considered in the next project planning period. These included GIZ's longstanding engagement in the rule of law field in China, and the trusted relationship

that has been established with Chinese partners, providing a strong and positive basis for dialogue, information exchange and access to Chinese partners. This privileged position was not easily replicated by other actors and should not be reneged on lightly. The high-level political rule of law dialogue is a reflection of this relationship, and thus a key instrument to further a wide range of German Federal Government development cooperation priorities with China, and to discuss mutual future challenges such as the environment, new technologies and digitalisation, and economic infrastructure projects (e.g. the One Belt and One Road Initiative along the former Silk Road), which also impact on the legal system. As such, the additional technical discussions on mutually selected legal themes during the rule of law dialogue positively complemented its political component and were also a useful platform of exchange among a very wide range of German and Chinese stakeholders on both sides, enabling the continuous discussion of rule of law reform, principles and the different interpretation of the rule of law definition. The rule of law dialogue could thus create momentum for the successful implementation of the more technical rule of law components of the project. This presupposed that the political dialogue triggered political consequences that positively impacted on the rest of the project.

Taking into account the political context in which the project operated, the weaknesses identified during the evaluation in relation to effectiveness, efficiency and impact of project activities, while partly a reflection of this context, could be mitigated through improved project management, including a reflective process during the next planning cycle as to whether long-running activities are still the right ones, in the right format with the right partner, how project results can be made more visible to project stakeholders on both sides, and whether the ambition of the project outcome as a whole should be adjusted. In this regard, it could also be considered whether the project outcome should not have been reformulated to focus more on 'legal cooperation' rather than 'rule of law transformation'. The project could thus have benefited from a certain renewed dynamic and creative approach to its conceptualisation and implementation.

In relation to creating sustainable results towards the project outcome, the project faced challenges in negotiating the transfer of knowledge and expertise into the Chinese legal system in a systematic manner and in line with generally accepted rule of law principles. This was mostly due to the political context. There was a real risk that project outputs might not be sustainably integrated, nor the project outcome achieved. While this did not mean that sustainable elements should not be incorporated into project activities, the project needed to be realistic about these limitations in its allocation of financial and human resources to new or adjusted project activities.

Based on the evaluation, the following recommendations were made:

#### **For German project stakeholders (particularly BMZ, BMJV, and GIZ)**

- Continuously adopt a creative and dynamic approach to defining and adjusting project activities with Chinese partners, capitalising on Germany's and GIZ's trusted position, with a view to outlining and discussing benefits and disadvantages of rule of law reform, including potentially sensitive themes. The goal and approach should be in advancing rule of law, using a step-by-step approach that consistently advocates German rule of law principles, even without expecting full compliance.
- Continuously assess how German stakeholders can learn and benefit from the knowledge and expertise of their Chinese counterparts, so as to capitalise on personal networks with a view to working towards establishing sustainable institutional networks at a working level.
- Capitalise on Germany's unique and trusted position with Chinese partners, with a view to engaging in a constructive dialogue on how transferred German expertise and knowledge can be more systematically integrated into the Chinese legal system, taking into account the differing interpretations of rule of law on both sides.
- Consider whether the project outcome should not be reformulated to focus on 'legal cooperation' rather than 'rule of law transformation'.
- When planning the political rule of law dialogue, enhance cooperation between the stakeholders involved,

BMJV, LAO and the GIZ project team, to mutually identify and determine the themes so as to create the potential for more synergies between the rule of law dialogue and the technical components of the GIZ project.

### **For the GIZ project team:**

In general:

- The project should always consider the mutual benefit of project activities on both sides and in this regard could consider issuing an annual or bi-annual newsletter to be distributed to an extended distribution list of German and, as appropriate, Chinese partners and activity participants to provide information on developments, showcase achieved results and key legal reform processes.
- The project should realistically assess the limitations posed by the political context and consider this when allocating financial and human resources to new or adjusted project activities and when planning the next project phase.
- Increased synergy between the different project components should be sought to create momentum for other components and reinforce achievements on the legislative level, as well as to activate those components focused on enhancing the quality of judgements and executive decisions.
- The project should consider an interdisciplinary approach to each project component (political, social and legal) to create more synergies within the project and reinforce results, including when making decisions about recruiting staff for the project team.
- More cooperation between the project and other GIZ projects should be considered, particularly in the area of the environment, with the project focusing on rule of law aspects of the environment.
- More cooperation – either formally or informally – should be sought between the project and other donor programmes working in the field of rule of law for the purpose of information exchange and to assess where areas of complementary engagement make sense.

Regarding project outputs:

- The format of and follow-up of activities under Output A-2/E should be reassessed to go beyond mere information exchange and to monitor initiatives taken by lawyers after exchange visits in relation to improving legal services to better contribute to the project outcome.
- It is recommended that Output C be adjusted, based on a needs assessment and capacity development strategy of the appropriate Chinese partners, in order to fulfil its initial purpose.
- Under Output D, a multiplier effect (for example in the form of training of trainers as attempted under the predecessor module) should be considered and pursued on a systematic basis. In addition, the absorption capacity of the Chinese partner to conduct training courses should be reassessed, based on a needs analysis and capacity development strategy, with a view to conducting training courses focused on training of trainers approaches, and to respond to the high demand for training among judges. Efforts should also be made to discuss a systematic integration of the legal subsumption technique in the educational curriculum for judges with Chinese partners and how judges can be encouraged to use the technique in their judgements, or how it can be further tailored to best fit the Chinese system and at the same time serve the objective of enhancing the rule of law in China.
- The project should monitor follow-up by Chinese partners in relation to policy and decision-making under outputs C and D.
- During the selection of project activity participants, continued attention should be paid to the ‘leave no one behind’ principle by ensuring a diversity of participants, including marginalised groups (women, youth, disabled and ethnic minorities).

In relation to project management and monitoring:

- Assess whether communication on substantive issues can be improved and further coordinated across reporting lines.
- The project should conduct a needs analysis and enhance its capacity-development strategy for all key

project stakeholders so as to better inform the format, future content and selection of activity themes and possible adjustment of project components.

- The project's monitoring system needs to be improved so as to combine both quantitative and qualitative elements, and needs to establish tracking mechanisms that can reliably showcase results towards the Outcome Indicators 1 and Outcome Indicator 2 – to track changes in legislation and application of judgements and regulations. This includes the creation of control samples.
- Outcome Indicator 2 is also not suitable for realistically capturing the contribution of the training activities under Output D to the project outcome, given that it sets the bar to measure the success of judges' training courses very high. It is thus recommended that Outcome Indicator 2 be reformulated.
- Policy tracking under Outcome Indicator 1 should be systematically conducted for all promulgated legislation the project has provided expertise to. Qualitative feedback from project activities in relation to achieved outputs must be systematically documented.
- The dialogue with Chinese partners should be used at the beginning of the annual planning process and at the end of the year to take stock of strengths and weaknesses of conducted activities so as to be able to make adjustments.

# Annex

## Annex 1 Evaluation matrix

Evaluation Dimension	Analysis question	Evaluation indicator	Available data source	Other planned data collection projects	Evaluation strategy (evaluation design, method, procedure)	Expected evidence strength (narrative)	Results of Evaluation
<b>RELEVANCE</b>							
The programme fits into the relevant strategic reference frameworks	Which framework conditions or guidelines exist for the project?	<p>*Match between goals of BMZ country strategy, relevant national strategies, 2030 Agenda and programme identified by stakeholders and project situation analysis/core problem analysis</p> <ul style="list-style-type: none"> <li>• Implementing organizations' perceptions about the relevance and contributions of programme outputs to their work based on project output indicators</li> <li>• Level of engagement of implementing organisations staff with the project</li> <li>• Examples of project activities contributing to implementing partner organizations' work in relation to the outputs identified</li> <li>• Examples of collaborative activities among implementing partner organizations linked to the project</li> <li>• Examples of collaboration, cooperation, or synergy among implementing partner organisations not directly linked to project, but attributable to the project;</li> <li>* Awareness and perceptions of utility of programme among actors not directly associated with project but knowledgeable in the rule of law field</li> </ul>	<p>Ø 2014 Programme proposal and four modification offers</p> <p>Ø The 2016-2018 Programme progress reports</p> <p>Ø The Results Model and Theory of Change</p> <p>Ø Collected RBM data against indicators 1-2, Outputs A-D for the periods 2016-2018</p> <p>Ø Target group analysis including descriptions</p> <p>Ø Additional information compiled by GIZ programme team to describe ongoing legal re-forms in China</p>	Surveys and questionnaires with actors not directly associated with the project but knowledgeable in rule of law field: Lawyers, University law students; Press book of project	<p>The evaluation will primarily employ the methodology of a contribution analysis to assess the OECD/DAC and Degeval criteria, with a particular focus on utility in the case of the latter. The contribution analysis is deemed as particularly suitable for the evaluation of the Sino-German Legal Cooperation programme because in its nature the programme aims to contribute to an objective that benefits citizens and provides value to them: an improvement in the rule of law system. As such, a contribution analysis goes beyond performance measurement as characterised by a regular monitoring of whether or not activities have taken place and which results have been or have not been achieved.</p> <p>There are six key steps which the evaluation will undertake to implement the contribution analysis of the programme as outlined below. Due to time constraints, the</p>	<p>A document review shows that the above mentioned documents provide a good basis to analyse the context and social framework conditions of the programme and provide an overview of the key programme stakeholders and their roles/responsibilities. They also provide some insight into ongoing Chinese rule of law reform priorities and current national strategies. While mention is made of the BMZ Good Governance strategy, the BMZ country strategy is not available. Provided documents do not describe how the programme intends to deal with the different perspectives of women and men.</p> <p>The collected RBM indicator data is already quite comprehensive and provides a good basis to assess stakeholder capacity and gained knowledge for Indicators 1 and 2</p>	<p>The project goal or outcome responds to current Chinese priorities, given that a reform of the legal system that includes rule of law principles is being pursued as a priority by the Chinese government. Nevertheless, China's interpretation of the rule of law is different from that of the West, emphasizing collective over individual rights, and it remains wary of creating a legal system along the lines of a constitutional democracy. For this reason, there exist certain red lines of intervention for the project, particularly in relation to tackling politically sensitive issues such as the protection of civil and political human rights or combating corruption and increasing public awareness of rule of law issues (DOC, INT)</p> <p>The project is also in line with strategies and policies formulated by the German Federal Government. These include its 2015 Asia Policy, the BMZ Good Governance Policy and the BMZ Strategy paper on Development Cooperation with global Development Partners. There is no BMZ country strategy for China, as China is no longer categorized as a development cooperation partner under ODA (DOC). The project is in line with the Sustainable Development Goals, particularly SDG 16 and its targets 16.3, 16.6 and 16.7 and SDG 5 and its targets 5.1, 5.2, 5A and 5B. As such the project outcome and its areas of intervention aim at increasing compliance with rules and regulations, and enhancing effective, accountable and transparent governance, including promoting inclusive decision making, although often they do so indirectly rather than directly. (See also Section 3.2 on Effectiveness and 3.3 on Impact) (DOC, INT).</p>
	To what extent does the project contribute to the implementation of relevant strategies (if available, especially the strategies of the partner countries)?						
	To what extent does the programme measure fit into the programme and the BMZ country strategy (if adequate)?						
	How was the country's implementation and accountability for Agenda 2030 set up and what support needs were defined?						
	Sectors etc. Is there a prioritisation of the objectives of Agenda 2030 within a country context? To which SDGs does the project contribute? To what extent is the contribution of the intervention to the national/global SDGs reflected in the ToC?						
	Cross-sectoral change strategies, etc. Where has work been carried out on a supra-sectoral basis and where have such approaches been used to reinforce results/avoid negative results?						
	To what extent are the interactions (synergies/trade-offs) of the intervention with other sectors reflected in conception and ToC – also regarding the sustainability dimensions (ecological, economic and social)?						



