

Summary of Terminal Evaluation

I. Outline of the Project															
Country: Social Republic of Vietnam	Project title: Technical Assistance Project for the Legal and Judicial System Reform														
Issue/Sector: Governance (Law and Justice)	Cooperation scheme: Technical Cooperation Project														
Division in charge: Law and Justice Division, Public Policy Department	Total cost: Approx. JPY 390 million														
Period of Cooperation	(R/D): March 30th, 2007 From April 1 st , 2007 to March 31 st , 2011														
	<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">Partner</td> <td style="width: 33%;">Country's</td> <td style="width: 33%;">Implementing</td> </tr> <tr> <td colspan="3">Organization:</td> </tr> <tr> <td colspan="3">Ministry of Justice, Supreme People's Court, Supreme People's Procuracy, Vietnam Bar Federation, People's Court in Bac Ninh Province, People's Procuracy Office in Bac Ninh Province</td> </tr> <tr> <td colspan="3">Supporting Organization in Japan:</td> </tr> <tr> <td colspan="3">Supreme Court, Ministry of Justice, Japan Federation of Bar Associations</td> </tr> </table>	Partner	Country's	Implementing	Organization:			Ministry of Justice, Supreme People's Court, Supreme People's Procuracy, Vietnam Bar Federation, People's Court in Bac Ninh Province, People's Procuracy Office in Bac Ninh Province			Supporting Organization in Japan:			Supreme Court, Ministry of Justice, Japan Federation of Bar Associations	
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Related Cooperation :															
<p>1 Background of the Project</p> <p>The Vietnamese government has sought transition to a market economy since its adoption of the Doi Moi policy in 1986 with the 1990s seeing considerable improvement in the country's legal system as part of its openness policy. However, many laws at the time still required further revision due to a lack of development in basic legal theory and legislative techniques in the midst of the continuing transition from the planned economy ideology. In response, the Vietnamese government performed a comprehensive assessment from 2000 to 2002 concerning necessary improvements to its legal system with the full support of donors including Japan. The assessment comprehensively revealed constraints on the country's legal infrastructure and judicial system, and concrete measures to remove them were considered. As a result of these efforts, the Politburo of the Central Committee Communist Party of Vietnam passed Resolution No. 48 "Strategy for the Development and Improvement of Vietnam's Legal System to the Year 2010 and Direction for the Period up to 2020 (LSDS)" in 2005 in order to improve the legal system. This resolution aimed a modern transition to the rule of law and a market-based economy, and laid out a strategy to develop Vietnam's laws while improving their application and execution by 2020. Additionally, Resolution No. 49 "Judicial Reform Strategy to 2020 (JRS)" presented a strategy for reforming Vietnam's judicial system by 2020.</p> <p>Despite the aforementioned achievements in reforming Vietnam's legal and judicial systems, many issues still remain. In the legal development field, there is still a need for legislation to correct the legal ambiguities, inefficiencies, and discrepancies between the laws. Furthermore, in the judicial field, promulgated laws are being inadequately disseminated among judicial officers (judges, prosecutors, and attorneys), particularly at the local level, and there is a shortage of staff with sufficient capacity; together which has resulted in unjust rulings and delayed enforcement due to ambiguous judgments.</p> <p>For more than 10 years beginning from 1996, JICA has cooperated with the Vietnamese government in these reforms, supporting the drafting of legal documents in civil and commercial contexts as well as human resource development. JICA has also contributed to the enactment of the Civil Procedure Code, which was approved in June 2004, and the revised Civil Code approved in June 2005. Based on these experiences, JICA has engaged in a project to resolve the above issues in litigation and legal enforcement since April 2007.</p> <p>2 Project Overview</p> <p>(1) Overall Goal</p> <p>Adjudication and execution works are impartial, persuasive, transparent, expedient and consistent throughout the country</p>															

(2) Project Purpose

Experiences concerning the improvement in capacity of adjudication and execution works as well as tasks of the judicial support subsystem are accumulated in Bac Ninh Province (pilot area) and other area simultaneously absorbed, analyzed and utilized by central judicial authorities and the unified central lawyers' organization, and thereby the capacity of central judicial authorities and the unified central lawyers' organization concerning supervision over, and/or providing guidance and support to, local judicial authorities and lawyers nationwide as well as the framework supporting adjudication and execution works are improved.

