

Simplified Ex-Post Evaluation for Technical Cooperation Project

Evaluator, Affiliation	Sawa Hasegawa Japan Development Service Co., Ltd.	Duration of Evaluation Study
Project Name	The Cooperation in the Legal and Judicial Field (Phase 3)	January 2010 – December 2010

I Project Outline

Country Name	The Socialist Republic of Vietnam		
Project Period	July 2003-June 2006		
Executing Agency	Ministry of Justice (MOJ), Supreme People's Procuracy, Supreme People's Court, Vietnam National University, Hanoi		
Cooperation Agency in Japan	Ministry of Foreign Affairs, Ministry of Justice (Research and Training Institute), Supreme Court, Japan Federation of Bar Associations		
Total Cost	371 million yen		
Related Projects (if any)	JICA "The Project on the Legal and Judicial System Reform (2007~2011)" in Vietnam (Technical Cooperation Project)		
Overall Goal	Sub-Project A: The foundation of the legal infrastructure consistent with market economy is established. Sub-Project B: The implementation capacity of the judicial sector is strengthened.		
Project Objective(s)	Sub-Project A: Basic civil laws consistent with market economy are enacted through the increased law drafting capacity of legislative staff. Sub-Project B: The institutional framework to develop high-caliber human resources in the judicial sector is established.		
Output[s]	<p>Sub-Project A:</p> <ol style="list-style-type: none"> 1) The final draft of a revised Civil Code consistent with a market economy is prepared. 2) Basic knowledge about the legislation of intellectual property is obtained by national legislative staff and drafts of intellectual property regulations consistent with the revised Civil Code are prepared. 3) The final drafts of the Civil Procedure Code and the Law on Enterprise Bankruptcy consistent with market economy are prepared. 4) Drafts of other laws related to the Civil Code are prepared. <p>Sub-Project B:</p> <ol style="list-style-type: none"> 1) Training programs and materials of existing judicial training institutions are improved (keeping in mind that the "National Judicial Academy," a unified professional training institution, will be established and will start activities in the near future). 2) Judgment documents are standardized, and court precedents that are accessible to the legal profession are compiled. 3) Students of the Law Faculty of Vietnam National University Hanoi obtain knowledge on Japanese laws, and lecturers specializing in Japanese laws are trained. 		
Inputs (Japanese Side)		Inputs (Vietnamese Side)	
Experts	7 for Long term, 29 for Short term (at the time of terminal evaluation)	Staff allocated	11
Equipments	7.6 million yen (at the time of terminal evaluation)	Equipments	Provided (the amount is unknown)
Local Cost	48 million yen (at the time of terminal evaluation)	Local Cost	Provided (the amount is unknown)
Trainees Received	68	Land etc provided	Project office, etc.
Others	Joint study groups of front-line academics and practitioners on 1) revising the Civil Code, 2) the Civil Procedure Code, 3) Judicial training and 4) standardizing judgment documents and compiling court precedents	Others	Expenses for manuals and textbooks: 26,920 US dollars in total

II Result of the Evaluation

Summary of the evaluation
<p>The project proved itself as highly relevant. Regarding the respective Project Outputs and Objective set by the project, Sub-Project A achieved most of the desired effects while some activities under Sub-Project B had only limited effects.</p> <p>On the project operation, the duration of cooperation slightly exceeded the initial plan. In explaining the delay in implementation, considerations need to be made to the following aspects: assistance such as this project to support the development of legal infrastructure can be considered as relatively a "high-level" project in term of the technicality it requires; the project involved the review and drafting of national laws, requiring more issues to be examined than other projects and thus more time to implement; there are also factors on the Vietnamese side – such as the delay in drafting of laws – which affected the project schedule but over which the project efforts could not exert effects.</p> <p>Currently, "the Project on the Legal and Judicial System Reform" is being implemented from April 2007 to March 2011 as a</p>

successor to this project, for which almost all the counterparts for the project continue to work with similar responsibilities. The successor project also carries out the follow-up activities on the effects not fully accomplished under the precursor Sub-Project B, by developing a system to ensure legal human resource development and the sustainability of project effects.

In light of the above, this project is evaluated to be satisfactory.