					<p>evaluation will only focus on steps 1-4:</p> <ol style="list-style-type: none"> <li>1. Set out the attribution problem to be addressed</li> <li>2. Develop a theory of change and risks</li> <li>3. Collect evidence and data on the theory of change</li> <li>4. Assemble and assess the performance story and challenges to it</li> <li>5. Seek out additional evidence</li> <li>6. Revise and strengthen the performance story based on additional evidence</li> </ol>	<p>against outputs A-D, although monitoring data is still being collected for 2015 and 2017 for Indicator 2 output C for some activities, since they have only recently taken place in 2017. Since programmatic activities for Indicator 3 against Output E have been adapted to better reflect the interest of the Chinese stakeholders, collected RBM data for this indicator is not available</p>	
Suitability of the the programme concept to match core problems/needs of the target groups	To what extent was the concept designed to reach particularly disadvantaged groups (LNOB principle)? Which prerequisites were addressed for the concept and used as a basis?	References in needs and situation analysis as well as ToC of the project (also to different perspectives of women and men); Extent of target groups' (women/men) influence over project content (no other marginalised groups are covered by the project)	Project documents; interviews with Project Team, Implementing partners; Other documents referring to country strategies, China contextual analysis and target group analysis etc.	Surveys with actors not directly associated with the project but knowledgeable in rule of law field: Lawyers, University law students; Press book of project	Contribution Analysis as outlined above; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; ideally gender disaggregated	See narrative above	<p>The most relevant components of the project that speak to both Chinese and German rule of law priorities and project stakeholder needs are the overarching Rule of Law Dialogue (Output A) as a pre-requisite and impulse providing basis to discuss mutual challenges impacting on the legal system, complemented by capacity building activities on a technical level related to outputs B (Legislative Assistance), C (Executive) and D (Judiciary) which cover core institutions and areas of rule of law. As such the Rule of Law dialogue's relevance is of key significance in that it provides the pre-requisite platform for discussion and negotiation, which enables the other project components. In relation to the inadequate institutional and legal framework conditions for rule of law in China, the Chinese population as well as Chinese and Chinese and international companies could benefit from increased legal certainty in the formulation of legislation in line with international rule of law principles, as well as during the application and enforcement of regulations and judgements, so as to reduce arbitrariness in the executive. The project addresses the needs of the target groups through a holistic approach of its five intervention areas by targeting both the legislative and executive inadequacies of the Chinese legal system</p>
	How are the different perspectives, needs and concerns of women and men represented in the change process and how are the objectives represented (Safeguard & Gender)?	<ul style="list-style-type: none"> <li>• Implementing organizations' perceptions about the relevance and contributions of project outputs to their work measured against output indicators</li> <li>• Level of engagement of implementing organisations staff with the project</li> <li>• Examples of project activities contributing to implementing partner organizations' work in relation to the outputs identified</li> <li>• Examples of collaborative activities among implementing partner organizations linked to the programme</li> <li>• Examples of collaboration, cooperation, or synergy among implementing partner organisations not directly linked to the project, but attributable to the project</li> </ul>					
	To what extent is the chosen TC-measures' goal geared to the core problems/needs of the target group?	<ul style="list-style-type: none"> <li>• Awareness and perceptions of utility of programme among actors not directly associated with project but knowledgeable in the rule of law field</li> </ul>					
The design of the project is adequately adapted to the chosen goal	Results logic as a basis for monitoring and evaluability (Theory of Change)	<ul style="list-style-type: none"> <li>*Realistic match between needs analysis/situation analysis</li> <li>*China contextual analysis and definition of risks and assumptions</li> </ul>	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2,		Contribution Analysis as outlined above; Data collection: Document review, Semi-structured interviews, surveys and questionnaires;	See narrative above	<p>The outcome indicators 1-3 outlined in the Results Model are SMART (specific, measurable, achievable, relevant and time-bound). They define in a specific and relevant manner and quantitatively measure how the outcome can be reached, including outlining a baseline and target indicator as well as the current status of the indicator in each project progress report from 2015-2018. Although outcome indicators include qualitative components such that legislation and judgements should have the technical quality of European codified law and are reasoned in a logical manner, they primarily measure progress in capacity building of the targeted Chinese partners against indicators 1 and 2. In relation to Indicator 3 ('70% of recipients of information</p>
	Is the strategic reference framework well anchored in the concept?						
	To what extent does the strategic orientation of the project address changes in its framework conditions.						

			Outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GLZ project team to describe ongoing legal reforms in China				<p>material and campaigns confirm an increase in their legal knowledge in relation to selected pilot themes.') and to assess whether the ambitious objective of the project to 'improve the legal, institutional and framework conditions to transform China into a rule of law system' can be achieved, qualitative indicators need to supplement the current indicators of the Results Model.</p> <p>In addition, outcome indicator 1 does not capture the Rule of Law Dialogue (Output A1) in its formulation, which hinders a systematic monitoring of its achieved results as well as the ability of the project to strategically adjust other project outputs in line with achievements resulting from the Rule of Law Dialogue.</p> <p>Since the project only monitored outcome indicators 1-3 of the Results Model, additional qualitative indicators would enable a better assessment of achievements regarding the outcome, particularly whether the transfer of knowledge through capacity building activities of the project have been integrated into Chinese partners' work and whether public awareness of rule of law principles has increased. These indicators have been developed as part of the evaluation methodology and are outlined in the Evaluation Matrix in the Annex and focus on the awareness and utility of the project interventions for project target groups.</p> <p>During the implementation period of the project since 2015, the Results Model was changed but not up-dated in relation to activities under output indicators to better address the needs and respond to the interests expressed by Chinese partners. Activities under Output indicator E-1 were adapted to focus on strengthening of legal knowledge by establishing cooperation and exchanges between lawyer associations and notary associations as a result of a lack of interest on the part of the Chinese cooperation partners to conduct public legal campaigns. This resulted in an overlap with Output indicator A-2, which also focuses on the establishment of dialogue between legal professional associations.</p> <p>During the Evaluation Mission conducted from 09-20.04.2018 the Results Model (ToC) was adapted because the Theory of Change described did not include a sufficient description of the external factors impacting on the project. The hypotheses of the Theory of Change are also not described in the Results Model, although the project documentation does outline some assumptions underlying the Results Model. The Evaluation Mission thus wanted to confirm that the Results Model correctly reflects the intended changes of current project interventions. Lastly, the Theory of Change did not clearly show how Output C contributes to Outcome Indicator 1 or 2 and Output E had not been adapted to reflect the changes and objectives in activities related to the cooperation between lawyers and notaries. It was also unclear how the new activities under Output E relate to Output Indicator A-2.</p>
The conceptual design of the programme was adapted to changes in line with requirements and re-adapted where applicable.	What changes have occurred?	* Reflection of changes to programme design in programme documents and Results Model based on needs and interests expressed by Chinese stakeholders			Contribution Analysis as outlined above; Data collection: Document review, Semi-structured interviews, surveys and questionnaires;	See narrative above	<p>Overall, the design of the project matches the outcome goal of the project in the broadness of its intervention areas. Risks are formulated in line with the current Chinese context, although given recent developments in the form of constitutional changes, these also require a reassessment by the project. However, changes in relation to project adjustments, particularly related to Output E (Legal Outreach) have not been updated or described in the project's Results Model or Theory of Change, which was adapted during the Evaluation Mission to accurately reflect current project activities and their causal links to Outputs and the Outcome.</p>
	How were the changes dealt with?	* Description in programme documentation and stakeholder interviews reflect how changes were dealt with	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results		Contribution Analysis as outlined above; Data collection: Document review, Semi-structured interviews, surveys and questionnaires;	See narrative above	

