

**UNDP Uzbekistan**

**THE PROJECT “SUPPORT TO ENHANCEMENT OF LAWMAKING,  
RULEMAKING AND REGULATORY IMPACT ASSESSMENT”**

**FINAL PROJECT EVALUATION REPORT**

**December 2016**

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## Introduction

This final evaluation of the project commissioned by UNDP Uzbekistan with the view to assess independently the relevance, performance, management arrangements and success of the project and provide recommendations for the second phase, which the project is likely to have. It is envisaged that UNDP Uzbekistan remains committed in continuing its efforts in the field of regulatory policy reform and quality of legislation. Therefore the outcomes of the evaluation will be used for future planning of UNDP Uzbekistan activities in the field concerned. Thus it should provide the basis for learning and codification of lessons learned for managers and stakeholders.

The project “Support to enhancement of lawmaking, rulemaking and regulatory impact assessment” (RIA project) pursued the UNDAF 2010-2015 outcome №4 “Effectiveness, inclusiveness and accountability of governance on central and local level enhanced” and the corresponding Country Programme Document outcome 3.2. “Strengthened public administration at all levels which exercises effective, inclusive and accountable governance”. To contribute to the achievement of the outcomes, the project aimed to support implementation of the following outputs stipulated by the UNDP Country Programme Action Plan for Uzbekistan (2010-2015):

*3.2.1. Strengthened government and parliament capacity at national and local levels to execute public administration in a more transparent, fair and efficient manner.*

*3.2.2. Citizens are better informed about development challenges, policy-making and empowered to better participate in decision-making.*

According to the Project document, “the majority of the project activities will correspond with the Outcome 2: *Citizen expectations for voice, development, the rule of law and accountability are met by stronger systems of democratic governance, as specified by UNDP Strategic Plan 2014-2017*”.

The project was implemented through National Implementation Modality with a provision of direct support services by UNDP Country Office. The national implementing partner was the Institute for Monitoring of Current Legislation under the President of Uzbekistan (IMCL). Besides UNDP Uzbekistan and the IMCL, the responsible parties included both Chambers of the Parliament of Uzbekistan, the Department on Legal Expertise and International Treaties of the Cabinet of Ministers, the Ministry of Justice, the Lawyer Training Centre under the Ministry of Justice, NIMFOGO, Academy of Public Administration and Tashkent State University of Law.

## Methodology

The evaluation was conducted in November 2016 by an independent national consultant. The evaluation plan included the following:

### EVALUATION WORK PLAN

Desk review	Oct. 31 – Nov. 4	Analysis of the framework documents; Analysis of the project document;
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		Analysis of the project's APA and AWPs; Analysis of the LPAC minutes; Analysis of the project's official correspondence; Assessment of the project's outputs; Briefings with the project team and GGU.
Fieldwork activities: meetings with the stakeholders.	Nov. 7 - 18	Interviews and discussions with the project's national partners and other interested parties.
Writing a draft report	Nov. 21 - 25	Validation of preliminary findings was combined with preparation of a draft report.
Preparation of the final report	Nov. 26 – Nov.30	Final report incorporated comments from the stakeholders.

The data for evaluation was collected mainly from the documents presented by the project team and the face-to-face interviews with the stakeholders.

Interviews were held with representatives of all the key responsible parties: the IMCL, UNDP Uzbekistan Good Governance unit, both Chambers of Oliy Majlis, the Department of Legal Expertise and International Treaties of the Cabinet of Ministers, the Ministry of Justice and the Lawyer Training Centre under the Ministry of Justice. The other stakeholders did not participate in the evaluation presumably due to their limited role in the project implementation.

Several in-depth interviews and consultations were held with the project team, primarily with the Project Manager (PM), focusing on certain issues of the project implementation.

It should be noted that data collection required more efforts than expected due to delays in presenting necessary information on the part of some stakeholders. Therefore the evaluation took longer and exceeded the initially planned timeframe. Some very important decisions affecting the project's results were made by the stakeholders in the end of November and even in the beginning of December of 2016, when the evaluation was supposed to be over. On the other hand, thanks to the delay the evaluation was able to incorporate guidelines given by the President-elect in his Constitutional Day Speech, which provided important inputs for elaboration of the project's 2<sup>nd</sup> phase proposals.

