

# Responding to the UNDP Evaluations Unit

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## Introduction and Short Rebuttal

I deliberated whether it was worth addressing the response to my article from Juha Uitto, the Deputy Director of UNDP "Evaluations Office." What made responding worthwhile was that Uitto offered to participate in a test of his commitment to reform and this journal agreed to print the results (below).

In this section, I summarize Uitto's response in a rebuttal. I highlight why UNDP and other donor evaluation systems are corrupted using Uitto's very words as well as those of another evaluation professional who also seems to demonstrate a lack of understanding of the role of evaluations.

Uitto notes that his office is a unit in UNDP which in fact has no real power over roughly 90 to 99% of the evaluations in UNDP. He refers to that "99%" or so as the "decentralized" evaluations undertaken by the country offices and over which Uitto's unit in UNDP headquarters in New York admits it has "no line authority." It was this "99%" and the lack of any oversight that I was critiquing in my piece. Uitto's article is entitled, "Credibility and Independence of Evaluation in UNDP" but in fact he is only

defending the "1%" of the evaluations that are done by or of his office, so there is already a bit of credibility problem just in his title and a question of what he means by "independence."

Readers of my piece and those who have used my evaluation rating system, will quickly note that Uitto had no scientific response to my evaluation rating system or the scoring of UNDP. My critique was that the UNDP country offices, like many other international organizations that work in an international "group think" have corrupted the UNDP evaluations system in violation of good governance. They have rigged the system to serve as a fundraising tool and to prevent any public oversight or accountability of funds. Uitto essentially has no disagreement with this. He says that UNDP offices simply look at "compliance not quality" and that his office finds a lack of any kind of quality in the evaluations if they are done at all.

Helmut Eggers, the "former head of the Evaluation Division for DGs Development and External Relations, European Commission," whom I have also never met, similarly offered an earlier response to my piece that does not note fault with any of the content but called on me to offer "an apology." He challenges my use of the word "corrupt" to refer to a

system that I showed by analysis to be rigged to serve as a fundraising tool in ways that protect the continued employment of public officials, including evaluation officials, who derive personal benefit from evading use of established professional standards. I do apologize for not clarifying this specific form of corruption that I have alleged and that is too often ignored. I also use this opportunity to offer a concrete example so that there are no misunderstandings.

Uitto, in fact, already partly makes my point in a way that responds to Eggers. He admits not only that his office has no power over most UNDP evaluations, but that anyone who looks at the overall system also finds it ineffective in protecting international laws and public purpose. He recognizes that it is unable to even to promote the sustainable human development mission that is supposed to be the goal of UNDP but is now only symbolic. In my view, UNDP's sole mission is now its own "sales" to donors. It appears to exist only as a business to sell itself off to donor countries to lobby weaker governments for any law breaking purpose they please. (Generally, that purpose appears to be exploitation of country resources and destruction of minority cultures for the benefit of local ruling elites in concert with donor economic trade interests, or simply transfer of funds to bureaucrats to supplement their salaries.) Uitto would be hard pressed to find any actual standards for goals other than this that the United Nations (U.N.) actually fills. He would also be hard pressed to prove that the U.N.'s "Millennium Development Goals" are anything more than a fundraising slogan and tool to support whatever a donor wants to buy, no matter what it does. He seems genuinely baffled as to what UNDP's organizational mission is or

why it should even be held to the international laws that it exists to implement. As he wrote me, "the Executive Board and senior management in UNDP are very much aware of these problems, but it's not fully clear how to improve the situation."

My article referenced a series of indicators that I have been developing to hold the U.N. system directly to its own legal mission and that I have used in UNDP evaluations to test them. I also pointed to the specific problems in the U.N. system that lead to the rigging of evaluations and the undermining of development professionals and evaluators in ways that prevent them from doing their jobs within the U.N. system or even from following the law. I note exactly what can be changed. I have designed professional ethics codes and note the professional measurements and best practices that the U.N. system has, but has directly worked to undermine in order to make itself unaccountable. These solutions are now being vetted by the profession. Uitto did not endorse a single one of them in his article nor did he offer any alternatives.

