

Country Name	<b>The Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020</b>
Socialist Republic of Viet Nam	

**I. Project Outline**

Background	<p>Since 1986, with the advent of Doi Moi (renovation), the Government of Viet Nam was shifting toward the market economy and developing a legal framework in line with the market-oriented economic reform. JICA implemented various technical cooperation projects since the 1990s, namely: Technical Assistance for the Legal and Judicial System Reform Phase I (1996-1999), Phase II (2000-2003) and Phase III (2003-2007) to draft civil and commercial laws and improve capacities of legal professionals and judicial officials. The amended Civil Code and Civil Procedure Code, supported by these projects, were enacted in June 2005 and November 2004, respectively. These projects also supported the development of practical manuals for legal professionals. Nevertheless, local-level judicial authorities/organizations did not necessarily possess sufficient understanding of the contents of the enacted laws and other legal normative documents, and therefore it was necessary to improve the local practices in adjudication and execution practices. Thus, Technical Assistance for the Legal and Judicial System Reform Project Phase I (2007-2011) was implemented with the Ministry of Justice (MOJ), Supreme People's Court (SPC), Supreme People's Procuracy (SPP), and Vietnam Bar Federation (VBF). Phase II (2011-2015) followed to collect information and analyze operational challenges for improvement of the practices across the nation and improve the institutional workflows of the Central Judicial Authorities. While Phase II improved adjudication and execution practices of the counterpart (C/P) organizations, challenges still remained in the uniform understanding and implementation of legal normative documents by the governmental organizations, particularly at the local levels. The Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020 (PHAP LUAT) (2015-2020) was implemented to further support the strategy of Viet Nam for the legal and judicial system reform, pursuant to the new Constitution enacted in 2013.</p>								
Objectives of the Project	<p>Through identifying issues and solutions for ensuring consistency in reviews/examinations and post-checking process of legal normative documents, capacity development in implementation of the civil code-related legal normative documents, strengthening dispute resolution functions, capacity development of the practitioners, establishment of adversarial principle in the criminal court practices and developing mid- and long-term activity plans, the project aims at (i) establishment of methods and systems for the examination and for the review, post-checking and law enforcement monitoring of legal normative documents at the Office of Government (OOG) and at MOJ respectively to ensure consistency and uniform implementation and application of legal normative documents; (ii) establishment of foundation for the implementation of the civil code-related legal normative documents and court practice on civil and criminal cases; and (iii) sharing mid-to-long term activities in the field of law and justice to be conducted after 2021 among the C/P organizations, thereby contributing to the establishment of Viet Nam's social foundation for growth through the development of predictable and reliable legal and judicial systems based on legal normative documents with ensured consistency.</p> <p>1. Overall Goal The establishment of Viet Nam's social foundation for growth is promoted through the development of predictable and reliable legal and judicial systems based on legal normative documents with ensured consistency.</p> <p>2. Project Purpose: Sub-Project 1 (MOJ and OOG) The establishment of methods and systems for examination of legal normative documents at OOG as well as review, post-checking and law enforcement monitoring of legal normative documents at MOJ is promoted in order to ensure consistency and uniform implementation and application of legal normative documents. Sub-Project 2 (MOJ, SPC, SPP and VBF) The establishment of foundation for the implementation of the civil code-related legal normative documents and court practice on civil and criminal cases is promoted. Sub-Project 3 (all) Mid-to-long term activities in the field of law and justice which need to be conducted after 2021 are shared among implementing organizations.</p>								
Activities of the Project	<p>1. Project Site: Hanoi 2. Main Activities: Conduct surveys of situations and identify issues and solutions, develop and implement work plans, hold seminars to share findings, prepare reports, hold training for practitioners, develop mid- and long-term activity plans. 3. Inputs (to carry out above activities)</p> <table border="0"> <tr> <td>Japanese Side</td> <td>Vietnamese Side</td> </tr> <tr> <td>1) Experts: 40 persons in total</td> <td>1) Staff Allocated: 62 persons</td> </tr> <tr> <td>2) Trainees Received: 257 persons in total</td> <td>2) Facilities and Equipment: Project office</td> </tr> <tr> <td>3) Equipment: computers</td> <td>3) Operational expenses</td> </tr> </table>	Japanese Side	Vietnamese Side	1) Experts: 40 persons in total	1) Staff Allocated: 62 persons	2) Trainees Received: 257 persons in total	2) Facilities and Equipment: Project office	3) Equipment: computers	3) Operational expenses
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	4) Operational expenses: 3.5 million yen		
Project Period	(ex-ante) 1 April 2015-31 March 2020 (60 months) (actual) 1 April 2015-31 December 2020 (69 months)	Project (Japanese only)	Cost side (ex-ante) 805 million yen, (actual) 976 million yen
Implementing Agency	Ministry of Justice (MOJ), Office of Government (OOG), Supreme People's Court (SPC), Supreme People's Procuracy (SPP), and Vietnam Bar Federation (VBF)		
Cooperation Agency in Japan	The Supreme Court of Japan, International Cooperation Department of the Research and Training Institute of the Ministry of Justice, The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), Japan Federation of Bar Associations		