			Model and Theory of Change			
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	Evaluation Dimension	Analysis question	Evaluation indicator	Available data source	Other planned data collection projects	Evaluation strategy (evaluation design, method, procedure)	Expected evidence strength (narrative)	Results of Evaluation
	<b>EFFECTIVENESS</b>							
<b>Effectiveness</b>	The project achieves the goal on time in accordance with the TC-measures' goal indicators agreed upon in the contract.	To what extent has the agreed programme measures' goal already been achieved at the time of evaluation, measured against the goal indicators?	<ul style="list-style-type: none"> <li>* Programme status of successfully implemented activities against output indicators</li> <li>* Implementing organizations' perceptions about the effectiveness and contributions of programme outputs to their work based on programme outcome indicators</li> <li>* Level of engagement of implementing organisations staff/target groups with the project</li> <li>* Positive examples and challenges of how programme activities contribute to implementing partner organizations' work in relation to the outputs identified</li> <li>* Examples of collaborative activities among implementing partner organizations linked to the programme</li> <li>* Examples of collaboration, cooperation, or synergy among implementing partner organisations not directly linked to programme, but attributable to the programme</li> </ul>	<p>Ø 2014 Programme proposal and four modification offers</p> <p>Ø The 2016-2018 Programme progress reports</p> <p>Ø The Results Model and Theory of Change</p> <p>Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018</p> <p>Ø Target group analysis including descriptions</p> <p>Ø Additional information compiled by GIZ programme team to describe ongoing legal re-forms in China</p>	Surveys with control group of actors not directly associated with the project but knowledgeable in rule of law field: Lawyers, University law students; Press book of project	<p>The evaluation will primarily employ the methodology of a contribution analysis to assess the OECD/DAC and Degeval criteria, with a particular focus on utility in the case of the latter. The contribution analysis is deemed as particularly suitable for the evaluation of the Sino-German Legal Cooperation programme because in its nature the programme aims to contribute to an objective that benefits citizens and provides value to them: an improvement in the rule of law system. As such, a contribution analysis goes beyond performance measurement as characterised by a regular monitoring of whether or not activities have taken place and which results they have/have not achieved.</p> <p>There are six key steps which the evaluation will undertake to implement the contribution analysis of the programme as outlined below. Due to time constraints, the evaluation will only focus on steps 1-4:</p> <ol style="list-style-type: none"> <li>1. Set out the attribution problem to be addressed</li> <li>2. Develop a theory of change and risks</li> <li>3. Collect evidence and data on the theory of change</li> <li>4. Assemble and assess the performance story and challenges to it</li> <li>5. Seek out additional evidence</li> <li>6. Revise and strengthen the performance story based on additional evidence</li> </ol>	<p>The collected RBM indicator data is already quite comprehensive and provides a good basis to assess stakeholder capacity and effectiveness of programme interventions to transfer knowledge for Indicators 1 and 2 against outputs A-D, although monitoring data is still being collected for 2015 and 2017 for Indicator 2 output C for some activities, since they have only recently taken place in 2017. Since programmatic activities for Indicator 3 against Output E have been adapted to better reflect the interest of the Chinese stakeholders, collected RBM data for this indicator is not available.</p> <p>The above mentioned data sources will be supplemented by semi-structured interviews, questionnaires and surveys with key stakeholders directly (Implementing Partners) and indirectly (Lawyers, Notaries, Law Students) associated with the programme to collect information as a basis for the evaluation of effectiveness. In addition, a review of the programme's media visibility in China (Press Book) will be conducted to gain insight into the level of public awareness of the programme. This is particularly the case to gain an understanding of achievements or challenges</p>	Overall, the effectiveness of project activities highlights a mixed picture, with Outputs A and B contributing positively to the project outcome. Outputs C, D and the new E require some adjustment or improvement to better achieve the project outcome. To increase effectiveness, those project intervention areas which focus on the implementation of rule of law decisions, such as civil servant decisions (Output C) and judgments (Output D) need to be enhanced through planning and discussion with Chinese partners, and more synergies sought between project intervention areas to reinforce results achieved during the dialogue (Output A) or on legislative level (Output B).

							of the programme in relation to Indicator 3 Output E of the programme.	
		To what extent is it foreseeable that unachieved goals will be achieved during the current project term?						

	The services implemented by the project successfully contribute to the achievement of the goal agreed upon in the contract	What concrete contribution does the programme make to the achievement of the agreed programme measures' objective, measured against the objective indicators?	* Level of satisfaction of target groups with usefulness of programme activities	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team to describe ongoing legal re-forms in China Sample analysis of quality of Legislative and Judicial Documents over evaluation period;	Sample analysis of Visibility/Outreach of Project through Press Book and Internet presence analysis; Surveys with actors not directly associated with the project but knowledgeable in rule of law field: Lawyers, University law students;	The evaluation will primarily employ the methodology of a contribution analysis to assess the OECD/DAC and Degeval criteria, with a particular focus on utility in the case of the latter. The contribution analysis is deemed as particularly suitable for the evaluation of the Sino-German Legal Cooperation programme because in its nature the programme aims to contribute to an objective that benefits citizens and provides value to them: an improvement in the rule of law system. As such, a contribution analysis goes beyond performance measurement as characterised by a regular monitoring of whether or not activities have taken place and which results they have/have not achieved.  There are six key steps which the evaluation will undertake to implement the contribution analysis of the programme as outlined below. Due to time constraints, the evaluation will only focus on steps 1-4:  1. Set out the attribution problem to be addressed 2. Develop a theory of change and risks 3. Collect evidence and data on the theory of change 4. Assemble and assess the performance story and challenges to it 5. Seek out additional evidence 6. Revise and strengthen the performance story based on additional evidence	The collected RBM indicator data is already quite comprehensive and provides a good basis to assess stakeholder capacity and effectiveness of programme interventions to transfer knowledge for Indicators 1 and 2 against outputs A-D, although monitoring data is still being collected for 2015 and 2017 for Indicator 2 output C for some activities, since they have only recently taken place in 2017. Since programmatic activities for Indicator 3 against Output E have been adapted to better reflect the interest of the Chinese stakeholders, collected RBM data for this indicator is not available.  The above mentioned data sources will be supplemented by semi-structured interviews, questionnaires and surveys with key stakeholders directly (Implementing Partners) and indirectly (Lawyers, Notaries, Law Students) associated with the programme to collect information as a basis for the evaluation of effectiveness. In addition, a review of the programme's media visibility in China (Press Book) will be conducted to gain insight into the level of public awareness of the programme. This is particularly the case to gain an understanding of achievements or challenges of the programme in relation to Indicator 3 Output E of the programme.	Outcome Indicator 1 was only partially achieved. In the period 2015-2018, the project provided expertise to and formulated recommendations for 3 pieces of legislation, which were then promulgated. Only one of these pieces of legislation, albeit a fundamental one – the General Part of the Civil Code – was assessed by the project using a policy tracking tool to evaluate whether the quality of the legislation was on the level of European codified law and in line with the principle of legal certainty. The policy tracking tool shows that a number of features or principles of the German Civil Code or fundamental law have been integrated during the reform of the Chinese civil law into the General Part, including in relation to customary practice, legal capacity, immorality, and transaction capacity to name a few. (DOC,INT) Outcome Indicator 2 was not fulfilled. The project assessed a sample of 10 judgements a year or a total of 430 judgements for the period 2015-2018 by a Chinese external evaluator against a set of qualitative criteria determined by the project team to assess whether judgements from selected training participants had improved in quality in line with Outcome Indicator 2. The result was that 121 out of 430 judgements fulfilled the criteria. However, there was no control group included to establish a baseline of the quality of judgements of training participants so as to assess whether the change in quality of the judgements could indeed be attributed to the training courses (DOC, INT). During the Evaluation Mission, the Evaluators assessed the judgements of 10 training participants in accordance with the quality criteria set up by the project team and included judgements they issued in the years before, during and after the training courses, as all judgements are available online. The result was almost no difference in the quality of judgements issued by the judges in the sample, even if they
		□	*Level of other actors' familiar with RoL issues (Lawyers, Law Students) awareness and degree of usefulness of programme and its goals					
		Which factors in the implementation contribute successfully to the achievement of the programme objectives?	* Implementing organizations' and target group perceptions about the effectiveness and contributions/usefulness of programme outputs/activity design to their work based on project output indicators					
		What other/alternative reasons contributed to the fact that the objective was achieved or not achieved?	* Quantitative and Qualitative Level of engagement of implementing organisations staff/target groups with the project					

	Are core, support and management processes designed in such a way that they contribute to the achievement of the objective?	<ul style="list-style-type: none"><li>• Positive examples and challenges of how project methodology contributes to increasing capacity of implementing partner organizations' quality of work in relation to the outputs identified; relevant RoL Indicators measuring Performance, Capacity, Integrity, Transparency and Accountability of Judiciary/Legislative to add to analysis (eg: undue delays, respect for rights of defendants; judicial independence, performance monitoring system for judges; material resources of courts/legislative committees; percentage of judges/lawmakers that are women; competence of lawmakers/judges)</li></ul>					participated in the training courses. This means that the current project monitoring system for Outcome Indicator 2 does not reliably show whether judges' training courses under Output D are contributing to the Outcome through an improved quality of judgements. Outcome Indicator 3 was not fulfilled. The project was not able to conduct activities in the form of public awareness campaigns to strengthen the access of legal information for the public due to a lack of interest on the side of Chinese partners, which was identified in 2015. The project was then adjusted in practice to include activities conducted with lawyer and notary associations under this component (new Output E), which overlapped with the dialogue conducted under Output A2 with lawyers and notaries. The effectiveness of activities and Output A2/new E in contributing to the project outcome have been analyzed above
	To what extent have risks (see also Safeguards & Gender) and assumptions of the Theory of Change been addressed in the implementation and steering of the project?	*Positive examples of adaptation of programme to identified risks and assumptions during implementation period	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change		Contribution Analysis as outlined above, Document review	Programme documentation outlines how Theory of Change has been adapted on indicator level. More information required to assess how project implementation has responded to risks	
The occurrence of additional (not formally agreed) positive results has been monitored and additional opportunities for further positive results have been seized.  No project-related negative results have occurred – and if any negative results occurred the project responded adequately.	Refers to Option A, Sustainability (determination of interactions in effectiveness and impact):						The Evaluators found no evidence that the project caused any project related negative results, although the risks exist that project activities may also serve to strengthen the centralized political system. In relation to additional or unintended positive results, legislative assistance conducted by the project has opened opportunities for discussion of gender equality issues, particularly in the context of legislative assistance provided under Output C
	To what extent were risks of unintended results assessed as observation fields by the monitoring system (e.g. compass)?	* Project Team information and Project documentation analysis describes extent of monitoring system. Compass was not used.	Programme documents and Project Team information	Sample analysis of Visibility/ Outreach of Project through Press Kit and Internet presence analysis; Surveys with actors not directly associated with the project but knowledgeable in rule of law field: Lawyers, University law students;	Contribution Analysis as outlined above. Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	Project Team provided information on programme monitoring system. More information required to assess how project implementation has responded to risks	focused on economic and fiscal/budget reform undertaken by Chinese partners (gender budgeting) or in relation to legislation such as the labor law (INT). While the project has conducted a few gender related activities under Outputs A2 (lawyers exchange: women as lawyers), B (gender and labor law) and D (judicial exchange on women in the judiciary), the approach has been rather standard by focusing on the role of women in the different professional categories and trying to ensure that participants in project activities include