Uitto largely argues that the criticisms of UNDP don't apply to his office that runs transparent evaluations (though the rest of the system doesn't) and follows professionalism (though the rest of the system doesn't). In other words, the one office that serves no real program function may follow some standards, but the offices that spend the funds do not. Uitto's office gives the illusion of one that sets and holds the U.N. system to real standards and protects the evaluation profession, but it appears that it is really just another academic office behind a label, that mostly justifies itself writing articles and reports at public expense. Other organizations have similar offices,

working to write “standards” that offer no professional or ethics code or contract protection at all to outside evaluators and holding no one in their organizations accountable to any laws. Uitto’s office has no enforcement power or authority in the U.N. system because it has no direct control over funds and no direct contact with the public. Apparently, it cannot even write or change the evaluation contracts issued by the U.N. legal office.

In fact, any professional standards that Uitto’s office writes are immediately erased by the standard contract issued by the UN’s legal office that gives U.N. bureaucrats the authority to withhold payment to evaluators for any reason at all. One wonders why his office even exists other than perhaps for window dressing. Uitto doesn’t really disagree.

The thrust of Uitto article, where he does not directly agree, essentially demonstrates the validity of my criticisms of the U.N. evaluations system where he seems to disagree. Uitto argues that consultants should not be “independent” of the very bureaucrats who have conflict of interest and should not be able to hold them accountable for wasteful spending or legal violations or to have the ability to alert the public and to call for stopping illegal, failing or non-producing projects! He sees consultants who protect the public, who can be held to public standards, who can take issues to public courts, and who are licensed by public bodies rather than beholden to his self-interested colleagues at UNDP, as something dangerous! Indeed, bureaucrats, including Uitto, simply do not seem to understand, do not seem to want, and appear to use public funds to make every effort to undermine real public control and to try to replace it with bureaucratic discretion. This is a callous disregard for public accountability and

democracy in the belief that bureaucrats are the self-appointed authorities in place of the public.

Hopefully, most readers of Uitto’s piece would have seen through this argument quickly. They would agree that it is the professional role of evaluators to protect the public interest and to act. They would agree that it is a professional duty to turn information over to accountable public bodies who will act to protect the public. Through their professional obligations and codes, independent evaluators are designated to represent the public. If they can bring material to the press and to courts without facing retaliation from U.N. bureaucrats, they would be working on the side of the public and enforcing public standards. Uitto avoids any mention of courts or the press in his article or in our correspondence and sees only other public enriched bureaucrats as “the public.”

Still, Uitto claims that UNDP is working on reform. In my view, the UNDP has little track record to earn anyone’s trust other than the trust of a few high paid professionals who are paid specifically to protect their fellow bureaucrats. My cynicism after having worked for the U.N. system in nine countries and having been invited to participate in activities I viewed as illegal in a number several times that, is the basis for that belief. My article described the legal and political failures that were at fault. Indeed, I have the same experience and identical criticisms of the European Commission (E.C.) and a number of other international agencies that essentially coordinate their activities with each other (with the E.C. and its agencies as one of the donors purchasing projects in the U.N. to use the U.N. as an intermediary to lobby governments in Europe’s sphere of influence). Neither the U.N. nor my

government's supposed oversight, nor the U.N. Executive Board acknowledge, let alone investigate, the kind of corruption (as defined above) that I have brought to their attention. I, myself, have been the victim of U.N. system practices that I believe, as a lawyer, to be illegal but that may be almost impossible to stop given that there are no directly accessible public mechanisms, like country courts, that appear to have the incentive or power to act against U.N. bureaucrats at the direct request of citizens (though that also can be tested).

As a scholar, I have the obligation to put beliefs to the test and to offer proof. Why not put Juha Uitto to the test and invite him to work together as two professionals working on reforms to test the credibility of his arguments in a constructive and positive way?

This is a scientific journal. Why not run a social experiment? Why not give Uitto and the UNDP Evaluations Office a chance to support a solution, offering the good publicity and goodwill of the journal, in an area where Uitto does have the power to act?

The perfect case to test, to see if Uitto's office really believes in reform, is to see if he will help change a situation that is commonly faced by and is odious to evaluation professionals. Unilateral evaluation contracts, like those that the U.N. legal office itself uses, eviscerate the very standards that Uitto's office writes and make those standards unenforceable for every outside consultant who is hired at UNDP. Such contracts are the norm at all the major donor agencies. These contracts strip away professional licensing and whistleblower protections, thus turning evaluators into puppets or ghost writers, directly under the thumb of bureaucrats as a condition of payment. (In the case of the E.C., private companies

who hire consultants are paid the same price as consultants but since they are not subject to the same professional licenses and standards as consultants, they are directly under the pressure of E.C. bureaucrats to hire (unscrupulous) and fire (honest) individual consultants as a "business decision".) It is these contracts that put evaluation professionals in the position of being pressured to break the laws, cover up public information (the U.N. and E.C. now both have secrecy clauses that act to protect bureaucrats and to hide information, including corruption, from the public), and even to falsify documents. This test offers one of the clearest situations where no one calling himself a member of our profession and who knows the reality of pressured evaluations could refuse to agree to reform.

