

Summary of the Terminal Evaluation

I. Outline of the Project	
Country: CAMBODIA	Project title: The Legal and Judicial Development Project (Phase 3)
Issue/Sector: Governance (Law and Justice)	Cooperation scheme: Technical Cooperation Project
Division in charge: Law and Justice Division, Governance Group, Industrial Development and Public Policy Department	Total cost: Approx. JPY 270 million
Period of Cooperation	(R/D): April 9th, 2008 From April 9th, 2008 to March 31st, 2012
	Partner Country's Implementing Organization: Ministry of Justice Supporting Organization in Japan: Supreme Court, Ministry of Justice, Japan Federation of Bar Associations
Related Cooperation :	
1 Background of the Project	
<p>The Government of Japan has assisted the Royal Government of Cambodia in drafting the Civil Code (CC) and the Code of Civil Procedure (CCP) through the Legal and Judicial Development Project since 1999. To develop a legal system to accommodate the market-oriented economic reform of Cambodia. JICA set the advisory groups on the CC and CCP and assisted the legislative-drafting process, especially in the field of Cambodia's laws on civil affairs. Joint efforts by Cambodian and Japanese parties produced the CC and the CCP drafts in both Khmer and Japanese in March 2003 (Phase 1).</p> <p>Based on the results of previous project, the Royal Government of Cambodia requested continuous assistance from the Government of Japan to promote the legislation and enactment of the draft CC and the CCP, and to draft associated implementing regulations and adjacent statutes. The Legal and Judicial Development Project Phase 2 was implemented from March 2004 to March 2008. The outcome of the Project Phase 2 was the application of the CCP throughout the country in July 2007 and the promulgation of the CC in December 2007, following its passage in the National Assembly and the Senate. JICA also worked to raise the proficiency of Cambodia's working group with textbooks and clause-by-clause explanations from the Japanese advisory group.</p> <p>The Project Phase 3, from April 2008 to March 2012, has followed on where Phase 2 left off in drafting, establishment, and dissemination activities for laws associated with the CC and CCP at Cambodia's request.</p>	
2 Project Overview	
(1) Overall Goal	
The legal system relevant to civil matters functions appropriately	
(2) Project Purpose	
The Ministry of Justice (MOJ) is able to take necessary measures to implement the Civil Code (CC) and the Code of Civil Procedure (CCP) appropriately.	
(3) Outputs	
Output 1:	
MOJ takes necessary measures for drafting and legislating laws related to the CC and CCP.	
Output 2:	
MOJ follows up laws submitted by MOJ and makes necessary adjustment for laws submitted by other ministries.	
Output 3:	
MOJ disseminates knowledge for implementing the CC, the CCP and ancillary laws to relevant parties in the legal and judicial field	

(4) Inputs

Japanese side :

Long-term Expert: 8 persons

Short-term Expert: 13 persons

Trainees received: 22 persons

Equipment: 48,697 USD

Local cost: JPY 50 million

Others: respective advisory groups(37 members)

Total Cost Approx. JPY 270 million

Cambodian Side :

- **Staffing**

Project Director: The Minister of Justice of the Kingdom of Cambodia

Project Managers: The Secretary of State in charge of legislation, The Ministry of Justice of the Kingdom of Cambodia

Working Groups

- **Facilities**

1. Land, building and facilities necessary for the Project

2. Office space and facilities for the Japanese experts

3. Room and space necessary for seminars and workshops

II. Evaluation Team

Members of Evaluation Team	(1) Ms. Kyoko KUWAJIMA (Leader): Director General, Industrial Development and Public Policy Department, JICA	
	(2) Ms. Miha ISOI (Legal Assistance): Visiting Senior Advisor	
	(3) Mr. Mitsuyasu MATSUKAWA (Legal Profession Nurture): Lecturer and Government Attorney, International Cooperation Department, Research and Training Institute, Ministry of Justice of Japan	
	(4) Mr. Masayuki KANEDA (Evaluation Planning): Assistant Director, Law and Justice Division, Public Policy Department, JICA	
	(5) Mr. Takayuki KURITA (Evaluation and Analysis): Senior Consultant, ICONS Inc.	
	(6) Ms. Megumi AMAKAWA (Interpreter): Japan International Cooperation Center	
Period of Evaluation	21/8/2011 - 7/9/2011	Type of Evaluation: Terminal

III. Results of Evaluation

1. Summary of Evaluation Results

(1) Relevance

The relevance of this project is deemed to be extremely high.

The Project is consistent with the strategy and the policy needs of the Royal Government of Cambodia, such as those in "the Rectangular Strategy 2004", "the Second Rectangular Strategy 2008", "the Strategy for Legal and Judicial Reform 2003", and the "Plan of Action for Implementing the Strategy for Legal and Judicial Reform 2005" and the "National Strategic Development Plan 2009-2013". The Project is aligned with the Japan's ODA policy and strategy such as "the Basic Policy of Assistance for Legal and Judicial System Development" of the Overseas Economic Cooperation Council in 2009, "Cambodia Country Assistance Program of 2002" of the Ministry of Foreign Affairs, and JICA's "Country Assistance Implementation Strategy for Cambodia of 2009".

Since the support for the draft and legislation of the CC and the CCP was carried out by Japan through the Legal and Judicial Development Project (Phase 1 and 2), Japan has comparative advantages in the utilization of the resources and knowledge accumulated through the cooperation in the past.

(2) Effectiveness

The effectiveness of the Project is deemed to be relatively high.

The approach to enhance the ownership of the Cambodian side through shifting the main role of preparing the first draft of laws and regulations to the MOJ officials was effective. Some Drafting Group members actively and eagerly engaged in drafting activities in spite of busy working schedule, while it took more time than expected.