### **Structure of the report**

The report starts with an overview of the institutional context, the relevance of the project concept and design to the context, national government goals and UNDP goals (Section 1).

Section 2 evaluates the overall effectiveness of the project delivery and its relevance, as well as examines the course of implementation of the main components, challenges faced and results achieved by each of them.

Section 3 addresses a number of questions related to the project management, including reporting, the project's Adaptive Management Framework, risk management, partnership strategy and project finance.

Section 4 contemplates the 2<sup>nd</sup> phase of the project.

Finally, the report makes recommendations for UNDP and concerned stakeholders.

## Section 1. Project Concept and Design.

### Institutional context of the project

Regulatory reform has been a long-standing issue in Uzbekistan until recently it has been tackled comprehensively by the Government. In early years of independence in 90-s the President and the Government mainly dealt with anti-crisis policy, stability and transition towards a new type of statehood, economy and society. The new Constitution of 1992 proclaimed democratic principles and rule of law. Oliy Majlis, the new Parliament of Uzbekistan, was established.

Since the beginning of 2000s, the first President of Uzbekistan launched a new reform agenda on liberalization, democratization and modernization of state governance. Among other priorities, the issue of balancing the three branches of state power appeared on this agenda. The goal was set to strengthen the Legislature and restrain the all-mighty Executive bureaucracy. In 2002-2005 the initial convent-type Oliy Majlis was transformed into a full-fledged professional bicameral Parliament. Since then there have been continuous attempts by the first President of Uzbekistan to improve law-making process and raise the political role of the Parliament. In his programmatic speeches and reports the first President reiterated the issue of better law-making addressing a good deal of criticism to MPs regarding the outdated practices and approaches, which they used to exercise in spite of constitutional reforms targeted at parliamentary development. Constitutional settings did shift significantly towards parliamentary democracy over the past decade. However, more than ten years after the first elections of the Legislative Chamber, the Parliament continues adopting mainly declarative acts of legislation leaving most of the regulatory policy issues to the Government's sole discretion.

As the project document reads:

*"Laws are often used as umbrella, while Oliy Majlis relies on the executive during rule making process to add more detailed scientific, economic, or industry expertise to a policy—fleshing out the broader mandates of authorizing legislation. While the legislature is charged with making all laws, the bureaucracy usually must take the general enabling legislation created by the legislature and build real programs and administrative rules for implementing corresponding public policy. When the enabling legislation deals with regulation (e.g., regulating environmental quality or building standards), the bureaucracy's authority to develop programs and rules is critical to carrying out the letter and the spirit of the law. There are three types of by-laws at the national level, which include legal acts of the President (decree, regulation, resolution), of the Cabinet of Ministers (resolution) and of the line ministries/ state authorities (inter-agency regulation, regulation, instruction, order, etc.).*

*The "rule-making process" refers to the process that Executive and its agencies adopt by-laws through a process of drafting and enacting decrees, regulations, resolutions, instructions, etc. mainly for the proper and timely implementation of laws. Thorough implementation of the law making and rule-making processes directly influences efficiency and feasibility of laws and by-laws. To date regulation of the law-making and rule-making processes in Uzbekistan still has a space for further improvement, especially in the area of harmonization of regulations with laws which are usually implemented through rulemaking process and administrative practice of implementation."*

As compared to the transition period of 90s the role of the Parliament in regulatory policy slightly changed from mere rubber-stamping to legitimizing the Government's public policy (umbrella-laws). Today there is more concern among policy-makers about legislative formalization of policy priorities and decisions, which creates some room for policy debates on draft laws and bills, though rather closed to the public and often not constructive on the part of deputies. In fact,

most of the law-drafting work is done by government agencies (line ministries and other executive agencies) under conceptual leadership of the President and the coordination by the Cabinet of Ministers.

Established practice of law-making perseveres not only because of the institutional inertia, but also because of limited analytical capacity of the Parliament, which does not allow MPs being competent leaders in the legislative process. This issue was tackled by the previous UNDP Parliamentary Development Assistance project but without tangible results.