## II. Result of the Evaluation

### <Constraints on Evaluation>

- After this project, "The Project for Enhancing the Quality and Efficiency of Developing and Implementing Laws in Viet Nam" (Technical Cooperation, January 2021-December 2025) was under implementation at the time of ex-post evaluation. The effects observed in this evaluation include those of the succeeding project, and it is difficult to separate them between the two projects.

### 1 Relevance/Coherence

#### [Relevance]

##### <Consistency with the Development Policy of Viet Nam at the Time of Ex-Ante Evaluation>

The project was consistent with the development policy of Viet Nam at the time of ex-ante evaluation.

Aiming at the transformation into an industrialized country by 2020, the Government of Viet Nam was promoting the integration of the country into the international economy by joining ASEAN in 1995, concluding the Japan-Viet Nam Investment Agreement in 2004, joining the World Trade Organization (WTO) in 2007, and concluding the Japan-Viet Nam Economic Partnership Agreement in 2009. In shifting to a market economy, the Government of Viet Nam was promoting legal reforms based on the Resolution No. 48-NQ/TW, "Strategy for the Development of the Legal System" (Strategy for the Development of Vietnamese Laws and Improvement of the Legal Operation and Law Enforcement System until 2020, aiming at the transformation to a modern rule of law state and the establishment of a market economy system) and Resolution No. 49-NQ/TW, "Strategy for Judicial Reform until 2020" adopted by the Politburo of the Central Committee of the Communist Party of Viet Nam (referred to as "the Committee" hereinafter) in 2005.

##### <Consistency with the Development Needs of Viet Nam at the Time of Ex-Ante Evaluation>

The project was consistent with the development needs of Viet Nam at the time of ex-ante evaluation.

The Government of Viet Nam was developing a legal framework in line with the market-oriented economic reform and JICA had supported this process through various technical cooperation projects to draft laws and develop legal normative documents. After the series of technical cooperation projects, there remained a lack of uniformity in the operation and application of the legal normative documents in the operation of the legal system especially at the local level.

##### <Appropriateness of Project Design/Approach>

The project design/approach was appropriate.

No problem attributed to the project design/approach was confirmed.

In response to the recommendation of the mid-term review of the project, the revised Project Design Matrix (PDM) divided the project purpose into three sub-projects and narrowed down the outcomes in accordance with the needs of C/Ps. As a result, the project was able to design the annual plans in an efficient manner. In addition, human and financial resources were effectively allocated to the project. The long-term expert in the project made efforts to understand the legal normative documents in Vietnamese. It facilitated effective technology transfer, smooth communication, and mutual trust with the implementing agencies. In addition, high-quality interpretation/translation (Japanese-Vietnamese) contributed to the effectiveness of project activities.

##### <Evaluation Result>

In light of the above, the relevance of the project is ③<sup>1</sup>.

#### [Coherence]

##### <Consistency with Japan's ODA Policy at the Time of Ex-Ante Evaluation>

The project was consistent with the Japan's ODA policy to Viet Nam at the time of ex-ante evaluation.

Japan's Basic Policy on Legal Technical Assistance (2013) states that Japan actively provides assistance for legal development and operation in the fields of basic and economic laws. Viet Nam is one of the eight target countries. The project was in line with one of the basic principles of the policy, "Improving the trade and investment environment, which is beneficial for Japanese enterprises in expanding their businesses overseas, and assisting in the introduction of environmental and safety regulations."