1 Relevance

(1) Relevance with the Development Plan of Vietnam

At the time of planning the project, in January 2001, the Government of Vietnam, in recognition of the urgency to establish legal infrastructure for Vietnam's transition to market economy, conducted the "Legal Needs Assessment" whose results and proposed actions were compiled in March 2002. This project was formulated along with the Vietnam's long-term strategy for the establishment of legal infrastructure and judicial reform, whose policies were suggested in the Assessment above. The proposed actions from the same Assessment also served as a base for Vietnam's issuance of the Resolution No.48/NQ-TW of May 2005 on the "Strategy for the Development and Improvement of Vietnam's Legal System to the Year 2010 and Direction for the Period up to 2020" and of the Resolution No.48/NQ-TW of June 2005 on the "Judicial Reform Strategy to 2020," to which the project was as fully aligned. Accordingly, the project can be evaluated to have been relevant with the development plan of Vietnam.

(2) Relevance with the Development Needs of Vietnam

At the time of planning the project, all the laws which the project planned to assist were listed in the legislation plan of the Vietnam's National Assembly, as part of its implementation of the aforementioned policies. The list of laws in the legislation plan remained unrevised till the end of the project, indicating that the demand for JICA's cooperation existed throughout the project implementation. From the situations above, the project can be evaluated to have met the development needs of Vietnam.

(3) Relevance with Japan's ODA Policy

At the time of planning the project, Japan's "Country Assistance Program for Vietnam" recognized 'human resource and institutional development (and the support to the transition to market economy, among others)' as one of the priority areas of its assistance. In particular, the strategy placed at its core the 'assistance relating to the administrative system that immediately responds to the transition to market economy, and to the development of legal and financial system.' JICA's project execution policy for Vietnam likewise identified the development of legal system as a priority issue. The program and policy remained unchanged and were supported throughout the project period. Accordingly, the project can be evaluated to have been relevant with Japan's ODA policy.

This project has been highly relevant with Vietnam's development plan, development needs, as well as Japan's ODA policy, therefore its relevance is high.

2 Effectiveness / Impact

(1) Achievement of Project Outputs and Project Objective

Several issues were pointed out by stakeholders on PDM, which stated that the activities covered under Output 6 of Sub-Project B – the formulation of a manual on one hand and dissemination of it on the other – were different that they should have been separate, and that the indicators set under Output 6 were too vague. Regardless of these comments, the revision of PDM was never undertaken.

The achievement level of each Project Output is as follows.

As for Output 1, the final draft of revised Civil Code was formulated, which was approved by the National Assembly on 19th May, 2005.

As for Output 2, the Intellectual Property Law was drafted, which was approved by the National Assembly in November 2005.

As for Output 3, the Civil Procedure Code and Law on Enterprise Bankruptcy were drafted, which were approved by the National Assembly in May 2004.

As for Output 4, the preparation of four laws related to the Civil Code (Law on Registration of Immovable Properties, Ordinance on Registration of Secured Transactions, State Compensation Law and Judgment Execution Code) was promoted. This preparation work opened up the prospect for these draft laws to be approved by the end of 2007 (which indeed was materialized soon after the project completion).

As for Output 5, the common training curricula were completed in October 2005, and four textbooks were made on the Civil Code, Civil Procedure Code, practical skills for resolving civil cases and criminal cases. In addition, a practical manual on the professional skills for procurators in the criminal procedure was finalized.

As for Output 6, although a draft manual on judgment documents was finalized, it did not result in obtaining the approval from the top management of the Supreme People's Court. Without approval from the Court no seminars on the dissemination of the manual was able to take place, except for ones held in Hanoi and Da-nang to provide explanation on the manual.

As for Output 7, the understanding on the Japanese laws among the students of Law Faculty of Vietnam National University, Hanoi was deepened and their examination scores proved decent. Yet the number of deployed expert lecturers remained no more than one.

The project can be evaluated to have almost achieved Project Outputs since the indicator set under each Output was basically achieved.

In terms of the achievement level of Project Objective under Sub-Project A, the revised Civil Code and other related laws and regulations were established, to lay a legal foundation to adapt to the transition to market economy. The project can be therefore evaluated to have almost achieved the Objective under Sub-Project A since most indicators set under the Objective were basically achieved.

In terms of the achievement level of Project Objective under Sub-Project B, noted should be, on one hand, that a training institution for legal and judicial persons were established owing to the project, where the development of legal and judicial human resources were initiated with an improved curriculum. On the other hand, when viewed in terms of its impact at national level, the project failed to achieve the development of rural human resources to improve the quality of their judgment documents, because seminars could not be carried out to disseminate such documents as the manual on drafting judgment documents or sample judgment document. As a

consequence, the achievement level of Project Objective under Sub-Project B is rated as being somewhat limited.