The legislative procedures also have the institutional limitations: the Parliament has no formal procedures for conceptual elaboration of the policy issues raised by a bill and consequently evidence-based decision-making, which tacitly confirms the assumption that the substantial policy is made outside the formal legislative process. In practice three readings stipulated by the law and the parliamentary rules of procedure for deliberation of a bill are usually full of disputes over the legislative language of its text, whereas the most important conceptual issues comprising regulatory content of the bill remain out of due attention. The crucial difference between conceptual deliberation of policy decisions presented in a bill and elaboration of wording/language of a legislative act has not been reflected yet in the legislative process. Until very recently there had been a common assumption that “concept of a bill” means a brief explanatory note attached to a bill introduced in the Parliament<sup>1</sup>.

In fact the actual regulatory policy is still made by means of sub-legislative rule-making (i.e., subsidiary legislation): issuing legal acts of the President and the Government as well as numerous departmental and agency regulations. At the project’s inception the rule-making in Uzbekistan showed all weaknesses and shortcomings typical for post-soviet legal systems. In short, it lacked evidence-based approach, transparency and accountability, inclusiveness and fairness, which often resulted in prejudiced, arbitrary and capricious regulations heavily affected by bureaucratic interests and bias. Conceptual guidance provided by the President was a good streamlining factor but it could not change the flawed nature of the rule-making process. The only official mechanism ensuring the consistency of the entire secondary legislation was a legal expertise of draft regulations provided by the Ministry of Justice. However, this legal expertise focused mainly on formal means of legality and not on substantive aspects of rule-making. Other types of expertise provided by some line ministries had limited scope and were poorly regulated.

From UNDP perspective, the situation in law-making and rule-making in Uzbekistan clearly showed strong need for development assistance. The national counterparts demonstrated willingness to reform the system of regulatory policy-making. Thus the RIA project seemed quite an appropriate endeavor to foster achievement of the respective UNDAF and UNDP Country Programme goals.

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<sup>1</sup> One of the significant achievements of the RIA project is introduction of new rules for law-drafting work which clearly distinguish between two kinds of documents: Concept Note and Explanatory Note. From now on law-drafters in Uzbekistan will have to write a comprehensive concept paper for any draft law submitted to the Government.

There is another important factor related to the institutional context that significantly affected the project concept and design. Since the beginning of 2000s, Uzbekistan had pursued the policy of improving the business environment. During the past decade, there have been continuous efforts to restrain administrative interference into business activities, reduce administrative burden of business and improve institutional framework for private entrepreneurship. In 2011 this policy was enhanced by a statewide campaign for ICT modernization of public administration. This policy line proved highly favorable for promotion of a number of innovative institutions such as public services, administrative procedures and open government. Development of these innovative institutions under e-government policy umbrella contributed to mainstreaming the issue of regulatory reform as well. The policy for better business environment reached its peak in 2012 and has remained a priority issue on the reform agenda until nowadays, which was a favorable institutional factor for promoting regulatory reform and evidently affected the RIA project design.

### **Relevance of the project concept and design**

The project concept was based on the assumption that a major challenge was related to the fact that public policy in Uzbekistan, due to limited capacity, was often formulated based on bias, while *evidence-based public policy-making* showed its advantages in many parts of the world.

Therefore, *Regulatory Impact Analysis* (RIA) was proposed as a conceptual solution responding to the need for evidence-based approach in public policy-making. RIA was regarded as an important tool for critical assessment of positive and negative effects of regulations and their drafts as well as of non-regulatory alternatives.

Another conceptual solution underpinning the project design was participatory approach, which suggested that different levels of stakeholders (the private sector and civil society groups/NGOs) and practitioners should *enhance their voice and participate in policy debates* and in public dialogue, and get better organized to ensure efficient communication. The project document accentuated the need to build trust between policy makers and CSOs, private sector, and other societal actors through a long-term, sustained and participatory dialogue.

In addition to that the project document underscored the need to enhance capacity of the Parliament to scrutinize draft laws. The solution for this complex problem, as noted in the project document, implies not only improving the institutional and methodological framework of the legislative process, but also strengthening legislative drafting skills of MPs.

There was one more conceptual issue which was not mentioned in the implementation strategy section of the project document but evidently underpinned the project design: the implementation of international obligations of Uzbekistan in regulatory policy-making. This issue strongly affected elaboration of the project's results and resource framework (RRF).