The basic principle of Japan's Country Assistance Policy for the Socialist Republic of Viet Nam (2012) was "Cooperation for Nation Building with Well-Balanced Economic Development and Social Development." Good governance was one of the three priority areas and it included efforts to strengthen judicial and administrative functions.

##### <Collaboration/Coordination with JICA's Other Interventions>

<sup>1</sup> ④ : very high, ③ : high, ② : moderately low, ① : low

The collaboration/coordination between the JICA project for capacity development of the Office of the National Assembly (ONA) of Vietnam (2014-2017) was planned at the time of ex-ante evaluation and was implemented, and the positive effects expected were confirmed at the time of ex-post evaluation.

The Japanese experts of this project (PHAP LUAT) participated in the seminar organized by the ONA Project and provided technical advice. Also, ONA experts participated in PHAP LUAT activities from the stage of draft law development, and they understood the content of the draft law. The process of reviewing the draft law when it was submitted to the National Assembly became more effective.

#### <Cooperation with other institutions/ Coordination with International Framework>

The cooperation/coordination with other development partners was planned at the time of ex-ante evaluation and implemented as planned, and the positive effects were confirmed at the time of ex-post evaluation.

Development partners supporting law development tried to avoid duplication of activities to maximize complementary and synergy effects. PHAP LUAT experts actively participated in the activities supported by other development partners.

National Legislative Development (NLD) Project (2013-2018)<sup>2</sup> funded by the Canadian Government addressed “the issues of quality, consistency and transparency in the law-making process and to make legislation more enforceable and effective.” NLD Project carried out comprehensive review on legislative procedures and organized seminars/workshops for capacity building on legislative drafting. At the same time, PHAP LUAT conducted surveys on practical application of the Law on Promulgation of Legal Normative Documents at central and local governments and organized the workshop for sharing experiences and information on Japanese scheme in specific issues to support the amendment of the Law mentioned above in 2020.

PHAP LUAT and EU Justice and Legal Empowerment Programme (EU-JULE) (2017-2020)<sup>3</sup> cooperated to support SPC for the precedent system and development of the Family and Juvenile Court. PHAP LUAT and Justice Partnership Programme (JPP) (2010-2015) and EU-JULE cooperated to improve the self-management capacity of VBF, especially on the social and professional organization of lawyers, building the VBF Charter, and internal regulations such as the Regulations Disciplinary action against lawyers. Training and professional development activities for lawyers were implemented within the framework of PHAP LUAT and JPP/EU-JULE etc. on different topics to learn from practical experiences from many countries, and to improve the capacity of Vietnamese lawyers.

#### <Evaluation Result>

In light of the above, the coherence of the project is ③.

#### [Evaluation Result of Relevance/Coherence]

In the light above, the relevance/coherence of the project is ③.

#### 2 Effectiveness/Impact

##### <Status of Achievement of the Project Purpose at the Time of Project Completion>

At the time of project completion, the Project Purpose was achieved as planned.

For Sub-Project 1, the indicator was achieved as planned. The Law on Promulgation of Legal Normative Documents was amended in 2020, and reports on the practices of legal normative documents were compiled and shared with the agencies concerned.

For Sub-Project 2, the three indicators were achieved as planned. Various policy documents on civil-code issues such as property rights were developed and approved (indicator 1). For the improvement of practice on civil justice system, the Law on mediation and dialogue at court was enacted, and resolution on court precedent was amended (indicator 2). The Prosecutor's manual, which summarizes the practical challenges and solutions associated with the implementation of the revised Code of Criminal Procedure and other laws, was revised (indicator 3).

For Sub-Project 3, under the framework of the project, the Japanese side provided technical support to the C/P organizations in research and evaluation of the implementation of a number of specific areas and tasks in accordance with the Resolutions No. 48-NQ/TW and No.49-NQ/TW as well as in making recommendations and proposals for solutions toward reform and improvement in the mid- and long-term. Some recommendations have been reviewed and selectively referenced by C/P organizations in accordance with the actual conditions of Vietnam in the process of finalizing their summary report on implementation of the Resolutions before submitting to the competent authorities.

##### <Continuation Status of Project Effects at the Time of Ex-Post Evaluation>

By the time of the ex-post evaluation, the project effects have been continued.