(3) Outputs

Output 1. (Component 1)

Capacity in adjudication and execution works of judges, procurators, lawyers and judicial officials of the local judiciary and judicial support subsystem in Bac Ninh Province (pilot area) is improved and experiences concerning the improvement in such capacity are accumulated in the pilot area.

- Court proceeding implementation skills and judgment writing skills of local judges in civil and criminal cases are improved.
- Local procurators' skills in prosecution and criminal court proceedings are improved.
- Local lawyer's skills in civil/criminal proceedings are improved.
- Local judges, procurators, lawyers and judicial officials share common understandings on issues related to practice of adjudication and execution works.

Output 2. (Component 2)

Institutional capacity of central judicial authorities and the prospective unified central lawyers' organization concerning supervision over, and/or providing guidance and support to, local judicial authorities and lawyers is improved based on lessons and reflections from local practice including the activities under component 1.

- Skills for compiling Court Reporters of Supreme People's Court are developed.
- The know-how to disseminate and provide court precedents and other legal information to local judges is established.
- The know-how for providing legal information to, and answering specific inquiries from, local procurators are improved.
- A procurator's manual on appellate/cassational/re-trial procedure, and supervision on criminal judgment execution activities and rehabilitation is compiled.
- Issues are compiled for revising the procurators Manual on investigation and first instance trial activities.
- Preparatory researches for establishing a "Criminology Centre" serving as a resource for information on procuratorial activities at Supreme People's Procuracy are implemented and the results thereof are compiled.
- The know-how for dissemination of important and useful legal information to, and answering inquiries from, local lawyers is developed.
- Supporting system for improving lawyers' practice is established.
- The know-how for dissemination of important legal information to, and answering inquiries from, local public notaries is improved.
- The know-how for dissemination of important legal information to, and answering inquiries from, local registrars for secured transactions is improved.
- The know-how for dissemination of important legal information to, and answering inquiries from, local personal status registration officers is improved.
- The know-how for dissemination of important legal information to, and answering inquiries from, local execution officers is improved.

Output 3. (Component 3)

Drafts of (revisions of) legal normative documents which provide fair and transparent scheme/framework of the subject matters and/or serve the improvement of adjudication and execution works as well as the tasks of the judicial support subsystem are prepared.

- Drafts of the revised Civil Procedure Code and the Administrative Litigation Law are prepared.

- Drafts of the revised Criminal Procedure Code the People’s Procuracy Office Law are prepared.
- Final draft of the State Compensation Law is prepared.
- Final draft of the revised Decree on Registration of Secured Transactions is prepared.
- Final draft of the Civil Judgment Execution Law is prepared.
- Issues are compiled for legislation of the Law on Immovable Property Registration through study workshop/seminar.
- Issues are compiled for revising Civil Code.

Output 4. (Component 4)

Institutional capacity for training judicial titles are enhanced based on lessons and reflections from the activities under component 1, 2 and 3.

- Legal and practical knowledge and study skills of Judicial Academy lecturers on basic substantive and procedural laws are improved.
- The results of component 1, 2 and 3 are reflected in the education program of Judicial Academy.

(4) Inputs

Japanese side :

Long-term Expert: 8 persons
Short-term Expert: 5 persons
Trainees received: 46 persons

Equipment: JPY 1.4 million
Local cost: USD 1.2 million
Others: respective advisory groups
Total Cost Approx. JPY 390 million

Vietnamese Side :

● **Staffing**

Project Director: Director, Department of International Cooperation, Ministry of Justice

Project Managers: Officer, International Cooperation Division, Ministry of Justice;
 Director, Department of International Cooperation, Supreme People’s Court;
 Deputy Director, Institute of Procuratorial Science, Supreme People’s Procuracy;
 Chairman, Committee on International Cooperation, Vietnam Bar Federation

Working Groups

● **Facilities**

The permanent office in MOJ for the counterpart officials and the meeting rooms for seminars and workshops in the respective counterpart authorities/organizations

● **Other costs**

The operating costs covered by the respective counterpart authorities/organizations