Remarkably, such an empirical test appeared and Uitto agreed to participate.

The editor of this journal agreed to publish the test.

Here I report the results.

## The Test Case, Described

A perfect test case of the UNDP Evaluation system's commitment to "reform" fell into my lap just when Uitto's piece appeared. The Millennium Development Goal-Fund (MDG-F), a 530 Million Euro Spanish fund to UNDP, chose me as an evaluator of a project of UNDP Namibia. It represented about 1% of the fund and offered a good litmus test of the system. What makes the \$6 million project in Namibia a good test case is that even without my analysis, the existing documents already revealed the project as a failure that had escaped proper scrutiny.

The question here, as elsewhere, was whether the evaluation would be a U.N.

system rubber stamp designed to keep the money flowing, or whether the recipients and the taxpayers in the donor country would have their rights fully protected by an independent evaluator free to expose failures to the public and to act “independently” of the very bureaucrats who had (possibly) corrupted the project. This is a case where it would be easy for Uitto to step in if he chose and where the harms appear so egregious that the professional responsibility to act is also clear.

The project I was asked to evaluate in Namibia showed several signs of being a “human zoo” project, exploiting Namibia’s local cultures in violation of the U.N. Declaration on the Rights of Indigenous Peoples and the U.N. Convention on Genocide. Like several other projects, it is being promoted as fitting the “Millennium Development Goals” (MDG’s) for sustainable development on the basis of its creating “income” for the natives while actually doing nothing to promote sustainability of their cultures in their environments. Its goal is now to turn threatened native peoples into performers and exhibits for foreign tourists as a means of generating “income” for the amusement of foreigners in the global economy. With all the other resources taken by earlier colonialism, this “sustainable tourism” and “income generation” includes new treasure hunts (this time it is “heritage hunts”) to find the remaining exploitable assets (now it is “cultural assets” – the people themselves) for the latest kind of mining and low wage employment (performances and production of “sweat-shop” handicrafts following foreign designs). Like earlier colonialism that was described as a “civilizing mission,” this project is also described as saving the peoples; training them to be servants and to accept that this

in their only choice. Part of this work they call “creative industries.”

The MDG-F Secretariat had already made some of these criticisms in the project documents, though in much softer euphemisms and with no attempt to stop the project (in fact, just the opposite). Though the stated goal of the funding was to promote the MDGs, neither the Concept Note nor any other project documents for the Namibia project contain a simple statement of a sustainable development problem for identifiable, named cultural groups or the specific relation of the MDGs to the problems of those groups.

The project documents are silent on the most basic requirements of a development intervention that offers the standard for evaluation: whose behaviors (which target actors) need to be changed for what specific results with what measurable indicators of such change to address what root causes with specific interventions. The entire Joint Programme document’s “Results Framework” of some 20 pages and 13 “outputs” lacks a single quantitative baseline measure that can be used to calculate success of any outputs related to changed behaviors or that can be directly linked to measurable sustainable development outcomes. This is a project that fails at every level and that never should have even started if an appropriate monitoring and evaluation system with independent powers were in place.

The Director of the MDG-Fund, Sophie de Caen, is on record opposing funding of the project before it began (with full documentation not referenced in this short article, but available in a longer version from the author). Despite her earlier recorded objections (not made public), not only did she later agree to support the funding without any apparent

changes in the project. She agreed to support the project under a set of definitions that now reverse the Fund's own goals for "culture and development" and for international treaty obligations for protecting the cultures of indigenous peoples and their sustainable development. There is more than a hint that the original definition of "cultural heritage" in the project's Concept Note (of "cultural life and identity" including economic, political, legal and social practices") met treaty standards but was transformed and narrowed in ways that turned a potentially appropriate project into one that seems to violate major treaties. "Sustainability" was redefined not in terms of people but of products; what can be displayed and marketed to foreigners in ways that probably undermine the very cultures that such project should be designed to protect.