For Sub-Project 1, the achievement of the indicator was continued. Various legal documents were enacted for detailed guiding methods and systems for ensuring consistency and uniform implementation and application of legal normative documents.

For Sub-Project 2, the achievement of the three indicators was continued. Even after project completion, various policy documents on civil-code issues were developed and approved (indicator 1). The number of judgment and decision applying court precedents increased (indicator 2). Several documents were developed to improve court practice on criminal cases and shared among the relevant organizations (indicator 3).

For Sub-Project 3, the Resolution No.27-NQ/TW\_“Continuing to Build and Perfect the rule-of-law Socialist State in the New Period” was adopted by the Committee in November 2022, replacing Resolutions No.48-NQ/TW and No.49-NQ/TW. The new resolution emphasizes the development of legislation and the establishment of a strict and consistent law enforcement system, the strengthening of judicial reform, and securing the court’s independence. Some solutions in the mid- and long-term plans developed in the Project are selectively used by the C/P organizations in accordance with the actual conditions of Vietnam for implementing their tasks on building the rule-of-law State in the spirit of the Resolution No.27-NQ/TW.

<sup>2</sup> <https://www.cba.org/news/what-s-new-with-cba-international-initiatives/>

<sup>3</sup> <https://www.undp.org/vietnam/projects/eu-jule-eu-justice-and-legal-empowerment-programme#:~:text=The%20EU%20Justice%20and%20Legal,which%2C%20according%20to%20dependable%20data>

<Status of Achievement of the Overall Goal at the Time of Ex-Post Evaluation>

At the time of ex-post evaluation, the Overall Goal has been mostly achieved as planned.

Three indicators have been mostly achieved as planned. The reviews/examinations and post-checking have been conducted in accordance with the improved review/examination and post-checking process (indicator 1). Resolution No.27-NQ/TW was adopted, replacing Resolutions No.48-NQ/TW and No.49-NQ/TW (indicator 2). In the World Justice Project on Rule of Law Index, Viet Nam showed improvement in some aspects (indicator 3).

<Other Impacts at the Time of Ex-Post Evaluation>

The improvement of legal procedures leads to the protection of legitimate rights and interests of organizations and people, including vulnerable. In particular, the project supported the development and completion of the Family and Juvenile Court to ensure the rights of vulnerable groups. No negative impacts were observed.

<Evaluation Result>

In light of the above, the effectiveness/impact of the project is ③.

Achievement of Project Purpose and Overall Goal

Aim	Indicators	Results	Source
<p>(Project Purpose) Sub-Project 1 (MOJ and OOG): The establishment of methods and systems for examination of legal normative documents at OOG as well as review, post-checking and law enforcement monitoring of legal normative documents at MOJ is promoted in order to ensure consistency and uniform implementation and application of legal normative documents.</p>	<p>Indicator 1 A course of action for improving methods and systems for ensuring consistency and uniform implementation and application of legal normative documents is compiled and publicized as official documents at MOJ and OOG.</p>	<p>Status of the Achievement (Status of the Continuation): achieved as planned (continued) (Project Completion) The Law on Promulgation of Legal Normative Documents, amended from the Law of the same title of 2015 regulating the procedures for the enactment of legal normative documents, was enacted in June 2020 (63/2020/QH14). Government Decree 32/2020/ND-CP was enacted as an amended Government Decree. 59/2012/ND-CP on monitoring the implementation of laws and regulations. With the cooperation of MOJ and OOG, reports on the legal normative documents about realities, challenges and solutions related to the consistency, uniform implementation and application, ex-post examination, and enforcement were compiled and shared with the agencies concerned. Through this work, the development of methods and systems for pre-examination, post-examination, and monitoring of law enforcement were promoted. (Ex-Post Evaluation) The Law on Promulgation of Legal Normative Documents (2020) and Decree 32/2020/ND-CP are valid. After the project completion, the following legal documents were enacted for detailed guiding methods and systems for ensuring consistency, uniform implementation and application of legal normative documents. -Government Decree 154/2020/ND-CP dated December 31, 2020 on amendment some articles of Decree 34/2016/ND-CP -Circular 04/2021/TT-BTP dated June 21, 2021 on guiding Decree 59/2012/ND-CP on monitoring the implementation of laws and regulations and Decree 32/2020/ND-CP (as an amended some articles of Decree 59/2012/ND-CP) by MOJ. -Decision 583/QD-BTP dated April 8, 2024 on Promulgating the Plan to develop the Project “Innovation, enhancing the efficiency of implementing laws in the period 2025-2030” approved by MOJ. MOJ organized surveys, summarized survey results, organized workshops, and reviewed legal documents to identify obstacles in practical implementation, to provide a basis for</p>	<p>Project completion report Questionnaire answers by MOJ, OOG</p>