The project's **overall goal**, as the project document reads, was *"to strengthen national capacity for public policy development through sustainably increase the quality of public policy content, introduction of tools for evidence-based policy making (RIA, anti-corruption expertise), and contribution to the overall public policy agenda by promoting multi stakeholders involvement in public policy development and law drafting processes."*



The project design reflects the assumption that there is a natural division between two major components in the development of public policy and new legislation. The first component is the work of the executive branch of the government in developing public policy and new legislation. Within this stage of the process the project document highlighted the following generally accepted standards for public policy development:

- A rigorous analytical process by which evidence is gathered and options are developed as to how to address perceived public policy problems;
- The standardized use of Regulatory Impact Analysis (RIA) as a means of presenting the public policy problem and the evidence and options for addressing this problem;
- Ensuring that all proposals be considered in light of international good governance standards. For example as related to anti-corruption expertise of draft laws and regulations;
- Engaging citizens in an inclusive manner to reflect the perspectives of various stakeholders before proposals are endorsed.

The second component of the law-making process starts when the executive has endorsed a legislative proposal and introduced it in the Parliament. During the first part of the process the Parliament takes the lead in reviewing what the executive has developed and considers amendments and changes before determining whether or not to adopt a piece of legislation. Good practices envisioned by the project for this component include:

- Broad and inclusive public consultations to ensure all interested citizens, civil society groups and other stakeholders have a chance to provide feedback on the content of the draft law.
- Access to technical expertise that can provide the Parliament with detailed knowledge of the topic that is being considered in a draft law.

Based on the conceptual assumptions outlined above the project document defined two outputs with the view to achieve the project's overall goal:

**Output 1:** *The public policy and new legislation development process reflects international standards with regard to being evidence-based, consultative and legally sound.*

**Output 2:** *The Oliy Majlis is able to scrutinize and adopt legislation that is of a high quality, reflects citizens' inputs and reflects international standards.*

To achieve the output 1 the project included the following activities:

- 1.1. Enhancing the capacity of the Institute for Monitoring Current Legislation (IMCL) to develop new legislation.
- 1.2. Supporting the Ministry of Justice as well as other line ministries in establishing systems and procedures ensuring evidence-based high quality regulatory policy-making.
- 1.3. Enhancing the capacity of the Cabinet of Ministers to draft new legislation in accordance with standard procedures promoting public consultation and the use of evidence.

The output 2 was to be implemented through enhancing the capacity of selected committees of both chambers of the Parliament to consider draft legislation based on broad public input and independent expertise<sup>2</sup>.

Relevance of the project's overall goal, outputs and activities as planned in the project document to UNDAF 2010-2015, respective CPD and UNDP Strategic Plan 2014-2017 is beyond doubt. Besides, the activities were planned in accordance with UNDP strategic approach to development assistance, encouraging national ownership and concentrating on national capacity building for high sustainability. However, relevance of the project design to the national context proved mixed. Whereas the need for improving law-making and rule-making, primarily for better business environment, was repeatedly confirmed by programmatic statements of the state leader and a number of notable regulations addressing this issue-area, it is doubtful that the national counterpart was really willing to go that far in promoting participatory approach to law-making and inclusive governance in general. In spite of some very promising statements made by the First President in his Concept of further deepening democratic reforms and establishing civil society in the country of 2010 and adoption of the Law on openness of government activities, there is no evidence that the project's output 2 and related activities were *nationally owned* fully in practice. Similar doubts arise with regard to the targets designed to develop a unified database of international agreements and treaties for the Cabinet of Ministers under project activity 1.3. The national partner responsible for this project component proved to have different priorities than was assumed by the project document drafters. Moreover, the design of this component as formulated in the results and resource framework (RRF) of the project document seems inconsistent: the indicators and targets are not well-aligned with the activity result.

Thus one can conclude that national capacity building for evidence-based policy-making was a reasonable way to strengthen public administration in Uzbekistan in terms of efficiency, accountability, fairness and responsiveness. However, the plan to promote public consultations in the legislative process was actually premature for the time of project inception. A feasible plan here should have been less ambitious: probably limited to advocacy and policy development. The database elaboration endeavor despite being in line with the national e-government policy required a lot of preliminary work on building the institutional and methodological framework before the national partners could effectively approach this issue. The assumptions and risk assessment in these components proved to be misleading.