II. Evaluation Team

Members of Evaluation Team	(1)Ms. Kayo TORII (Leader): Director, Law and Justice Division, Public Policy Department, JICA
	(2)Mr. Naoshi SATO (Legal Assistance): Senior Advisor, JICA (Lawyer)
	(3)Ms. Sadao MATSUBARA (Legal Profession Nurture): Lecturer and Government Attorney, International Cooperation Department, Research and Training Institute, Ministry of Justice of Japan
	(4)Ms. Yuko KAWAI (Project Planning): Officer, Law and Justice Division, Public Policy Department, JICA
	(5)Mr. Rui HIWATASHI (Evaluation and Analysis): Researcher, IMG Inc.
	(6)Mr Cum ONUKI (Interpreter): Japan International Cooperation Center
Period of Evaluation	19/7/2010 - 28/7/2010
	Type of Evaluation: Terminal

III. Results of Evaluation

1. Summary of Evaluation Results

(1) Relevance

Deemed highly relevant;

The Purpose of the Project is in line with the principles of Resolution No. 48 (Resolution No.48/NQ-TW of 24 May 2005) and No. 49 (Resolution No.49/NQ-TW of 2 June 2005). The legal and judicial sector reform's continued status as a high priority within the Vietnam's national strategies and policies was verified as of the time of the terminal evaluation.

Japan's Country Assistance Program for Vietnam (issued in July 2009) sets the strengthening of governance as the foundation for addressing other development areas. The following support areas have been given priority: the enacting and amending of laws; the building and improving of systems necessary for the implementation of laws; human resource development to improve capacity for the practical implementation of laws including within rural areas; and improving the dissemination of legal information and judicial access. The Project is deemed to be consistent with JICA's Country Implementation Program for Vietnam (April 2009) as well.

Both the Vietnamese and Japanese sides concluded that the Project approach was appropriate for achieving the Project Purpose, primarily for the following reasons: i) setting the pilot area and supporting training courses enabled the central authorities/organizations concerned to find practical issues faced by local officials; ii) involvement of wide range of stakeholders contributed to the addressing of practical issues in the whole process of adjudication and execution work; and iii) synergistic effects were produced between the Components, that is, outputs and activities of each Component were reflected in the activities of the other Components.

(2) Effectiveness

Deemed highly effective;

All the four Components have contributed towards the achievement of the Project Purpose.

The capacity of judges, procurators and judicial officials in conducting adjudication and execution work in the pilot and other areas have been improved through the Project activities, while experiences accumulated in these areas have been absorbed, analyzed and utilized by the central authorities/organizations concerned. The outputs of these activities have been reflected into the drafting of legal normative documents.

Vietnam Bar Federation had not been officially established until May 2009. Immediately after the establishment, the Project started providing the inputs including the study visit to Japan and the seminar, in a timely manner, contributing to the Federation's good start.

Component 4 could have better contributed to the achievement of the Project Purpose with more reflection of the lessons learned through Component 1 to 3.

(3) Efficiency

Deemed fairly efficient;

With regard to the implementation process, the Project has been managed through the strong initiative of the central authorities/organizations concerned with the support of the Japanese Experts. Both the Vietnamese and Japanese sides recognized that all relevant personnel in the two countries had continuously made efforts to cooperate with each other by deepening their understanding of the other's culture, society, and institutions; building on the trust nurtured through past projects. This environment enabled the Project to efficiently address the actual needs of the Vietnamese side.

Inputs by both the Vietnamese and Japanese sides have been provided in a timely manner. Following the prior projects, the combination of Japanese Long-term Experts (i.e. a public prosecutor, a judge, a lawyer, and a coordinator), and supporting institutions/organizations in Japan was effective in providing timely, wide-ranging, and in-depth advice so that the Vietnamese counterpart officials utilized the received information to respond to their practical needs. The Project has flexibly accommodated Vietnam's law-making plan.

As for project management, the different positions among Vietnamese authorities/organizations concerned to the Project have required careful coordination in implementing the Project.

(4) Impact

While the impact by the Project was observed, further efforts are required to achieve the Overall Goal in the future;

As for the prospect of the achievement of the Overall Goal, on the one hand, the sustainability of the Vietnamese national policies and strategies and the effects of the Project are expected to be contributing factors; on the other, it is necessary to improve the capacity of local judges, procurators, executors, lawyers, and judicial officers. For that purpose, further emphasis should be placed to strengthen the network among concerned organizations and to enhance the institutional capacity of the central authorities/organizations in providing advice and supervision for the purpose of achieving the Overall Goal in the future.