What an evaluator would need here to assure compliance and to protect spending is the independence to expose the wrongdoing to the correct levels, to assure public accountability, and to assure that the misconduct would be stopped. To do that, an evaluator would require the very contract protections that my previous article enumerated and on which I found the U.N. system at fault. Unless Uitto's office would step in to argue for these protections, any talk of "reforms" and "independence" from his office is simply meaningless. Here's why.

Without such protections, to put it bluntly, an evaluator could easily be forced to limit the evaluation to only a determination of whether the "zoos" were being built on schedule and whether the correct number of natives was being exploited in keeping with the "targets." Indeed, the project's Program Advisor (whose name the journal wishes to protect) began to hint this was her role.

Only with independence would an evaluator be free to investigate the apparent distortion of U.N.'s mission, its apparent violation of international treaties and laws, and its apparent overriding of all development principles and procedures. Only with protection would an evaluator have the independence to try to stop the funding if he/she found legal violations. Only with protections would an evaluator be free from pressure to support any illegality and immorality that was discovered. Only with protections would an evaluator be able to assure that he/she would receive his/her entire payment and that his/her future career prospects in evaluations would not be in jeopardy.

The contract that MDG-F told me to sign was the standard UNDP evaluation contract that could be used to ensure a rubber stamp evaluation to keep the funds flowing, hide the wrongdoing, stop all questions about oversight failures and legality, eliminate public transparency and accountability, and protect all U.N. system individuals from any outside investigations or publicity.

In what is also not uncommon, the process of the evaluation as presented to me already appeared to have been rigged. Even before receiving an inception report, UNDP in Namibia had already planned my meetings and visit. They wanted to assure a quick evaluation so that the next segment of funds would continue to flow without interruption. This had all the hallmarks of a rubber stamp evaluation that would be too short, too controlled and too politicized for the asking of real questions about what had really happened and how it could be fixed.

The MDG-F Secretariat has two evaluation officials (whose names the journal also wishes to protect, though they are public officials), who both claimed

that they had no power at all to protect Spanish funds from rigging by the U.N. system. They gave me an ultimatum. Sign the form contract or else.

The test of Uitto's commitment was to ask Uitto for help. I wanted to test whether Uitto would agree to act in the very area where his office does have power. The MDG-F's Secretariat told me that they relied on the UNDP Evaluations office standards (those of Uitto's office) even though the contract they gave me substituted "UNDP satisfaction" (i.e., bureaucratic discretion and authority) in place of those standards and also made sure that there would be no courts to enforce standards. If they were relying on Uitto's office and if they represented the Spanish government, it would be very easy for the Spanish government, with Uitto's endorsement, to offer me the contract protections of professional standards that I required and to improve the contract for all other evaluators.

Uitto doesn't control the money for UNDP evaluations and that is why his office has no power. His office is too weak to convince the U.N. system's own lawyers to establish professional standards as the standard of review in evaluator contracts. It is also too weak to let the public hear from professionals in a court of law if there is a dispute, in ways that would follow democratic governance procedures. But, Spain would very likely listen to Uitto's professional advice if he gave it. Spain is a democracy. Its funds set up the MDG-F. Spain could hire evaluators under its own contract, protecting its own funds, protecting evaluators, freeing itself from the conflicts of interest of UNDP bureaucrats who received Spanish funds and who have the power to manipulate the evaluation of how those funds are spent.

That is exactly what I asked Uitto to do. For reasons of length, my full letter to Uitto is not presented here (it is available from the author along with Uitto's responses), but it essentially reiterates points from my previous article and outlines concrete steps that Uitto could take.

## The UNDP Response

Uitto could have worked with me to establish a precedent on UNDP contracts that would have solved the rigging and pressuring of evaluators and that would have made a major inroad in improving U.N. evaluations in one easy step. He admitted as much. But he refused to do so.

Could we have worked together on a model contract and convinced the MDG-F to use it? Certainly. Here are Uitto's own words. "[S]ome of our larger donors [already] do institute their own evaluations" and could easily demand professional protections of evaluators and an end to bureaucratic conflicts of interest.