		<p>proposing and recommending amendments to legal normative documents.</p> <p>OOG examined the drafts of the legal normative documents according to the annual law and ordinance making program in order to improve the examination capacity of OOG.</p>	
<p>(Project Purpose) Sub-Project 2 (MOJ, SPC, SPP and VBF): The establishment of foundation for the implementation of the civil code-related legal normative documents and court practice on civil and criminal cases is promoted.</p>	<p>Indicator 1</p> <p>A course of action such as policy and concrete measures for improving the civil code-related legal normative documents is compiled as official documents at MOJ and shared among the implementing organizations.</p>	<p>Status of the Achievement (Status of the Continuation): achieved as planned (continued) (Project Completion)</p> <p>The proposals concerning the contract and Alternative Dispute Resolution (ADR) as well as protection of the property rights were put together respectively and submitted to the Prime minister.</p> <p>The circular on registration on mortgage measure for things such as land use rights was legislated and approved.</p> <p>A part of the decree 62/2015/ND-CP guiding the Law on civil judgment enforcement was amended by decree 33/2020/ND-CP.</p> <p>On legislation and approval, the information was shared among the implementing organizations.</p> <p>(Ex-Post Evaluation)</p> <p>The proposal concerning the contract and ADR with the title “Project: Completion of laws on contracts and settlement of the contractual disputes by arbitral awards and commercial reconciliation” was approved by Prime Minister in October 2019 (Decision 1268/QD-TTg).</p> <p>The proposal of the Project “Comprehensive institutionalization of property ownership of organizations and individuals stipulated in the Constitution 2013, securing the smooth transactions, effective enforcement and protection of the property rights” was approved by Prime Minister in January 2021 (Decision 120/QD-TTg).</p> <p>Pursuant to Decree 102/2017/ND-CP dated September 1, 2017 on Registration of Security measures, the Circular 07/2019/TT-BTP “Guiding some contents on registration of mortgage of land use right and property attached to land” was enacted.</p> <p>On November 30, 2022, the Government issued Decree 99/2022/ND-CP on registration of security measures, which fully codified and more specifically regulated the legal contents on registration of mortgages of land use rights and assets attached to land in Circular 07/2019/TT-BTP. In order to ensure the consistency, on February 1, 2024, the Minister of Justice issued Circular 01/2024/TT-BTP on abolishing some Circular of MOJ on registration of security measures, including Circular 07/2019/TT-BTP.</p> <p>Decision 43/QD-BTP dated January 16, 2023 on Promulgation the Plan to implement Decree 99/2022/ND-CP on registration of security on measures, was approved by MOJ.</p>	<p>Project completion report Questionnaire answers by MOJ</p>
	<p>Indicator 2</p> <p>A course of action such as policy and concrete measures for <u>improving court</u></p>	<p>Status of the Achievement (Status of the Continuation): achieved as planned (continued) (Project Completion)</p>	<p>Project completion report Questionnaire answers by SPC</p>