	To what extent have the programme's benefits produced results that were unintended?	<ul style="list-style-type: none"> <li>Implementing organizations' and target group perceptions about the effectiveness and contributions/usefulness of programme outputs/activity design to their work based on project output indicators; *</li> <li>Awareness and perceptions of utility of programme among actors not directly associated with project but knowledgeable in rule of law field</li> </ul>	<p>Ø 2014 Programme proposal and four modification offers</p> <p>Ø The 2016-2018 Programme progress reports</p> <p>Ø The Results Model and Theory of Change</p> <p>Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018</p> <p>Ø Target group analysis including descriptions</p> <p>Ø Additional information compiled by GIZ programme team to describe ongoing legal re-forms in China</p> <p>Sample analysis of quality of Legislative and Judicial Documents over evaluation period;</p>	Sample analysis of Visibility/Outreach of Project through Press Kit and Internet presence analysis; Surveys with actors not directly associated with the project but knowledgeable in rule of law field: Lawyers, University law students;	Contribution Analysis as outlined above; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	The collected RBM indicator data is already quite comprehensive and provides a good basis to assess stakeholder capacity and effectiveness of programme interventions to transfer knowledge for Indicators 1 and 2 against outputs A-D, although monitoring data is still being collected for 2015 and 2017 for Indicator 2 output C for some activities, since they have only recently taken place in 2017. Since programmatic activities for Indicator 3 against Output E have been adapted to better reflect the interest of the Chinese stakeholders, collected RBM data for this indicator is not available.	sufficient number of women (INT, DOC). Opportunities could however be seized more actively and consciously by the project to conduct more substantive project activities through a gender lens so as to improve the rule of law situation of women in China.
	Which positive or negative unintended results (economic, social, ecological) does the project produce? Is there any identifiable tension between the ecological, economic and social dimensions?	<ul style="list-style-type: none"> <li>Implementing organizations' and target group perceptions about the effectiveness and contributions/usefulness of programme outputs/activity design to their work based on project output indicators; *</li> <li>Awareness and perceptions of utility of programme among actors not directly associated with project but knowledgeable in rule of law field</li> </ul>	<p>Ø 2014 Programme proposal and four modification offers</p> <p>Ø The 2016-2018 Programme progress reports</p> <p>Ø The Results Model and Theory of Change</p> <p>Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018</p> <p>Ø Target group analysis including descriptions</p> <p>Ø Additional information compiled by GIZ programme team to describe unintended results</p>	Sample analysis of Visibility/ Outreach of Project through Press Kit and Internet presence analysis; Surveys with actors not directly associated with the project but knowledgeable in rule of law field: Lawyers, University law students;	Contribution Analysis as outlined above; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	The collected RBM indicator data is already quite comprehensive and provides a good basis to assess stakeholder capacity and effectiveness of programme interventions to transfer knowledge for Indicators 1 and 2 against outputs A-D, although monitoring data is still being collected for 2017 for Indicator 2 output C for some activities, since they have only recently taken place in 2017. Since programmatic activities for Indicator 3 against Output E have been adapted to better reflect the interest of the Chinese stakeholders, collected RBM data for this indicator is not available. Additional information needed from interviews to assess unintended results.	
	How were negative unintended results and interactions counteracted and synergies exploited?	* Project Team information and Project documentation analysis describes extent of monitoring system.	<p>Ø 2014 Programme proposal and four modification offers</p> <p>Ø The 2016-2018 Programme progress reports</p> <p>Ø The Results Model and Theory of Change</p> <p>Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018</p> <p>Ø Target group analysis including descriptions</p> <p>Ø Additional information compiled by GIZ programme team to</p>	Sample analysis of Visibility/Outreach of Project through Press Kit and Internet presence analysis; Surveys with actors not directly associated with the project but knowledgeable in rule of law field: Lawyers, University law students;	Contribution Analysis as outlined above; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	Project Team provided initial information unintended results as per programme documentation. More information required to assess how project implementation has responded to risks	



				describe unintended results				
		What measures were taken?	* Project Team information and Project documentation analysis describes extent of monitoring system.	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team to describe measures taken to tackle unintended results	Sample analysis of Visibility/Outreach of Project through Press Kit and Internet presence analysis; Surveys with actors not directly associated with the project but knowledgeable in rule of law field: Lawyers, University law students;	Contribution Analysis as outlined above; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	Project Team provided initial information on measures taken to tackle risks and unintended results. More information required to assess how project implementation has responded to risks and unintended results through interviews.	

	Evaluation Dimension	Analysis question	Evaluation indicator	Available data source	Other planned data collection projects	Evaluation strategy (evaluation design, method, procedure)	Expected evidence strength (narrative)	Results of evaluation
	<b>IMPACT</b>							
<b>Impact</b>	The anticipated long-term results have occurred or can plausibly be achieved	To which long-term results should the project contribute (cf. module and programme proposal, if no individual measure; indicators, identifiers, narrative)?	Programme Impact definition	Project description and ToC		Programme document analysis		According to the project documentation, the project's long-term goals are to contribute to creating a secure legal environment and the application of laws based on rule of law principles. This in turn should potentially positively influence employment and poverty reduction and contribute to the Sustainable Development Goals (SDGs). While no BMZ country strategy exists for China, the project's contribution to the above mentioned long term goals and the Development Agenda 2030, particularly SDGs 16 and 5 (see Section 3.1 on Relevance above), is indirect and unintended rather than direct and intended.