So why wouldn't Uitto agree? Evaluators hired by businesses negotiate contract terms and these contracts are enforceable by courts throughout the world. Uitto writes, "It is actually UNDP policy and in line with the Paris Declaration that when donors give funds to UNDP (and other agencies) they will abide by the agency's own evaluation function." But agencies have also signed treaties on anti-corruption, on rights enforcement and on good governance. The Paris Declaration doesn't give bureaucrats the license to violate international laws at whim.

Uitto's response was bureaucratic avoidance of something he could easily

have done. At the same time, it was to characterize professional standards, law and democracy as a “nightmare” (for bureaucrats). “You can imagine what kind of nightmare it would be if every donor imposed their own evaluations on UNDP.” That was hardly what my test was suggesting. I was ready to work within UNDP’s evaluation framework. All that I was asking from Uitto and the U.N. system for was professional protection of evaluator independence from political pressures on payment so that evaluators are able to professionally do their work, uphold UNDP and international laws and do their job as they are licensed. Uitto refused to support this.

Rather than answer me, Uitto went on to simply give a defense of the status quo. I’ll present it here.

“For better or for worse, the Executive Board consisting of government representatives is the ultimate oversight body for UNDP ... UNEG has been conducting peer reviews of the multilateral organizations’ evaluation systems to strengthen them and to enhance their reliability (UNDP’s evaluation function was peer reviewed in 2005, which led to the new evaluation policy in 2006). This is not a bureaucratic or disrespectful response. On the contrary, I am taking the time to clarify some aspects of UN governance. I can’t quite imagine how and what kind of other public body could be established. UNDP is accountable to the tax payers in donor and partner countries through the Executive Board.”

Uitto does not appear to have any interest at all in the problems evaluators face in the real world and protections they need to do their work and protect the public. That may be because he works as a public bureaucrat without facing any of those pressures and without any real

incentives to act to protect those standards.

If I had signed the UNDP contract, gone to work in Namibia and tried to do my job, I almost certainly would have been pressured to break the law and falsify my report under condition of payment. My contract would not have protected me any protection. Uitto’s office also would not have protected me because it has no power and would not exercise the little power it had. If I were to follow Uitto’s advice and go to the U.N. Executive Board, they would almost certainly have laughed in my face. They would claim that they do not deal with individual cases and lack the staff. The U.S. State Department and U.S. Congress (I have worked for both) would respond the same way. The way things work in the real world, only an appropriate contract and an ability to go to the courts would offer protection. Uitto’s response shows his desire to eviscerate both.

To Uitto, democracy and protection of evaluators is a “nightmare.” Apparently, it is more of a nightmare than the nightmare of cultural destruction for indigenous peoples, of environmental destruction, or of the unlivability of the planet. Apparently, it is more of a nightmare than the pressures and blacklisting and harms to careers suffered by evaluators who work for systems like the UNDP with no independence and no protection of professional standards.

This is why, in my view, the UNDP evaluation system is in trouble and UNDP itself is in a downward spiral of increasing malfeasance, illegality and corruption. This is why we need strong indicators and independent journals to offer the reality check that these organizations cannot and will not do themselves.

## The Double Test this Case Offers

The reason I offered the description of the UNDP's Namibia project, above, is because this case offers a second empirical test for the reader. Now that Uitto and the UNDP have refused to change their form contract for this MDG-F evaluation in Namibia, the evaluation and project have gone ahead.

The evaluation is likely already completed with a consultant who agreed to a pressured contract. If the actual evaluation appears publicly at all, it will almost certainly whitewash the project and serve as an advertisement for continued U.N. system funding of the exploitation of Indigenous Peoples for global markets.

## Conclusion

Talk is cheap. Results speak for themselves. I invented an evaluation rating system as an easy way to hold evaluation systems accountable. UNDP dodged discussion of the indicator and claimed to be committed to reforms. But, behind the rhetoric is an ideology of bureaucratic authoritarianism with no apparent commitment to change.

Taking this principled stand cost me a contract and any follow up work. The time that I put into preparation, waiting and trying to change the contract probably equals the work of the contract for most consultants. I have not had an E.C. or U.N. contract since *JMDE's* publication of this article. Uitto continues in his position as far as I know.

I believe in our public systems like the U.N. and the E.C. (and Europe at its best). I believe in law. I believe in professionalism. This is one of those times

when we need to be aggressive, clear and committed if we are going to protect civilization and the systems we need to promote it from unraveling. That demands some sacrifices from all of us, particularly those of us in the positions to make a difference.