	<p><u>practice on civil cases</u> is compiled as official documents at SPC and VBF and shared among the implementing organizations.</p>	<p>For improvement of practice on civil justice system, the Law on mediation and dialogue at court was enacted.</p> <p>Regarding improvement of practice on both civil and criminal justice system, Resolution on court precedent was amended (04/2019/NQ-HDTP).</p> <p>(Ex-Post Evaluation)</p> <p>The Law on mediation and dialogue at Court and the Resolution 04/2019/NQ-HDTP are still valid.</p> <p>In the end of September 2024, SPC has published 72 precedents.</p> <p>The number of judgment and decision applying court precedents increased steadily from 365 on 11 March 2016 to 1,827 on 31 August 2024.</p>	<p>Precedent Website: <a href="https://anle.toaan.gov.vn/">https://anle.toaan.gov.vn/</a></p> <p>Court Judgment publishing Website: <a href="https://congbobanan.toaan.gov.vn/">https://congbobanan.toaan.gov.vn/</a></p>
	<p>Indicator 3</p> <p>A course of action such as policy and concrete measures for improving court practice on criminal cases is compiled as official documents at SPC, SPP and VBF, and shared among the implementing organizations.</p>	<p>Status of the Achievement (Status of the Continuation): achieved as planned (continued) (Project Completion)</p> <p>The Prosecutor's manual, which summarizes the practical challenges and solutions associated with the implementation of the revised Code of Criminal Procedure and other laws, was revised.</p> <p>A report concerning the criminal proceeding at first instance court was to be made and distributed to relevant agencies by the joint activity among SPC, SPP and VBF, and Resolution concerning sexual crime related to juveniles was established (06/2019/NQ-HDTP).</p> <p>(Ex-Post Evaluation)</p> <p>The Prosecutor's manual has been used and strongly effective for the work of prosecutors.</p> <p>The revised Code of Criminal Procedure and Criminal Code are still valid.</p> <p>The report concerning the criminal proceeding at first instance court has been used for judges and court's officers. It was distributed to People's Procuracy at provincial level.</p> <p>SPC, SPP and VBF developed a research report to improve the quality of litigation at first instance criminal trials. VBF has received the printed copies of this report and forwarded them to local bar associations for research and reference.</p> <p>Resolution 06/2019/NQ-HDTP is still valid.</p>	<p>Project completion report</p> <p>Questionnaire answers by SPC, SPP, VBF</p>
<p>(Project Purpose)</p> <p>Sub-Project 3 (all): Mid-to-long term activities in the field of law and justice which need to be conducted after 2021 are shared among implementing organizations.</p>	<p>Indicator 1</p> <p>Reports on the mid-to-long term activities in the field of law and justice which need to be conducted after 2021 are shared among implementing organizations.</p>	<p>Status of the Achievement (Status of the Continuation): achieved as planned (continued) (Project Completion)</p> <p>Under the framework of the project, the Japanese side provided technical support to the C/P organizations in research and evaluation of the implementation of a number of specific areas and tasks in accordance with the Resolutions No. 48-NQ/TW and No.49-NQ/TW as well as in making recommendations and proposals for solutions toward reform and improvement in the mid- and long-term. Some recommendations have been reviewed and selectively referenced by C/P organizations in accordance with the actual conditions of Vietnam in the process of finalizing their summary report on implementation of the</p>	<p>Project completion report</p> <p>Questionnaire answers by C/Ps</p>

		<p>Resolutions before submitting to the competent authorities.(Ex-Post Evaluation)</p> <p>Based on the summary report, the Resolution No.27-NQ/TW “Continuing to Build and Perfect the rule-of-law Socialist State in the New Period” was adopted by the Committee in November 2022, replacing Resolutions No.48-NQ/TW and No.49-NQ/TW. The new resolution emphasizes the development of legislation and the establishment of a strict and consistent law enforcement system, the strengthening of judicial reform, and securing the court’s independence.</p> <p>Some solutions in the mid- and long-term plans developed in the Project are selectively used by the C/P organizations in accordance with the actual conditions of Vietnam for implementing their tasks on building the rule-of-law State in the spirit of the Resolution No.27-NQ/TW.</p>	
<p>(Overall Goal) The establishment of Viet Nam’s social foundation for growth is promoted through the development of predictable and reliable legal and judicial systems based on legal normative documents with ensured consistency.</p>	<p>Indicator 1 The reviews/examinations and post-checking are conducted in accordance with the improved review/examination and post-checking process respectively.</p>	<p>Status of the Achievement: mostly achieved as planned (Ex-Post Evaluation)</p> <p>MOJ and OOG are carrying out reviews and examinations in accordance with the amended Law on Promulgation of Legal Normative Documents in 2020, Decree 34/2016/ND-CP and Decree 154/2020/ND-CP.</p> <p>With the support of the current JICA project (2021-2025), Department of General Affairs in Legal Development (GALD) of MOJ is drafting a Handbook for the development and promulgation of legal normative documents.</p> <p>Post-checking is conducted in according to the amended Law on Promulgation of Legal Normative Documents in 2020, Decree 34/2016/ND-CP and Decree 154/2020/ND-CP</p> <p>Post-checking is carried out periodically according to the Decree 34/2016/ND-CP. There are also ad hoc reviews under the direction of the Government and relevant agencies.</p>	<p>Questionnaire answers by MOJ, OOG</p>
	<p>Indicator 2 The progress on legal and judicial reform stipulated in the Resolutions No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Viet Nam is compiled and publicized as official documents.</p>	<p>Status of the Achievement: mostly achieved as planned (Ex-Post Evaluation)</p> <p>Resolution No.27-NQ/TW was adopted by the Committee in November 2022, replacing Resolutions No.48-NQ/TW and No.49-NQ/TW.</p>	<p>Questionnaire answers by C/Ps</p>
	<p>Indicator 3 The performance of the international comparative indicators on legal and judicial practices publicized by international organizations etc. improves from that of the project inception.</p>	<p>Status of the Achievement: mostly achieved as planned (Ex-Post Evaluation)</p> <p>In the World Justice Project on Rule of Law Index, “Constraints on Government Powers<sup>4</sup>” and “Regulatory Enforcement<sup>5</sup>” of Viet Nam</p>	<p>WJP Rule of Law Index Constraints on Government Powers (worldjusticeproject.org)</p>