(2) Achievement of Overall Goal, Intended and Unintended Impacts

In terms of the achievement level of Overall Goal under Sub-Project A, different civil and commercial laws were developed based on 5 year-legislation plan. On Sub-Project B, several cases confirm that the capacity of legal and judicial persons has been strengthened. It has been observed that counterparts ensure sufficient analysis and understanding on the training content, before they put the training into practice. They are also open to learn from pioneer overseas experiences and to rearrange them to have them as their own. The quality of judgment documents also observed improvement.

In terms of the indirect impacts, it is reported as a good example that the central legal authorities have got to understand and correspond to the issues the local authorities have. Meanwhile, no negative impact on environment and other social consideration through the project has been reported so far.

This project has somewhat achieved its objectives, therefore its effectiveness is fair.

3 Efficiency

(1) Outputs

As mentioned in (1) of “Effectiveness / Impact,” the project achieved the expected Project Outputs.

(2) Elements of Inputs

The inputs of the project are shown in “Project Outline.” Some disruptions were observed in the project implementation as a result of the followings: the lack of inputs of long-term experts at the initiation of the project, as well as the deployment of a coordinator only at the second project year, caused a project leader to address by himself such administrative activities as communication and coordination with the Vietnamese counterparts, and the cost management for activities implemented locally; and the number of short-term experts were insufficient to implement local seminars. As mentioned in Effectiveness / Impact (1) as well, PDM was never revised regardless of the stated concerns, hindering some planned impacts from materializing.

(3) Period of Cooperation, Project Cost

The actual period of cooperation was 45 months against planned 36 months, slightly longer than planned (125% of planned period). The actual project cost was 371 million yen against planned 350 million yen, slightly higher than planned (106% of planned budget).

Some of the inputs are appropriate for producing outputs and achieving the project objective, therefore efficiency of the project is fair.

4 Sustainability

(1) Related Policy towards the Project

No change is observed in the area of legal development in Vietnam, and the establishment of legal system and the training of legal and judicial persons continue to be supported at the policy level. The Vietnam’s current national development plan of “8th 5-Year Socio-Economic Development Plan (2006~2010)” likewise make a reference to transparent policy management (or strengthening of governance), legal development and judicial reform.

(2) Institutional and Operational Aspects of the Executing Agency

“The Project on the Legal and Judicial System Reform” has been implemented from April 2007 to March 2011 as a successor to this project, where most of the project counterparts continue to assume responsibilities. On the other hand, there is a report on the National Judicial Academy under the Ministry of Justice, that its current activities as a training institution for legal and judicial persons are not as active, due both to political reasons (the change in the academy’s President) that weakened the existence of the academy, as well as to opinions from some Vietnam’s legal circles that the training for three legal and judicial functions (judges, prosecutors and attorneys) is better undertaken separately.

(3) Technical Aspects of the Executing Agency

No difficulty is foreseen in terms of the sustainability of counterparts’ skills, since the successor project introduced above continues to provide skills transfers and capacity training for the counterparts.

(4) Financial Aspects of the Executing Agency

No financial difficulty has so far been recognized, on the ground that the Government has provided sufficient budget for the court’s operation, and that continuous supports are provided to the area of legal development, both by donors and the successor project above.

(5) Continuity of Effectiveness and Impact

Follow-up activities have been undertaken on the outputs which were not fully achieved in the project, as well as the dissemination of the outputs achieved. Concrete examples of these activities include the continuous utilization, as well as revision if necessary, of the textbooks and manuals made by the project. Among others, the manual for procurators particularly enjoys high reputation. A manual on drafting judgment documents and sample judgment documents were both approved by the Council of Judges in the Supreme People’s Court, and the seminars for the dissemination of the manual are implemented by the successor project. Taking the “Japan-Vietnam Joint Study on the Development of Judicial Precedents in Vietnam” as a reference document, measures have also been carried out to introduce a system of judicial precedent. In addition, at the Law Faculty of Vietnam National University, Hanoi, the lectures on ‘Japanese Legal Terms’ and ‘Basic Japanese Laws’ continue to be implemented by JETRO and the Federation of Economic Organizations after the project completion, under the name of the “Course on Japanese and Vietnamese Legal Studies.”

No major problems have been observed in the policy background, the structural, technical, financial aspects of the executing agency, therefore sustainability of the project effects is high.