



# The Project Cycle in Rule of Law Assistance

Project Cycle Paper No. 2

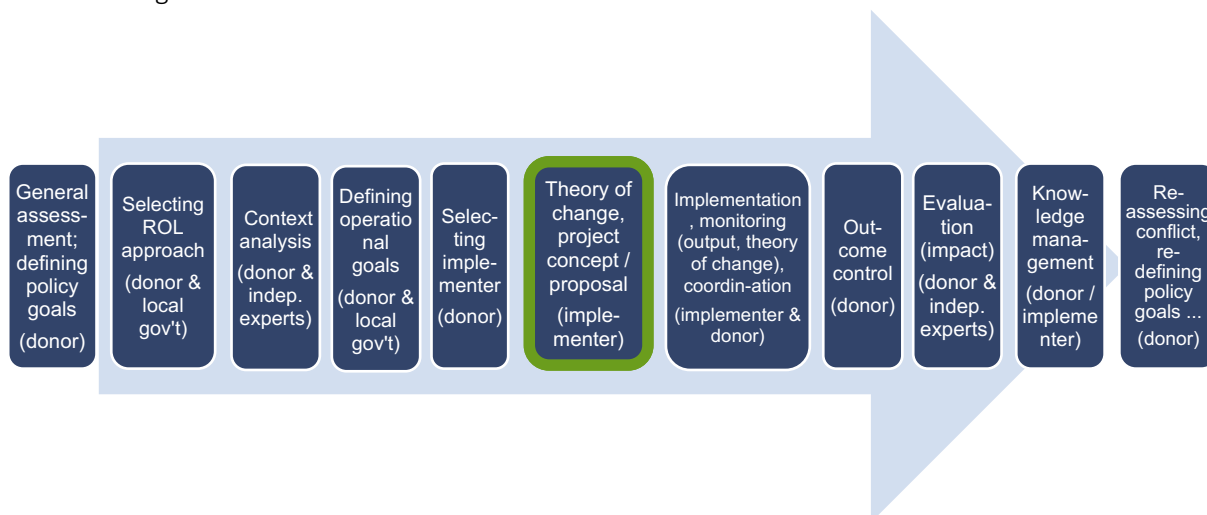
## Theories of Change

March 2021

- I. Introduction
- II. Process preconditions and knowledge foundations
- III. Methodological approach
- IV. Challenges
- V. Contributors

### I. Introduction

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



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

Explanatory note: The position of ToC in the graph marks the phase when implementing organisations usually formulate them, but ToCs should span almost the entire project cycle. They implicitly or explicitly inform what elements are analysed, which approach will be chosen, the formation of goals, the selection of implementing partners, they are tested during implementation, inform outcome control, and constitute a key element in evaluation and learning.

Theories of Change describe how we believe that change could be made to happen and outline the conditions for that change. They seek to identify how existing as well as deliberately placed factors are likely to

interact in relation to the desired change while also analysing possible risks. The process of developing a ToC also reveals the underlying assumptions, which can thus be controlled and revised.

ToCs are usually developed in the process of designing a rule of law project. They form a bridge between the context analysis which describes the *status quo*, and the operational goal, which describes the *status futurus*.

ToCs are more than a narrative or graphic account of *logframes*. Unlike the latter, which have specific roles in terms of accountability and measurement, the purpose of ToCs is primarily analytical and explanatory. They propose *working hypotheses* subject to verification during and after implementation. Logframes condensate the core information of ToCs and combine them with indicators needed for implementation, monitoring and evaluation of projects.

As a way of critical thinking, ToCs can be developed not only for projects but also for programmes, policies, strategies or even organisations. Within about the last decade, they have become an important method for designing, implementing and evaluating activities aimed to build the rule of law in countries that undergo crises or political *transformation processes*. However, donors, implementing organisations, and academics do not always share a common understanding of ToC in practice.

## II. Process preconditions and knowledge foundations

While developing a ToC, several relevant points should be taken into consideration in order to create the best-possible analytical foundation for the planned project. First of all, ToCs can only be developed on the basis of thorough *context analyses* and (a) clearly defined goal(s). The latter should not be vague or unrealistic such as “the independence of the judiciary is strengthened” but operationalised, i. e. describe the desired future situation in a very concrete and measurable manner. At this stage, consultation with legitimate local partners and stakeholders is particularly important as they are key figures in identifying and driving the changes that could be achieved (*local ownership*). Depending on the thematic area and circumstances, local communities could be included through representatives to ensure that their needs and interests are met (*people-centred approach*).

Only after context analyses and goal setting comes the question of how the goal could be achieved, i. e., the development of the *change model*. At this stage, it is important to consider that there is never just one ToC but always alternative models, and that there are, in most cases, different pathways of programming that can be used to initiate change. For example, change models for projects aiming to improve the constitutional jurisdiction in a country should address not only the individual judge but also the internal organisation of the court, its role within the separation of powers, its political environment, its interaction with the public etc. Depending on the change model and the concrete challenges as identified by the context analysis, it will be determined for which pathways should be used to increase the likelihood of project success.