<sup>4</sup> **Constraints on Government Powers**

Factor 1 of the *WJP Rule of Law Index* measures the extent to which those who govern are bound by law. It comprises the means, both constitutional and institutional, by which the powers of the government and its officials and agents are limited and held accountable under the law. It also includes non-governmental checks on the government’s power, such as a free and independent press.

<sup>5</sup> **Regulatory Enforcement**

Factor 6 of the *WJP Rule of Law Index* measures the extent to which regulations are fairly and effectively implemented and enforced. Regulations, both legal and administrative, structure behaviors within and outside of the government. This factor does not assess which activities a government chooses to

showed some improvement. Its overall ranking dropped from 64/102 in 2015 to 87/142 in 2023 because the number of countries in the ranking increased, and there is no substantial change.

### 3 Efficiency

Both the project cost and the project period slightly exceeded the plan (the ratio against the plan: 121% and 115%, respectively). The project period was extended for nine months from April 2020 due to the delays in the implementation of activities caused by JICA's budgetary constraints in JFY 2018. Then, from March 2020 onwards, the implementation of the activities was hampered by the impact of the COVID-19 pandemic, so the activities planned during the nine-month extension period were reviewed. Project cost increased from the original plan due to the extension of the project period. With this flexibility, the planned inputs were almost efficiently executed despite the adverse circumstances of the COVID-19 pandemic.

	Project Cost (Japanese side only, yen)	Project Period (months)
Plan (ex-ante)	805 million yen	60 months
Actual	976 million yen	69 months
Ratio (%)	121%	115%

Outputs were produced as planned.

In the light above, the efficiency of the project is ③.

### 4 Sustainability

#### <Policy Aspect>

Resolution “No.27-NQ/TW “Continuing to Build and Perfect the rule-of-law Socialist State in the New Period” was adopted by the Committee in November 2022, replacing Resolutions No.48-NQ/TW and No.49-NQ/TW, setting specific objectives for 2030 with a vision to 2045.

#### <Institutional/Organizational Aspect>

The organizational structures of MOJ, OOG, SPC, SPP, VBF and their functions and missions in legal and judicial reforms have not changed. Based on the Resolution No.27-NQ/TW, the current organizational structures will be sustained in the future.

After PHAP LUAT, “The Project for Enhancing the Quality and Efficiency of Developing and Implementing Laws in Vietnam” (2021-2025) supported by JICA is under implementation. The C/P organizations have arranged staff with appropriate qualifications and professional capacity to coordinate and organize specific activities. Each C/P organization has two to three staff in the International Cooperation Department as focal points. As administrative reform is underway, increase of staff is not likely and this might hinder the implementation of the activities in the future.

#### <Technical Aspect>

The technical level of the C/P organizations is sufficient to maintain the project effects in the future.