Finally, there was a significant risk related to the institutional context, which was not foreseen in the design of the project. This resulted in serious challenges in the course of project implementation. The point is that the term of the Parliament expired in 2014 and parliamentary elections in December 2014 formed a new parliament, which resulted in delays of the project activity 2.

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<sup>2</sup> See Activity 2.1 in the project document's result and resource framework.

## Section 2. Effectiveness and Results

### Overall effectiveness of the project

The undisputed success of the project is the fact that regulatory impact analysis (RIA) was officially introduced in Uzbekistan. In December 2014 the Government adopted the resolution №328 “On Measures to introduce the system of assessment of legal acts’ impact on business activities”. The project did contribute to elaboration of this regulation, which was acknowledged by the national partners: the Ministry of Justice, the Cabinet of Ministers and the IMCL. This prompt result shows high relevance of the project’s respective outputs to the needs of the national context. Nevertheless, it must be noted that this result was a tribute not only to the RIA project but also to the overall efforts put by UNDP Uzbekistan to promotion of evidence-based policy-making. But this comment should not detract from the fact that regulatory impact analysis was officially introduced by the Government of Uzbekistan, though not in a full-fledged way.

The Government resolution №328 established Regulation on regulatory impact assessment of legal acts affecting business activities by way of public consultations at the unified on-line portal of public services. This procedure is obligatory for laws and regulations drafted by administrative agencies, which impose restrictions, introduce new permissions or licenses, new duties and costly requirements or otherwise significantly affect business activities. The purpose of regulatory impact assessment as the Regulation reads is to assess possible positive and negative consequences of adoption of legal acts based on analysis of a problem, relevant policy goals and alternatives. Actually the resolution endorsed only one component of the RIA procedure, namely public consultations, and yet the fact that this new procedure was established as an obligatory step for drafting new laws and regulations by administrative agencies is a principal shift towards a new institutional framework for the national regulatory policy.

This early achievement created a very important institutional foothold for further activities and the project continued to build on it throughout two successive years of implementation. Today public consultations are held on a specialized RIA portal [www.regulation.gov.uz](http://www.regulation.gov.uz), which was designed with the project’s technical assistance and the new practice has already become regular. The Ministry of Justice controls fulfillment of the duty to hold public consultations for regulatory impact assessment purpose by the administrative agencies. Draft regulations submitted by administrative agencies are not accepted by the Ministry of Justice for expertise without passing public consultations on the RIA portal. The project’s continuous efforts to foster development of the nascent RIA system resulted in elaboration of detailed RIA methodology including cost-benefit analysis and a draft resolution designed to amend the initial Government resolution №328. The package of policy proposals designed to build a full-fledged RIA system was submitted by the Ministry of Justice to the Cabinet of Ministers for consideration. Finalizing this endeavor requires some more advocacy and policy advice to national stakeholders.

In addition to endorsement of RIA the project successfully promoted anti-corruption review of draft laws and regulations. The methodology for this kind of expertise was endorsed by the Order of the Minister of Justice on December 25, 2015. Today all draft laws and regulations passing the legal expertise in the Ministry of Justice are scrutinized for corruption risks as well.

Another significant achievement of the project is adoption of Government resolution №345 “On measures to further improve law-drafting activity of the government” which introduced a number of important improvements in the law-drafting mechanism. The Model Rules endorsed by the resolution №345 distinguished the Concept note of a bill from the Explanatory note and stipulated requirements to each of the two accompanying documents. The Concept note must give reasons for law-drafting, outline of expected outcomes and assessment of the possible positive and negative impact of a new law. Apparently this new regulation of law-drafting activities in administrative agencies promotes evidence-based approach to law-making and the quality of draft laws. Building on this achievement the project in collaboration with the IMCL is developing a comprehensive road map for further regulatory reform in Uzbekistan.

The most evident challenge of the project is a lack of significant progress in implementation of the output 2. In fact, the capacity of the parliamentary committees for participatory law-making was not enhanced as it had been anticipated.

On the other hand, the project produced an important output that had not been initially planned in the project document. The on-line site for public consultations for RIA of draft laws and regulations was the project’s initiative which engaged a new partner, namely Uzinfocom centre. Regulation.gov.uz was endorsed as the official web site for RIA procedure as prescribed by the Government resolution №328. In fact this innovative solution proved the only effective way to promote public participation in regulatory policy-making. Other options proved unavailable in practice.