Such a *context-sensitive approach* helps to avoid projecting ideals onto the local context that do not reflect the needs or realities of local communities (e. g. due to *isomorphic bias*, see Project Cycle Paper No. 1). It must be ensured that those planning a project and local communities agree on the goals and on how to achieve them, discuss not only the benefits but also risks, and develop a sense of *common ownership* of the planned project. If concerns cannot be voiced and are not seriously addressed at this stage, difficulties during the implementation phase are likely. Supposed a broadly inclusive process cannot be enabled, e. g. due to security problems or time constraints, interviews with selected individuals can already help to reduce the risk of planning mistakes and consequent damage.

Inclusive processes are also helpful to gather information. Just as for context analyses, a combination of *local* and *external knowledge* is necessary for the development of sound ToCs. If the goal is to improve

institutional collaboration along the *criminal justice chain*, local knowledge can provide information about who are agents of change as well as potential obstructors, their motives etc. External knowledge could draw on experience with similar efforts in other countries and bring in concepts and approaches based on comparative research. Combining both types of knowledge is part of designing a ToC.

### III. Methodological approach

If prepared by implementing organisations, ToCs are often formulated *inductively*. This means that they are based on generalisations, analogies, statistical predictions etc., without claiming that these conclusions are necessarily valid. In rule of law programming, inductive logic is largely based on problem and context analyses in the context at hand or in different contexts, e. g. on projects aimed to improve the institutional collaboration along the criminal justice chain in other countries. The stronger the knowledge basis and the inductive arguments are, the more likely is the conclusion. Implementing organisations tend to focus on measurable project *outcomes* that are within their spans of control, that are achievable with the time and budgetary resources available, and that contribute to higher-level prospects for impact.

However, if local governments and/or donors develop ToCs, they will preferably formulate them *deductively*, as political interventions mostly follow a deductive logic: they begin with the definition of overarching goals, continue with formulating operative sub-goals and based on that, decisions on which actions should be taken. However, this presupposes that the assumptions and preconditions on which deductive ToCs are based are correct. Realistically, it is quite impossible to identify all factors that may influence the different intermediate stages between overarching goals and rule of law programming. Moreover, deductive ToCs sometimes do not extend further than defining the desired *impact*.

One could also describe the difference as an issue of two different sets of ToCs: One at impact level (governments/donors) and one at *output/outcome level* (implementing organisations). Both should start with an identified change and develop a ToC on how to achieve this (*output/outcome-* or *impact-level*) change.

Ideally, the two different logics should be combined, and a focus drawn to the *nexus between outcome and impact* as a central element of ToCs in rule of law programming. Moreover, while *normative* elements or policy choices might play a bigger role particularly for donors, all ToCs should be based on profound empirical information.

As many people tend to think in linear causalities, a risk while developing ToCs might be oversimplification. While templates might be a reasonable starting point for articulating a ToC at the beginning of a project, they have the potential to impede continuous reflection on assumptions during the implementation process. ToCs must be as complex as is the situation that is to be modified. At the same time, the final product must be understandable and usable.

ToCs need to be considered within the project cycle and in relation to other stages of that cycle. The process of developing ToCs should begin as early in the cycle as possible, and it should be carried forth throughout the entire process. While working with ToCs, it is advisable to apply an iterative process of *adaptive management*, which provides the opportunity to establish robust decision-making in the face of uncertainty, usually through monitoring. Adaptive management also means that ToCs should be revised during the implementation phase when underlying assumptions, information or logical links prove to be erroneous (*hypothesis testing*). This demands some degree of flexibility not only on the side of all those involved in the implementation of a project but also on that of the donor.

### IV. Challenges

While working with ToCs, various challenges may arise. The first is the often-confusing and misaligned terminology that can be observed when working with ToCs. One should therefore aim towards demystifying

ToC terminology: The language of ToCs should be accessible and easy to understand in order to reach a common understanding of the underlying change model and project logic.

As to the contents, a difficulty lies in the fact that all change models – systemic as well as linear – serve to reduce complexity and finding the right degree of that reduction can be difficult.

Another challenge is that contexts permanently change. Thus, reflection and learning throughout the entire process is important. Mistakes can be useful if they lead to a better understanding and practical consequences (*lessons learnt*). A great opportunity lies in formalizing the process of reflection and learning, e. g. in the form of reflection meetings, midterm reviews and review calls. *Formalized review phases* can enable a structured examination of whether changes during the implementation are necessary. In general, sharing experience and constructive communication will be beneficial to that process. These findings reinforce that reflections should be carried out internally but also with partners, beneficiaries and other stakeholders on the ground.

Budgetary limitations constitute another severe problem: Developing sound ToCs requires capacities in donor and implementing organisations. This is especially problematic for smaller organisations with limited capacity, which might need funding for this task. It is helpful to ensure proportionality between efforts and resources dedicated to the development of ToCs and the scope of expected changes. *One-size-fits-all approaches* should be avoided. Another possibility would be to provide funding to programme development including sound ToC development, to prevent implementing organisations developing change models without sufficient problem and context analyses that engage local stakeholders, thereby requiring an extended *inception phase* to validate and adjust the ToC.

## V. Contributors

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

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## About RSF Hub

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### **Proposed Citation**

RSF Hub: The Project Cycle in Rule of Law Assistance: Theories of Change. Project Cycle Paper No. 2, February 2021.

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