		<p>To what extent will the project contribute to the implementation for implement-ing Agenda 2030/to the SDGs?</p>	<p>*Match between 2030 Agenda and programme results identified by stakeholders and programme situation analysis/core problem analysis;</p>	<p>Ø 2014 Programme proposal and four modification offers  Ø The 2016-2018 Programme progress reports  Ø The Results Model and Theory of Change  Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018  Ø Target group analysis including descriptions  Ø Additional information compiled by GIZ programme team</p>	<p>The evaluation will primarily employ the methodology of a contribution analysis to assess the OECD/DAC and Degeval criteria, with a particular focus on utility in the case of the latter. The contribution analysis is deemed as particularly suitable for the evaluation of the Sino-German Legal Cooperation programme because in its nature the programme aims to contribute to an objective that benefits citizens and provides value to them: an improvement in the rule of law system. As such, a contribution analysis goes beyond performance measurement as characterised by a regular monitoring of whether or not activities have taken place and which results they have/have not achieved.</p> <p>There are six key steps which the evaluation will undertake to implement the contribution analysis of the programme as outlined below. Due to time</p>	<p>The collected RBM indicator data is already quite comprehensive and provides a good basis to assess stakeholder capacity and effectiveness of programme interventions to transfer knowledge for Indicators 1 and 2 against outputs A-D, although monitoring data is still being collected for 2015 and 2017 for Indicator 2 output C for some activities, since they have only recently taken place in 2017. Since programmatic activities for Indicator 3 against Output E have been adapted to better reflect the interest of the Chinese stakeholders, collected RBM data for this indicator is not available. Indicator 3 against Output E is a key indicator to assess impact as it would provide insight into the visibility and outreach of the programme beyond the implementing partners.</p> <p>The above mentioned data sources will thus be supplemented by semi-structured interviews, questionnaires and surveys with key stakeholders directly (Project Team, Implementing Partners) and indirectly (Law Students, Lawyers, Notaries, Other actors active in the rule of law field) associated with the programme to collect information as well as by media outreach to provide insight into the programme's visibility among the public, particularly among women, youth and the poor as a basis for the evaluation of impact.</p> <p>Limitations in relation to the above mentioned data collection methods include a certain dependence of the analysis on availability and quality of information to be collected. In the context of China, it will thus depend on how responsive and open programme stakeholders are towards the evaluators in their responses to posed questions. The visibility of the programme in the media can also only be assessed based on accessible social and traditional media with the support of a local expert. In addition, the sheer number of programme stakeholders requires that a selection of respondents will need to be made, and thus the sample may not be representative, but should provide enough insight to draw reasonable conclusions</p>	<p>The project contributes to the implementation of the UN Development Agenda 2030 as follows:</p> <p>Participatory Development and Good Governance: The strengthening of the public administration based on legal principles and the delivery of judgements based on law are key objectives of the project. The integration of rule of law principles to reform legislation can put reform pressure on the executive and the public administration. The project also aims to make the judiciary more professional and transparent to establish the judiciary as the third power in the state.</p> <p>The objective of the project to support the rule of law in China contributes to the BMZ concept to Support Good Governance and to the implementation of the Sustainable Development Goal 16, i.e. the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels.</p> <p>Social-Economic Results: The project provides capacity building to the Chinese government to establish a modern legal system and to apply the rule of law. This can contribute to legal certainty and facilitates inclusive and sustainable economic growth. One can assume that the project can thus indirectly contribute to improving social justice and to poverty reduction.</p> <p>Human Rights: Legislative assistance based on European quality standards of codified law can contribute to integrating human rights standards in Chinese legislation. The project supports courts to issue judgements based on a legal methodical approach, which can lead to increased legal certainty in individual cases. Through an improved access to legal information, the Chinese public can increase their knowledge of their rights and the legal possibilities to protect them. The project does not mention a contribution to gender equality (SDG 5), although the BMZ in its commission dated 15 December 2014, said that gender issues are explicitly relevant for the project and the GIZ applies gender standards (Safeguards &amp; Gender) to projects. Nevertheless, the project can contribute to SDG 5 through its intervention areas by taking a gender lens in relation to substantive legislative assistance and thematic discussions within the rule of law dialogue.</p> <p>The 'rule of law' definition according to international standards includes several key principles, including accountability of government under law, the just and even application of laws, accessible, fair and efficient enactment of laws and accessible and impartial dispute resolution. In its interventions, the project has plausibly contributed to creating more legal certainty or reducing the space for arbitrary decision making by the executive. The application of rule of law based on law by the public administration and courts should also strengthen the individual citizen in relation to the state. (DOC)</p> <p>The broad scope of the intervention areas under the project, which focus on all key rule of law elements (Legislative Assistance, Judiciary, Executive, Legal Outreach) as well as activities under Output A1 (Rule of Law Dialogue) and Output B (Legislative Assistance) can potentially contribute to dimensions of sustainability in the economic and social fields (poverty reduction), to strengthening citizen rights, and to creating more legal certainty.</p>
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						<p>constraints, the evaluation will only focus on steps 1-4:</p> <ol style="list-style-type: none"><li>1. Set out the attribution problem to be addressed</li><li>2. Develop a theory of change and risks</li><li>3. Collect evidence and data on the theory of change</li><li>4. Assemble and assess the performance story and challenges to it</li><li>5. Seek out additional evidence</li><li>6. Revise and strengthen the performance story based on additional evidence</li></ol>	<p>about the contribution of the programme to its objective.</p>	
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		<p>Which dimensions of sustainability (economic, ecological, social) does the project affect at impact level? Were there positive synergies on the three levels?</p>	<p>* Awareness and perceptions of economic, ecological or social impact of programme among actors not directly associated with project but knowledgeable in rule of law field Examples of how visibility of programme in social media/traditional media transfers rule of law knowledge to the public with a focus on seeking examples for economic, social and ecological impact</p>	<p>Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team</p>	<p>Questionnaires/Survey sample with control group of lawyers/Law students/academics/Notaries and media research to assess whether programme is visible for public</p>	<p>See Contribution Analysis description; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references</p>	<p>The collected RBM indicator data is already quite comprehensive and provides a good basis to assess stakeholder capacity and effectiveness of programme interventions to transfer knowledge for Indicators 1 and 2 against outputs A-D, although monitoring data is still being collected for 2017 for Indicator 2 output C for some activities, since they have only recently taken place in 2017. Since programmatic activities for Indicator 3 against Output E have been adapted to better reflect the interest of the Chinese stakeholders, collected RBM data for this indicator is not available. Indicator 3 against Output E is a key indicator to assess impact as it would provide insight into the visibility and outreach of the programme beyond the implementing partners.</p> <p>The above mentioned data sources will thus be supplemented by semi-structured interviews, questionnaires and surveys with key stakeholders directly (Project Team, Implementing Partners) and indirectly (Law Students, Lawyers, Notaries, Other actors active in the rule of law field) associated with the programme to collect information as well as by media outreach to provide insight into the programme's visibility among the public to assess social, economic and ecological impact.</p> <p>Limitations in relation to the above mentioned data collection methods include a certain dependence of the analysis on availability and quality of information to be collected. In the context of China, it will thus depend on how responsive and open programme stakeholders are towards the evaluators in their responses to posed questions. The visibility of the programme in the media can also only be assessed based on accessible social and traditional media with the support of a local expert. In addition, the sheer number of programme stakeholders requires that a selection of respondents will need to be made, and thus the sample may not be representative, but should provide enough insight to draw reasonable conclusions about the contribution of the programme to its objective.</p>	<p>The broad scope of the intervention areas under the project, which focus on all key rule of law elements (Legislative Assistance, Judiciary, Executive, Legal Outreach) as well as activities under Output A1 (Rule of Law Dialogue) and Output B (Legislative Assistance) can potentially contribute to dimensions of sustainability in the economic and social fields (poverty reduction), to strengthening citizen rights, and to creating more legal certainty.</p>
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		<p>'Leave No One Behind': To what extent have targeted marginalised groups (such as women, children, young people, the elderly, people with disabilities, indigenous peoples, refugees, IDPs and migrants, people living with HIV/AIDS and the poorest of the poor) been reached and is there evidence of the results achieved at target group level?</p>	<p>* Awareness and perceptions of utility of programme among actors not directly associated with project but knowledgeable in rule of law field Examples of how visibility of programme in social media/traditional media transfers rule of law knowledge to the public with a focus on seeking examples for women and youth</p>	<p>Ø 2014 Programme proposal and four modifications Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team</p>	<p>Questionnaires/Survey sample with control group of lawyers/Law students/academics/notaries and media research to assess whether programme is visible for public</p>	<p>See Contribution Analysis descriptoin; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references</p>	<p>The collected RBM indicator data is already quite comprehensive and provides a good basis to assess stakeholder capacity and effectiveness of programme interventions to transfer knowledge for Indicators 1 and 2 against outputs A-D, although monitoring data is still being collected for 2017 for Indicator 2 output C for some activities, since they have only recently taken place in 2017. Since programmatic activities for Indicator 3 against Output E have been adapted to better reflect the interest of the Chinese stakeholders, collected RBM data for this indicator is not available. Indicator 3 against Output E is a key indicator to assess impact as it would provide insight into the visibility and outreach of the programme beyond the implementing partners.</p> <p>The above mentioned data sources will thus be supplemented by semi-structured interviews, questionnaires and surveys with key stakeholders directly (Project Team, Implementing Partners) and indirectly (Law Students, Lawyers, Notaries, Other actors active in the rule of law field) associated with the programme to collect information as well as by media outreach to provide insight into the programme's visibility among the public, particularly among women, youth and the poor as a basis for the evaluation of impact.</p> <p>Limitations in relation to the above mentioned data collection methods include a certain dependence of the analysis on availability and quality of information to be collected. In the context of China, it will thus depend on how responsive and open programme stakeholders are towards the evaluators in their responses to posed questions. The visibility of the programme in the media can also only be assessed based on accessible social and traditional media with the support of a local expert. In addition, the sheer number of programme stakeholders requires that a selection of respondents will need to be made, and thus the sample may not be representative, but should provide enough insight to draw reasonable conclusions</p>	<p>In relation to 'Leave No One Behind', project interventions have not consciously targeted marginalised groups (such as women, children, young people), although positive changes in legislation such as the reform of the Domestic Violence Law or Family Law (See Effectiveness Section 3.2), may also positively impact their situation. Nevertheless, the evaluation found no clear evidence of this. Particularly in relation to gender equality, the project should make more efforts to substantively integrate a gender lens in its interventions and to assess whether and how the Leave No One Behind principle can be applied to include the disabled and ethnic minorities in project activities. (See Effectiveness Section 3.2).</p>
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								about the contribution of the programme to its objective.	
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	The programme contributed to the intended long-term results.	To what extent is it plausible that the results of the project on the output and outcome levels (project goal) contribute to the superordinate results? (contribution-analysis approach)	* Awareness and perceptions of utility of programme among actors not directly associated with project but knowledgeable in rule of law field; Implementing organizations' and target group perceptions about the contributions/usefulness of programme outputs/activity design to their work based on project output indicators	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team	Questionnaires/Survey sample with control group of lawyers/Law students and semi-structured interviews with project implementing partners as well as other actors working in the rule of law field	Contribution Analysis; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	See above descriptoin	<p>The broad scope of the intervention areas under the project, which focus on all key rule of law elements (Legislative Assistance, Judiciary, Executive, Legal Outreach) as well as activities under Output A1 (Rule of Law Dialogue) and Output B (Legislative Assistance) can potentially contribute to dimensions of sustainability in the economic and social fields (poverty reduction), to strengthening citizen rights, and to creating more legal certainty. They can also contribute to SDG 16 (Peace, Justice and Strong Institutions) and 5 (Gender equality) targets.</p> <p>The Rule of Law Dialogue (Output A1) in particular provides a positive and constructive platform for Germany and China to discuss rule of law challenges, which are often difficult, complex and sensitive. The three themes that were discussed in the Rule of Law Dialogue mostly focused on economic themes, with the exception of a discussion on the domestic violence law. As such the dialogue contributes to maintaining and potentially enhancing Germany's and China's trusted bilateral relationship. (See also Effectiveness 3.2) (DOC, INT). Positive examples under Output B which contribute to the long-term goals mentioned above, include substantive recommendations made in relation to legislation such as the civil code, competition law, budget or labour laws (DOC, INT). However, the translation of such recommendations into long-term policy making and the systematic implementation of these policies in the legal system has not been systematically monitored (DOC, INT). In addition, the integration of knowledge transfer into the legal system is subject to the willingness of Chinese partners and ultimately to a decision of the Chinese Communist party, and thus there is a risk that these long-term goals cannot be achieved, as they lie outside of the project's sphere of influence. This is particularly the case in relation to politically sensitive areas. The predecessor project unsuccessfully attempted to work on the reform of NGO legislation, which demonstrates the potential limits of discussing and negotiating rule of law themes with the Chinese partners. (DOC) Activities under Outputs C, D and A2/E have less potential to contribute to the long-term goals in their current format (Output D focuses on knowledge transfer to judges through training) without increasing follow-up in the form of multiplier effects, and Outputs C and A2/E have not been effectively activated. (See Effectiveness Section 3.2).</p> <p>In relation to 'Leave No One Behind', project interventions have not consciously targeted marginalised groups (such as women, children, young people), although positive changes in legislation such as the reform of the Domestic Violence Law or Family Law (See Effectiveness Section 3.2), may also positively impact their situation. Nevertheless, the evaluation found no clear evidence of this. Particularly in relation to gender equality, the project should make more efforts to substantively integrate a gender lens in its interventions. (See Effectiveness Section 3.2)</p>
		What are the alternative explanations/reasons for the results observed? (e.g. the activities of other stakeholders)	* Descriptions by other development partners and stakeholders of impact of the project	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional	Semi-structured interviews	Contribution Analysis; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	See above descriptoin	