The impact by the Project was observed as below:

- The People's Court in Bac Ninh Province is preparing a criminal procedure manual for court clerks and court officials inspired by the Project;
- The Chief Judge of the People's Court in Bac Ninh Province co-chaired the nationwide seminars, through which the activities in Bac Ninh Province were shared;
- The People's Procuracy Office in Bac Ninh Province has taken the initiatives in developing the capacity of such as the procurator capacity contest, which are considered as a model for procuracy offices in other provinces;
- The People's Procuracy Office in Bac Ninh Province received an increasing number of inquiries from other provinces. Workshop materials have also been shared with officials in other provinces;
- The inputs of the Japanese side have been taken into account when Vietnam Bar Federation held the discussion sessions on the establishment of the Vietnam Bar Federation's training center for lawyers and a wide engagement of lawyers in the drafting of and the awareness-raising on the draft Code of Conduct;
- The materials produced for the training courses relating to local personal status registration and notary practice have been widely shared among those who did not attend the course;
- The provisions concerning the Regulatory Impact Assessment survey were incorporated into the Law on the Legislating of Legal Normative Documents, and thereunder, conducting the Regulatory Impact Assessment survey was determined to be a mandatory step in the legislative process; and
- The Ministry of Justice is preparing a manual(s) for execution officers and a guideline(s) on the State Compensation Law inspired by the Project activities.

No negative impacts have been observed.

(5) Sustainability

The sustainability of the effects of the Project is expected to be ensured, while there are some issues need to be addressed.

The policy environment and institutional sustainability of the central authorities/organizations concerned will likely be maintained. The practical skills obtained through the Project activities and outputs, such as the manuals and the Q&A book, will continue to be utilized after the completion of the Project.

Further application/utilization of the knowledge and operational know-how gained through the Project activities in Bac Ninh Province and the training courses would help the central authorities/organizations concerned to recognize practical issues in local areas and to provide support for the local capacity development.

In order for the central authorities/organizations concerned to continuously conduct surveys and provide seminars, workshops and training courses, and disseminate information in a self-sustainable manner, the financial factors might have impact on sustainability and expansion of the Project benefits.

2. Conclusion

Based on the results stated in the previous sections, it has been agreed that the Project is expected to achieve the planned Outputs and Purpose, and will therefore be concluded as scheduled.

3. Recommendations

(1) Issues to be considered during the Project

Completing the ongoing activities concerning the legal normative documents and manuals as follow:

- the Q&A book for case procedure;
- the criminal procedure manual for court clerks and court officials;
- the State Compensation Law: subordinate legal normative documents and manual; and
- the Manual for Procurators Volume 2.

(2) Issues to be considered after the completion of the Project

1. It is recommended that the results of the Project activities in Bac Ninh Province be summarized for broader dissemination.
2. The central authorities concerned are encouraged to continue considering some of the practical issues, such as the provisions which can be understood in different ways, that are expected to be addressed through the revising or issuing of legal normative documents.
3. It is desirable that the central authorities/organizations concerned will utilize the experiences obtained through the Project in improving their routine practices. For example, the central authorities/organizations concerned would have more opportunities to directly hear opinions and requests from local practitioners involved in adjudication and execution work and provide, based on the opinions and requests, local practitioners with support for the better responding to their practical needs.
4. Better information sharing between the relevant local authorities/organizations is expected, leading to the enhancement of the outputs, in order to improve the capacity in conducting adjudication and execution work in local areas. It is thus recommended that the network between the local authorities/organizations be strengthened.

4. Lessons Learned

1. The Project sought to analyze practical issues in Bac Ninh Province and other areas while improving the capacity of the central authorities/organizations concerned in supervising, providing guidance to, and supporting local judicial authorities/organizations. It has been verified through the Project implementation that this approach is effective for improving the capacity for adjudication and execution work.
2. In order to monitor and evaluate the progress and results of activities relevant to the improving of adjudication and execution work, it is necessary to gather additional information, including qualitative data, and to analyze it from various perspectives since the causal relationship cannot always be determined through relevant macro-level statistics. To this end, it would be useful for both sides to identify mutually agreeable indicators and means of verification, and to periodically gather such data, which will serve as a base for the before-after comparisons conducted during regular monitoring and evaluation activities.