The staff of the C/P organizations have sustained necessary skills and knowledge to promote and disseminate the system and the activities introduced by PHAP LUAT, and the new JICA project continues capacity development of the C/P organizations. MOJ officials are regularly trained and updated knowledge and skills. OOG organizes workshops to enhance the examination skills of officials. SPC is supported by the current JICA project in training on citation and application of precedents, and training to strengthen practical capacity of judges and mediators for enforcement the Law on Mediation and Dialogue at Court. SPP officials continue to participate in training courses and are always required to proactively update, learn, and exchange experiences. VBF regularly sends staff to conferences, seminars, and training classes organized by other organizations (Ministry of Justice, Courts, Procuracy) to maintain qualifications and skills.

Documents of professional training courses in PHAP LUAT are shared by lawyers for reference during practice, and used to update knowledge and practice skills. MOJ/OOG use the documents, manuals developed through PHAP LUAT regularly in their duties and professional activities. SPC published the Book on Ensuring adversarial principle in legal proceeding in 2016, which is used by Judges, Court officials and other legal experts. “Handbook on public prosecution and supervision over the initiation, investigation of criminal cases” and “Hand book on public prosecution and supervision over the adjudication of criminal cases” have been used by Prosecutors and Hanoi Procuratorate University. SPP is drafting a Handbook for Prosecutors on adversary skills at the trial of criminal cases against juvenile offenders, Handbook on Prosecutor’s skill of supervising custody and temporary detention, and Handbook on Prosecutor’s skill of supervising execution of criminal sentences, supported by the current JICA project, VBF developed and published a set of Lawyer Manuals during PHAP LUAT. They were sent to bar associations, posted on the VBF website, and printed and distributed to lawyers.

#### <Financial Aspect>

MOJ, OOG, SPC and SPP are funded by the national budget from the Ministry of Finance based on the estimated operating costs. The annual national budget is allocated based on the needs of each organization, including sustaining the effects of PHAP LUAT. VBF is financed by the membership fees which are sufficient for its operation.

If the agencies organize large-scale seminars for a wide range of stakeholders and in various parts of the country to discuss the drafting and amendments of legal normative documents and disseminate the outcomes, support from development partners would be required.

regulate, nor does it consider how much regulation of a particular activity is appropriate. Rather, it examines how regulations are implemented and enforced.

<Environmental and Social Aspect>

No issue on environmental and social aspect has been observed, and it has not been necessary to take any countermeasures.

<Evaluation Result>

In light of the above, policy, institutional/organizational and technical aspects of sustainability are positive, but slight problems have been observed in terms of the financial aspects of the implementing agency. Therefore, the sustainability of the project effects is ③.

5 Summary of the Evaluation

The project achieved as planned the Project Purposes (establishment of methods and systems for examination, review, post-checking and law enforcement monitoring of legal normative documents; establishment of foundation for the implementation of the civil code-related legal normative documents and promotion of court practice on civil and criminal cases; and planning of mid-to-long term activities) and the Overall Goal (development of predictable and reliable legal and judicial systems based on legal normative documents with ensured consistency as social foundation for growth).

Considering all of the above points, this project is evaluated to be highly satisfactory.

IV. Recommendations & Lessons Learned

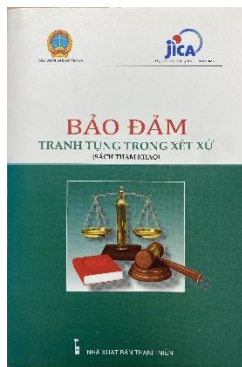
Recommendations for Implementing Agency:

To improve the legal system and mechanism to organize strict and consistent law enforcement in the current legal and judicial reform, necessary human resources and budget must be arranged. As human resources are limited due to the administrative reform, it is necessary to further promote the training to improve the capacity of existing human resources and train young people from mid- to long-term perspectives.

Lessons Learned for JICA:

As the description of the Project Purpose and Outputs of this project was ambiguous and some of the indicators were not clearly defined, the PDM was revised after the mid-term review. When implementing similar projects in the future, in-depth situation and needs survey and analysis should be conducted before designing the PDM and indicators.

The long-term expert in the project made efforts to understand the legal normative documents in Vietnamese. It facilitated effective technology transfer, smooth communication, and mutual trust with the implementing agencies. In the legal and judicial cooperation sector, ensuring high-quality interpretation/translation is important as it determines the effectiveness of project activities.



Book on Ensuring adversarial principle in legal proceeding



Sets of Lawyer Manuals