			information compiled by GIZ programme team				
	To what extent do changes in the framework conditions influence superordinate long-term results?	* Descriptions by other development partners of framework conditions that influence long term results of programme	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team	Semi-structured interviews	Contribution Analysis; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	See above description	
	To what extent is the effectiveness of the development measures positively or negatively influenced by other policy areas, strategies or interests (German ministries, bilateral and multilateral development partners)? What are the consequences of the project?	• Descriptions by other development partners of impacts of the project	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group	Semi-structured interviews	See contribution Analysis; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	See above description	

				analysis including descriptions Ø Additional information compiled by GIZ programme team				
		To what extent has the project made an active and systematic contribution to widespread impact? (4 dimensions: relevance, quality, quantity, sustainability; scaling-up approaches: vertical, horizontal, functional or combined)? If not, could there have been potential? Why was the potential not exploited?	* Awareness and perceptions of utility of programme among actors not directly associated with project but knowledgeable in rule of law field; Implementing organizations' and target group perceptions about the contributions/usefulness of programme outputs/activity design to their work based on project output indicators	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team	Questionnaires/Survey sample with control group of lawyers/Law students and semi-structured interviews with project implementing partners	See Contribution Analysis description; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	See above description	
		Referring to the three dimensions of sustainability (economic, ecological, social): How was it ensured that synergies were exploited in the three dimensions? What measures were taken? (-> discussion of interactions in the sense of trade-offs below for unintended results)	* Awareness and perceptions of economic, ecological or social impact of programme among actors not directly associated with project but knowledgeable in rule of law field Examples of how visibility of programme in social media/traditional media transfers rule of law knowledge to the public with a focus on seeking examples for economic, social and ecological impact	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs	Questionnaires/Survey sample with control group of lawyers/Law students and semi-structured interviews with project implementing partners	See Contribution Analysis description; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	See above description	

				A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team				
<p>The occurrence of additional (not formally agreed) positive results has been monitored and additional opportunities for further positive results have been seized.</p> <p>No project-related negative results have occurred – and if any negative results occurred the project responded adequately.</p>	Which unintended positive and/or negative results/changes at the level of superordinate results can be observed in the wider sectoral and regional environment of the development measure (e.g. cross-cutting issues, interactions between the three sustainability dimensions)?	* Awareness and perceptions of utility of programme among actors not directly associated with project but knowledgeable in rule of law field; Implementing organizations' and target group perceptions about the contributions/usefulness of programme outputs/activity design to their work based on project output indicators; • Descriptions by other development partners of impacts of the project	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team	Questionnaires/Survey sample with control group of lawyers/Law students and semi-structured interviews with project implementing partners	See Contribution Analysis descriptoin; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	See above descriptoin	<p>The project did not incur any project related negative results which the evaluation could assess.The Rule of Law Dialogue (Output A1) provides a positive and constructive platform for Germany and China to discuss rule of law challenges, which are often difficult, complex and sensitive. The three themes that were discussed in the Rule of Law Dialogue mostly focused on economic themes, with the exception of a discussion on the domestic violence law. As such the dialogue contributes to maintaining and poten-tially enhancing Germany's and China's trusted bilateral relationship. (See also Effectiveness 3.2) (DOC, INT).While there is a small risk that short term political tensions in the bilateral relationship between China and Germany can cause difficulties for project implementation, given the high political sensitivity of the pro-ject's rule of law theme, at the time of writing there are no political tensions in the bilateral relationship between Germany and China that detrimentally influence the project. The facilitation and participation of the project in the German-Chinese rule of law dialogue is deemed as important for both sides as it takes place on an equal footing and facilitates the bilateral relationship in the realm of discussions focused on the rule of law, speaking to interests on both sides, including in the economic sphere, and can plausibly impact positively on mutual understanding, discussion and the negotiation of rule of law issues. It can also create the conditions to discuss other themes of importance to both countries, including rule of law as-pects of human rights (INT). The creation of (personal) networks between a wide variety and large number of German and Chinese stakeholders on a high political and technical working level as a result of project interventions also serves the bilateral relationship in that information on rule of law developments in China can be exchanged and mutual challenges in the rule of law field discussed, although this could be further institutionalised. (INT)</p> <p>While the rule of law dialogue has contributed to a positive bilateral relationship between Germany and China due to exchanges on high Mnisterial level, the Evaluation found no evidence that project interven-tions contributed to improving the overall bilateral relationship between Germany and China, beyond the rule of law dialogue.</p>	
	To what extent is the (positive or negative) contribution of the project plausible?	* Awareness and perceptions of utility of programme among actors not directly associated with project but knowledgeable in rule of law field; Implementing organizations' and target group perceptions about the contributions/usefulness of programme outputs/activity design to their work based on project output	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change	Questionnaires/Survey sample with control group of lawyers/Law students and semi-structured interviews with project implementing partners	See Contribution Analysis descriptoin; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	See above description		
	What are the alternative explanations/reasons for the results observed? (e.g. the activities of other stakeholders)					See above description		
	Have negative results occurred?					See above description		

			indicators;• Descriptions by other development partners of impacts of the project	Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team				
		To what extent were the risks of negative, unintended, superordinate results identified and assessed in the monitoring system? To what extent were these negative results in the sense of (negative) interactions or trade-offs in the ecological, economic and social dimensions already known during the conception of the project and reflected (e.g. in the module or programme proposal)?	Programme documents and project team information describes risks and unintended results and reflections in programme proposal	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team	Programme document analysis	Unintended results and risks in relation to the ecological, economic and social dimensions have been basically described in the programme documentation		

		<p>Was there a corresponding risk assessment in the TC-measures' proposal? How was the ability to influence these risks originally assessed?</p>	<p>Programme documents and project team information describes risks and unintended results and reflections in programme proposal</p>	<p>Ø 2014 Programme proposal and four modification offers  Ø The 2016-2018 Programme progress reports  Ø The Results Model and Theory of Change  Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018  Ø Target group analysis including descriptions  Ø Additional information compiled by GIZ programme team</p>		<p>Programme document analysis</p>	<p>Unintended results and risks in relation to the ecological, economic and social dimensions have been basically described in the programme documentation</p>	
		<p>To what extent have the project's services caused negative (unintended) results (economic, social, ecological)? Is there any identifiable tension between the ecological, economic and social dimensions?</p> <p>-Economically: Impairment of competitiveness, employability, etc.</p> <p>-Socially: How should the impact be assessed in terms of distributive results, non-discrimination and universal access to social services and social security systems? To what extent can particularly disadvantaged population groups benefit from the</p>	<p>* Awareness and perceptions of economic, ecological or social impact of programme among actors not directly associated with project but knowledgeable in rule of law field  Examples of how visibility of programme in social media/traditional media transfers rule of law knowledge to the public with a focus on seeking examples for economic, social and ecological impact</p>	<p>Ø 2014 Programme proposal and four modification offers  Ø The 2016-2018 Programme progress reports  Ø The Results Model and Theory of Change  Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018  Ø Target group analysis including descriptions  Ø Additional</p>	<p>Questionnaires/Survey sample with control group of lawyers/Law students and semi-structured interviews with project implementing partners</p>	<p>See Contribution Analysis description; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references</p>	<p>See above description</p>	

		<p>results or have negative results for particularly disadvantaged population groups been created?</p> <p>-Ecologically: What are the positive or negative environmental impacts of the project?</p>		<p>information compiled by GIZ programme team</p>				
		<p>What measures have been taken by the project to counteract the risks/negative interactions?</p>	<p>Project document analysis and Project Team interviews indicate positive risk mitigation measures taken</p>	<p>Ø 2014 Programme proposal and four modification offers  Ø The 2016-2018 Programme progress reports  Ø The Results Model and Theory of Change  Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018  Ø Target group analysis including descriptions  Ø Additional information compiled by GIZ programme team</p>		<p>See Contribution Analysis description; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references</p>	<p>See above description</p>	
		<p>To what extent have the framework conditions for the negative results played a role? How did the project react to this?</p>	<p>Framework /situation analysis, China contextual analysis match definition of risks and assumptions as well as risk mitigation measures taken</p>	<p>Ø 2014 Programme proposal and four modification offers  Ø The 2016-2018 Programme progress reports  Ø The Results Model and Theory of</p>		<p>See Contribution Analysis description; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references</p>	<p>See above description</p>	

				Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team				
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	Evaluation Dimension	Analysis question	Evaluation indicator	Available data source	Other planned data collection projects	Evaluation strategy (evaluation design, method, procedure)	Expected evidence strength (narrative)	Results of Evaluation
	<b>EFFICIENCY</b>							
<b>Efficiency</b>	The project's use of resources is appropriate with regard to the outputs achieved.  [Production efficiency: Resources/Services in accordance with the BMZ]	<p>To what extent are there deviations between the identified costs and the projected costs? What are the reasons for the identified deviation(s)?</p> <p>To what extent could the outputs have been maximised with the same amount of resources and under the same framework conditions and with the same or better quality (maximum principle)?</p> <p>To what extent could outputs have been maximised by reallocating resources between the outputs?</p> <p>Were the output/resource ratio and alternatives carefully considered during the design and implementation process – and if so, how?</p> <p>For interim evaluations based on the analysis to date: To what extent are further planned expenditures meaningfully distributed</p>	<ul style="list-style-type: none"> <li>• Percentage of budget resources spent on different elements of project</li> <li>• Percentage of project team time and other partner organization staff time spent on various elements of the project</li> <li>• Project Team views on relationship between financial and non-financial resources and results</li> </ul>	<p>Ø The 2016-2018 Programme progress reports</p> <p>Ø The Results Matrix and Model</p> <p>Ø The current Programme Steering Structure (Organigramm 2017)</p> <p>Ø The plan of operations for 2015-2018</p> <p>Ø Cost Data (2018 Cost-Obligations Report available) and assignment of resources to programme interventions</p>	N/A	GIZ Efficiency Tool analysis		<p>output costs based on the project's cost commitment report up to April 2018 (including project staff time) are principally distributed in line with the level and number of activities conducted under each Output in the evaluation period 2015-2018. A total of 127 activities were conducted, with 65 activities including 3 publications organised under Output D (Judiciary), which takes up the highest percentage of costs (36 % or 2,006,947.58 EUR), followed by 16 activities including 4 Rule of Law Dialogues under Output A (29 % or 1,602,398.54 EUR), 25 activities under Output B (13 % or 693,886.64 EUR), and 21 activities under Output C (9 % or 475,095.36 EUR) and Output E (0 % or 0 EUR). (EffTool)</p> <p>When analysed in relation to the effectiveness of activities (see Effectiveness Section 3.2), more efficiency can be created by creating more synergies between different outputs and by including a multiplier effect in the activities of Output D. If Output C activities are adjusted it may be useful to assess a redistribution between Output D and C, particularly given the fact that Output D also profits from co-financing. There may also be further efficiencies in reassessing the costs needed under Output A2 (Lawyers and Notaries ex-change) as this component also profits from co-financing and it could be considered to charge fees for their participation in project activities from those lawyers who can afford it.</p> <p>The planned costs for 2018 after the time of this evaluation (April 2018), an amount of 1,456,200.58 EUR see most funds allocated to Output A (70 % or 1,079,340.41), followed by Output B (14 % or 207,508.58 EUR) and Output D (11 % or 163,676.95 EUR). This cost distribution also generally follows the level of planned activities in 2018, particularly since a Rule of Law Dialogue is planned in autumnMay/June 2018. (EffTool)</p> <p>A very positive contribution to the efficiency of the project, which also demonstrates ownership, is the willingness of Chinese partners to cover the costs of travel and accommodation for participants to Germany and other locations in a total of 129 out of 135 activities conducted or planned under all outputs of the project from 2015-2018, amounting to an estimated 4,989,250 EUR in cost savings for the project if GIZ rates would have been applied. These activities involved or will involve in 2018 a total of 5473 participants. In addition, participants from German partners under the project have covered or will cover costs for travel and accommodation to China in a total of 55 out of 135 activities from 2015-2018 in the amount of an estimated 1,155,550 EUR, an additional cost saving for the project. Moreover, other Chinese partners supported project activities under Output A2 with in-kind contributions. (DOC, INT, EffTool)</p> <p>13 % or 732,529.72 EUR of the costs of the project are devoted to the overall management and administration of the project. This percentage results from the nature of the project activities conducted which require a lot of administration and logistics, the need to manage co-financing components of the project, and</p>



		among the targeted outputs?					from the substantial amount of time needed to manage the project by the Programmej (80 %) and Deputy Programme Director (70 %) (DOC, INT, EffTool). If the voluntary contribution from the Chinese side in an estimated amount of 4,989,250 EUR is also considered, then the project effectively ad-ministers 12.189.250 EUR. Although this is not captured by the GIZ Efficiency Tool, the costs for the overall management and administration of the project are then reduced to 6 %, which is in line with the adminis-trative costs of rule of law projects of a similar nature and size. (DOC, INT)
The project's use of resources is appropriate with regard to achieving the TC-measures' goal (outcome).  [Allocation efficiency: Resources/Services in accordance with the BMZ]	To what extent could the outcome have been maximised with the same amount of resources and the same or better quality (maximum principle)?	Descriptions by other devel-opment partners and stake-holders of complementary project activities indicate positive synergies in sup-port to project;	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Matrix and Model Ø The current Programme Steering Structure (Organigramm 2017) Ø The plan of operations for 2015-2018 Ø Cost Data (2018 Cost-Obligations Report available) and assignment of resources to programme interventions	Semi-structure interviews with project team and implementing partners	GIZ Efficiency Tool and Semi-structure interview analysis		<p>The project benefits from co-financing by the BMJV to Output A1 (Rule of Law Dialogue) and co-financing by the Robert Bosch Foundation to Outputs A2 (Lawyers Exchange) and D (Judiciary Training). The total amount of co-financing of the project amounts to 1,382,516 EUR, of which 456,003 EUR are partner con-tributions (BMJV). The co-financing and partner contributions are evenly split to 50 % between Outputs A and Output D under the project (DOC, INT, EffTool). A positive effect of the co-financing has been that under Output A2 (Lawyers exchange) the financial terms and conditions have contributed to an acceptance by the Chinese side of a more diverse set of participants, as per the co-financer's request, which is not the case in other project activities (INT). To enhance efficiencies for the project under the co-financed out-puts, an adjustment of the activity to create a multiplier effect in the form of ToTs could be considered under Output D (Judiciary Training) activities. Under Output A2 (Lawyers exchange), the financing should focus on those lawyers who cannot easily afford the training courses and commit to taking initiatives in relation to improving the administration of justice.</p> <p>In relation to the achievement of the project outcome, the project could enhance efficiency by creating more synergies between Outputs, particularly to use Outputs A1 (Rule of Law Dialogue) and B (Legislative Assistance) to create momentum for or inform potential adjustments of Output C (Executive) and D (Judiciary) activities, which could in turn reinforce achievements under Outputs A and B. This should also be reflected in the project's substantive management and efforts have already been made and should contin-ue to ensure that staff work on and inform each other regularly of ongoing developments and work in the different intervention areas. In addition, more cooperation between the project and other GIZ projects should be considered, particularly in the area of the environment, with the project focusing on rule of law aspects of the environment.</p> <p>While a formal donor coordination mechanism under the UNDP Resident Office exists, it is primarily used for discussion of current developments rather than a coordination of activities, partially because country and multilateral donor programmes work with different Chinese partners to implement activities, which work in accordance with their responsibilities and functions, resulting in many programmes working in silos (INT). To enhance efficiency, more cooperation – either formally or informally – should be sought between the project and other donor programmes working in the field of rule of law for information exchange pur-poses and to assess where areas of complementary engagement make sense. An interest to do so exists on the part of several donors (INT).</p> <p>In relation to its management structure and implementation efficiency, the project has seen a high level of staff fluctuation since 2015, affecting its capacities for effective project management. The project also has difficulties in recruiting qualified international staff to Beijing, as well as qualified Chinese lawyers with the necessary German language proficiency in a financially competitive environment (INT). This limits the pro-ject in deploying all the substantive legal expertise it potentially could, and also affects the ability of the project to negotiate and effectively communicate with Chinese partners during project planning, imple-mentation and monitoring.</p> <p>The overall staffing level of 15 is adequate to implement the project along its five intervention areas, with reporting lines currently split between the programme and deputy programme director in accordance with the substantive areas they work on, and administrative staff reporting to the programme director, with the exception of IT. While the team structure is adequate, it should be assessed whether communication on substantive issues can be improved and further coordinated across reporting linesalthough reporting and delegation lines under the current organigram should be reassessed so as to create more clarity in relation to the project's hierarchical structure. For example, currently the reporting lines are split between the pro-ject and deputy project manager in accordance with the substantive areas they work on, whereas it is un-clear according to which criteria the administrative staff have their reporting lines split between the two. (DOC, INT)</p> <p>The project could also benefit from enhancing its staff capacities or requesting GIZ Headquarter or exter-nal support to conduct needs analysis and capacity development strategies as well as setting up an effec-tive project monitoring system towards the project outcome, which has key weaknesses. (See Sections 2.1 Data Evaluability, 3.2 Effectiveness and 3.3 Impact).</p>
	Were the outcome-resources ratio and alternatives carefully considered during the conception and implementation process – and if so, how? Were any scaling-up options considered?	Description of project team indicate how outcome-resources were considered, including scaling-up.					
	To what extent was more impact achieved through synergies and/or leverage of more resources, with the help of other bilateral and multilateral donors and organisations (e.g. Kofi, MSPs)? If so, was the relationship between costs and results appropriate?	Descriptions by other development partners and stakeholders of complementary project activities indicate positive synergies in support to project; Efficiency tool analysis indicates appropriate relationship between costs and results of co-financing					