Through drafting activities on the ancillary laws and regulations, the Drafting Group members improved the understanding of the related articles of the CC. However, it seems that some MOJ officials do not fully understand the whole structure and the practical meaning of the CC and the CCP, while they understand some specific functions of the CC and the CCP very well in details. Broadened understanding on the whole structure and function of the CC and the CCP is also necessary for MOJ officials to improve the skills and capacity of drafting and implementing the laws and regulations.

The approach to establish the framework of drafting prakas in collaboration with MLMUPC was effective, since it allowed MOJ to reflect the practical implementations and applications into the prakas which needed to respond to the actual situation.

(3) Efficiency

The efficiency of the project is deemed to be relatively high.

Although inputs were deemed appropriate in general, following difficulties were found at some points of the project period.

- a) The dispatch of one long-term Japanese Expert was delayed in 2008.
- b) The effective division of tasks among experts was not arranged.

In the process of project implementation, commitment of MOJ officials, especially Drafting Group members has greatly improved. The transfer of technical skills for drafting and of knowledge on the relevant laws and regulations was properly made by Japanese experts to those members. The Japanese Working Groups on the CC and the CCP, and the Advisory Group on Practice of Immovable Registration which was newly formed in July 2009, provided appropriate comments on drafting laws and regulations, made proper inputs through training in Japan and seminars in Cambodia, even though there was a delay in preparing the Commentary and the Textbook on the CC. The Advisory Group was formed in response to the needs of drafting works on regulations on immovable registration of the Joint Committee through giving advices from the practical point of view and providing information.

The combined assistance of Japanese experts, the Japanese Working Groups, the Advisory Group and MOJ of Japan as well as the combination of assistance methodologies like dispatching short-term experts for implementing seminars in Cambodia, JICA-Net seminars and training in Japan both enabled the Project to respond properly to the needs of the

Cambodian side. The Working Groups and the Advisory Group composed of top level scholars and legal practitioners provided assistance in high quality, which contributed to the efficiency of the Project.

In addition, the Textbook, the Commentaries, and the other teaching materials were mutually shared and utilized among the Project and the other two JICA projects for legal and judicial sector development: the ongoing RSJP Project and the BAKC project which was ended in June 2010.

(4) Impact

The impact of the Project is moderate.

Several positive impacts of the Project have been already observed. For example, the MOJ officials involved in the Project have gained skills and experiences in drafting and interpreting laws through activities in the Drafting Groups. These skills and experiences are utilized for drafting and dissemination not only in their civil case matters but in other fields as well. MOJ has also increased their knowledge of PDM concept and applied it for their 5-year planning.

Additionally, MLMUPC officials acquired knowledge and understanding on the CC and the CCP through drafting activities of the Joint Committee, which greatly contribute to the achievement of the Overall Goal.

Recently, some ministries voluntarily ask for the advices of MOJ concerning the consistency of draft and laws and regulations under their jurisdiction with the CC and the CCP, raising specific points to be considered. This implies that the contents of the CC and the CCP are recognized among the government institutions in Cambodia.

(5) Sustainability

Sustainability of the Project is deemed to be moderate.

As a result of the continuous efforts to keep reducing the involvement of the Japanese side in the drafting activities from the beginning of the Project, MOJ has developed capacity of its young officials and start to be engaged in drafting works with ownership. This is a great achievement towards sustainability in the future taking into consideration the fact that legal and judicial system was devastatingly destroyed under the Pol Pot regime.

However, understanding of the whole structure and practical function of the CC and the CCP cannot be said to be sufficient among the MOJ officials. This kind of understanding will be necessary for developing their capacity to implement the CC, the CCP and the relevant laws on their own so as to make the civil legal system function appropriately.

To make the progress more sustainable, it is necessary for MOJ to continue its effort to ensure necessary financial and human resources.

2. Conclusion

Based on the results stated in the previous sections, it has been agreed that the achieved Project Output is expected to lead to the achievement of the Project purpose, with the continuous efforts by the Cambodian counterparts. Therefore the Project will be concluded as scheduled.

3. Recommendations

(1) Actions to be taken during the project period

① Continuous efforts for steady progress in drafting process of laws and regulations

There are several laws and regulations, of which drafting or legislating process has been behind the schedule, such as the Law on Deposit, the Law on Bailiff, and the Prakas on Registration of Juristic Persons. It is recommended that further efforts should be made to

finish drafting the above mentioned laws and regulations during the rest of the project period.

The Team said that JICA would consider to include the drafting of the Inter-Ministerial Prakas on Immovable Registration pertaining to the CC in the scope of a new project that is under mutual consultation.

②Promote further comprehension of the CC, the CCP and the relevant laws and regulations by MOJ officials

In order for more MOJ officials to obtain comprehensive understanding of the CC, the CCP and the relevant laws and regulations, MOJ should take the following measures for internal dissemination of the knowledge;

- Promote the non-member officials to attend “the Training of Trainers (hereinafter referred to as “TOT”)” as observers.
- Provide the officials who attend the internal study sessions with the opportunities of giving presentations in the sessions, so as to encourage more proactive learning environment.

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

①Importance of comprehensive understanding of the structure and functions of the CC and the CCP

From long-term perspectives, it is recommended that MOJ to develop human resources further in terms of systematic and comprehensive understanding of the structure and functions of the CC and the CCP. This kind of understanding of the CC and the CCP would also enable effective discussion even on the interpretation and application of specific articles.

②Implementation of the CC and the CCP in line with reality of practice

Access to practical and actual cases related to the application of the CC and the CCP, such as court practices and registration procedures, would help improve the capacity for implementing the two laws in line with reality of practice, It is recommended that MOJ continue to work closely with legal practitioners such as judges and lawyers, and officers in charge of immovable registration.