Evaluation Dimension	Analysis question	Evaluation indicator	Available data source	Evaluation strategy (evaluation design, method, procedure)	Other planned data collection projects	Expected evidence strength (narrative)	Results of Evaluation
<b>SUSTAINABILITY</b>							
Prerequisite for ensuring the long-term success of the programme: results are anchored in (partner) structures	What has the project done to ensure that the intended effect can be achieved in the medium to long term by the partners themselves (working aid re-view)?	* Awareness and perceptions of utility of programme among actors not directly associated with project but knowledgeable in rule of law field; Implementing organizations' and target group perceptions about the contributions/usefulness of programme outputs/activity design to their work based on project output indicators	Project Documents; Status Reports; Project Team, Stakeholders;	The evaluation will primarily employ the methodology of a contribution analysis to assess the OECD/DAC and Degeval criteria, with a particular focus on utility in the case of the latter. The contribution analysis is deemed as particularly suitable for the evaluation of the Sino-German Legal Cooperation programme because in its nature the programme aims to contribute to an objective that benefits citizens and provides value to them: an improvement in the rule of law system. As such, a contribution analysis goes beyond performance measurement as characterised by a regular monitoring of whether or not activities have taken place and which results they have/have not achieved.	Questionnaires/ Survey sample with control group of lawyers/Law students and semi-structured interviews with project implementing partners	The collected RBM indicator data is already quite comprehensive and provides a good basis to assess stakeholder capacity and effectiveness of programme interventions to transfer knowledge for Indicators 1 and 2 against outputs A-D, although monitoring data is still being collected for 2015 and 2017 for Indicator 2 output C for some activities, since they have only recently taken place in 2017. Since programmatic activities for Indicator 3 against Output E have been adapted to better reflect the interest of the Chinese stakeholders, collected RBM data for this indicator is not available. Indicator 3 against Output E is a key indicator to assess impact as it would provide insight into the visibility and outreach of the programme beyond the implementing partners.	The project has not been conceptualised with an exit strategy or dedicated plan for sustainability in mind, although elements of sustainability exist in several project intervention areas. These include Output A1 (Rule of Law Dialogue) which is a long standing and constructive dialogue between German and Chinese partners based on signed political agreements on the highest level, where mutually selected themes are discussed on an equal footing, and Output B (Legislative Assistance) which aims to provide legal expertise as a basis for the long-term adaptation of the codified legal framework in China, with the General Part of the Civil Code promulgated in line with many elements of European standards included (DOC, INT). Under Output D (Training of Judges), activities aim to increase knowledge transfer and public legal information through the compilation, publication and availability in libraries and for purchase of training material for judges, although the training itself is dependent on the participation of German judges and could benefit from a multiplier effect in the form of a ToT approach to enhance sustainability (DOC, INT). Sustainability elements are weak in relation to Outputs A2 (Lawyers exchange) and C (Executive Capacity building), as the former has only created limited networks among lawyers and the latter has contributed to knowledge transfer in the economic and fiscal legislative field. Output E (Legal Outreach) have not been implemented yet (DOC, INT, SURV).
	Which advisory contents, approaches, methods and concepts of the project are anchored/institutionalised in the (partner) system?						
	To what extent are they continuously used and/or further developed by the target group and/or implementing partners?						
	To what extent are (organisational, personnel, financial, economic) resources and capacities in the partner country (longer-term) available to ensure the continuation of the results achieved (e.g. multi-stakeholder partnerships (MSPs)?						
	To what extent are national structures and accountability mechanisms in place to support the results achieved (e.g. for the implementation and review of Agenda 2030)?  o What is the project's exit strategy? o How are lessons learnt prepared and documented?			There are six key steps which the evaluation will undertake to implement the contribution analysis of the programme as outlined below. Due to time constraints, the evaluation will only focus on steps 1-4:  1. Set out the attribution problem to be addressed 2. Develop a theory of change and risks 3. Collect evidence and data on the theory of change 4. Assemble and assess the performance story and challenges to it 5. Seek out additional evidence 6. Revise and strengthen the performance story		The above mentioned data sources will thus be supplemented by semi-structured interviews, questionnaires and surveys with key stakeholders directly (Project Team, Implementing Partners) and indirectly (Law Students, Lawyers, Notaries, Other actors active in the rule of law field) associated with the programme to collect information as well as by media outreach to provide insight into the programme's visibility among the public, particularly among women, youth and the poor as a basis for the evaluation of impact.  Limitations in relation to the above mentioned data collection methods include a certain dependence of the analysis on availability and quality of information to be collected. In the context of China, it will thus depend on how responsive and open programme stakeholders are towards the evaluators in their responses to posed questions. The visibility of the programme in the media can also only be assessed based on accessible social and traditional media with the support of a local expert. In addition, the sheer number of programme stakeholders requires that a selection of respondents will need to be made, and thus the sample may not be representative, but should provide enough insight to draw reasonable conclusions about the contribution of the programme to its objective.	With the exception of Output C, all project interventions are well anchored and implemented with an appropriate Chinese partner, who highly value the expertise provided by the project. Positive examples exist, where the Chinese partner has attempted to create a multiplier effect based on knowledge transferred during training courses for Civil Servants (Output C) and the Judiciary (Output D), by summarizing training material and having training participants conduct presentations for other civil servants/judges. In addition, Chinese reform efforts, particularly the goal to increase transparency of the judiciary, may be incentives for Chinese partners to focus on increasing public information and sustainability (DOC, INT, SURV).  To ensure the long-term application of achieved results, the Chinese side has abundant human and financial resources available as exemplified in its voluntary financial contribution to the project's activities under all Outputs (see Efficiency Section 3.3), demonstrating its ownership (DOC, INT). It also has the necessary institutional structures in place to monitor long-term achievements and targets of the Development Agenda 2030, particularly in provinces and on local level, given that China often pilots reform processes and policies before scaling them up to the rest of the country. In this regard, the key factor to ensuring sustainability of results is whether the Chinese Communist Party is willing to systematically integrate expertise and knowledge provided from the project into China's legal system. (INT)

				based on additional evidence			
Forecast of durability: Results of the project are permanent, stable and long-term resilient	To what extent are the results of the programme durable, stable and resilient in the longer-term under the given conditions?	Awareness and perceptions of utility of programme among actors not directly associated with project but knowledgeable in rule of law field; Implementing organizations' and target group perceptions about the contributions/usefulness of programme outputs/activity design to their work based on project output indicators Positive examples of integration of programme products in implementing partner financial and programmatic planning and/or institutional structures as well as up-scaling	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional information compiled by GIZ programme team	Contribution Analysis description above; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	Questionnaires/ Survey sample with control group of lawyers/Law students and semi-structured interviews with project implementing partners	See description above	<p>Considering the political and social context within which the project is being implemented, Outputs A1 (Rule of Law Dialogue), and B (Legislative Assistance) are quite durable, given the importance and mutual benefit the German and Chinese sides give and draw from the longstanding dialogue as a platform for information exchange, and the incorporation of provided legislative expertise in key legislation. Output D (Judiciary Training) could be enhanced in its durability if the approach to the activity is changed to reduced dependence on German expertise. The publication of training material, while a positive durable element, also requires regular updating and revision with German expert support. Outputs A2 (Lawyers exchange), C (Executive capacity building) and E (Legal Outreach) in their current form have no durability.</p> <p>The risk thus exists that unsustainable activity formats are maintained, if there is no discussion with Chinese partners during annual planning and evaluation or feedback processes on how transferred knowledge and expertise can be integrated on institutional level (see Impact Section 3.3) and systematically included in the legal system. In addition, there is a medium to low range risk that transferred expertise may serve to strengthen the centralised system, which could in the worst case, lead to creating circumstances that could result in a reversal of progress made in the legislative field and impact negatively on themes discussed during the Rule of Law Dialogue. This scenario would make it impossible for the project to achieve its outcome.</p>
	What risks and potential are emerging for the long-term protection of the results and how likely are these factors to occur? o (Example: Adaptability of target groups and institutions regarding economic dynamism & climate change; particularly disadvantaged groups are able to represent themselves in the long term and their individual countries have the capacity for their participation; changes in behaviour, attitudes and awareness among target groups and institutions that support the sustainability of the project's results, etc.) o What has the programme done to reduce these risks and exploit potential?	Project document analysis and Project Team interviews indicate positive risk mitigation measures taken; * Awareness and perceptions of utility of programme among actors not directly associated with project but knowledgeable in rule of law field;	Ø 2014 Programme proposal and four modification offers Ø The 2016-2018 Programme progress reports Ø The Results Model and Theory of Change Ø Collected RBM data against indicators 1-2 outputs A-D for the periods 2016-2018 Ø Target group analysis including descriptions Ø Additional	Contribution Analysis description above; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	Questionnaires/ Survey sample with control group of lawyers/Law students and semi-structured interviews with project implementing partners	See description above	

			information compiled by GIZ programme team				
Are the results of the project ecologically, socially and economically balanced?	<p>Evaluation of the outcome results with regard to interactions between the environmental, social and economic dimensions of sustainability</p> <p>Which positive or negative intended and unintended results (economic, social, ecological) does the project produce? (Assign intended and unintended results from the effectiveness evaluation to the three sustainability dimensions)</p> <p>Is there any identifiable tension between the ecological, economic and social dimensions?</p> <ul style="list-style-type: none"> <li>o Economically: Impairment of competitiveness, employability, etc</li> <li>o Socially: How should the impact be assessed in terms of distributive results, non-discrimination and universal access to social services and social security systems? To what extent can particularly disadvantaged population groups benefit from the results or have negative results for particularly disadvantaged population groups been created?</li> <li>o Ecologically: What are the positive or negative environmental impacts of the project?</li> </ul> <p>If negative interactions have been avoided and synergies exploited, how was this ensured? What measures were taken?</p>	<p>* Awareness and perceptions of economic, ecological or social impact of programme among actors not directly associated with project but knowledgeable in rule of law field</p> <p>Examples of how visibility of programme in social media/traditional media transfers rule of law knowledge to the public with a focus on seeking examples for economic, social and ecological impact</p>	<p>Ø 2014 Programme proposal and four modification offers</p> <p>Ø The 2016-2018 Programme progress reports</p> <p>Ø The Results Model and Theory of Change</p> <p>Ø Collected RBM data against indicators 1-2</p> <p>outputs A-D for the periods 2016-2018</p> <p>Ø Target group analysis including descriptions</p> <p>Ø Additional information compiled by GIZ programme team</p>	Contribution Analysis description above; Data collection: Document review, Semi-structured interviews, surveys and questionnaires; social media and news references	Questionnaires/ Survey sample with control group of lawyers/Law students and semi-structured interviews with project implementing partners	See description above	<p>Project interventions have positively contributed to unintended economic and social results through the provision of legislative assistance to key legislation in the field of fiscal transfer and the budget law, the labour law and the civil code, particularly family law. These can potentially contribute to improving competitiveness and employability, to the re-distribution of resources (poverty reduction) and to non-discrimination, although it lies beyond the scope of this evaluation to assess this in-depth, due to a lack of available data. The project could not identify any unintended negative economic, social or ecological results that can be evaluated.</p>

## Annex 2: List of resources

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China Daily (12 March 2018): NPC passes Constitution update [online]

[www.chinadaily.com.cn/a/201803/12/WS5aa58980a3106e7dcc140e80.html](http://www.chinadaily.com.cn/a/201803/12/WS5aa58980a3106e7dcc140e80.html) [1.5.2018].

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UNDP (2018): Human Development Report. Table 5: Gender Inequality Index. [online]

[hdr.undp.org/en/composite/GII](http://hdr.undp.org/en/composite/GII) [8.5.2018].

World Justice Project: What is the Rule of Law? [online] [worldjusticeproject.org/about-us/overview/what-rule-law](http://worldjusticeproject.org/about-us/overview/what-rule-law) [4.6.2018].

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[www.xinhuanet.com/english/2017-12/15/c\\_136828791.htm](http://www.xinhuanet.com/english/2017-12/15/c_136828791.htm) [1.5.2018].



Annex 3: Photographs



Sino-German Legal Cooperation Programme Evaluation, April 2018

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Deutsche Gesellschaft für  
Internationale Zusammenarbeit (GIZ) GmbH

Registered offices  
Bonn and Eschborn

Friedrich-Ebert-Allee 36 + 40  
53113 Bonn, Germany  
T +49 228 44 60-0  
F +49 228 44 60-17 66

Dag-Hammarskjöld-Weg 1-5  
65760 Eschborn, Germany  
T +49 61 96 79-0  
F +49 61 96 79-11 15

E [info@giz.de](mailto:info@giz.de)  
I [www.giz.de](http://www.giz.de)