Thus it can be concluded that the project was quite successful in implementing its overall goal in terms of enhancing national capacity for evidence-based high quality regulatory policy-making but failed to progress in fostering inclusiveness and participatory approach to law-making in the Parliament.

Relevance of the results achieved by the project both to the national context and UNDP priorities is quite obvious.

### **Effectiveness of the project’s components**

Activity 1.1: The capacity of the Institute for Monitoring Current Legislation (IMCL) to develop new legislation is enhanced and systematized.

The first component aimed at enhancing the capacity of the IMCL to perform its major functions in evidence-based approach. The baseline was defined as limited capacity of the IMCL in RIA and anti-corruption review of bills as well as lack of mechanism in the current law drafting and legislation monitoring process to check bills for compliance with standards of evidence-based policy-making and international legal commitments. The number of bills and laws reviewed by the IMCL applying RIA and anti-corruption assessment tools was defined as the indicator of progress. Availability of action plan to review legislation for compliance with international standards and best practices served as an additional indicator. The implementation strategy included the following:

1. Transfer of the knowledge about best practices of evidence-based policy-making, development of action plan;

2. Development of the action plan to review bills and current legislation;
3. Testing the RIA and anti-corruption tools in pilot reviews of at least 3 bills;
4. Elaboration of appropriate methodology of RIA and anti-corruption assessment based on pilot reviews
5. Adoption of the new rules of procedure for IMCL endorsing the new evidence-based methodologies.

Therefore, the component as planned in the project document was supposed to enhance considerably methodological capacity and change the internal rules of procedure in the IMCL to create a new mechanism of evidence-based review and monitoring of legislation to align the Institute's performance with best international practices.

However, in fact the cooperation with the IMCL followed a different way. It is important to keep in mind that the IMCL was not only the stakeholder of this component but also the implementing national partner responsible for the whole project implementation. In fact, the Director of the Institute concentrated efforts primarily on the national institutional framework of the regulatory policy. The capacity of the IMCL was mainly developed by supply of analytical inputs, knowledge transfer, producing publications, procurement of some technical equipment, international consultancy and study tours. RIA and anti-corruption assessment were successfully endorsed by Government resolutions, to a large degree thanks to effective policy channeling provided by the NPC.

It is worth to note that by the end of the project implementation the IMCL finally endorsed the methodology of RIA of legislation affecting business activities for internal usage. The letter confirming this fact was received from the Institute on November 25, 2016<sup>3</sup>. This result gives hope that the IMCL may switch to evidence-based approach in the years to come.

Among the project deliverables related to this component, it is worth to mention the following:

- study tours to Korea and the United Kingdom, which raised awareness and helped in building partnership;
- international consultancy inputs (in total 11 consultants were involved by the project and contributed expertise);
- holding one international conference, 3 international seminars and 2 trainings for administrative agencies' officials;
- publication of collection of expert evaluations made by the IMCL;
- publication of the Manual on RIA.
- policy paper on current issues of regulatory policy with a "road map" to improve law-making and rule-making including codification issues.

Although the activity 1.1 was not fully implemented as planned and did not meet all component's targets in accordance with the initially designed strategy, the IMCL has shown a high performance

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<sup>3</sup> See the letter from the Director of the IMCL №06-58/413 of November 25 2016 in the project's correspondence archive.

as the implementing partner who ensured overall progress of the project, which definitely deserves appreciation.

Activity 1.2: Ministry of Justice and line ministries/state authorities established systems and procedures to enable new legislation to be evidence-based and legally of high quality.

The second component aimed at establishing a new mechanism and procedure for high quality evidence-based regulatory policy-making. The baseline description indicated poor quality of draft laws and regulations prepared by the Ministry of Justice and other administrative agencies. The indicators of success were defined as the number of draft laws and regulations developed and reviewed by the Ministry of Justice in evidence-based approach and availability of government decision on application of unified methodology on RIA. This component proved to have the best performance: the targets were almost completely met. The first target required adoption of standard rules of procedures in 2015. In fact the resolution №328 endorsed the initial RIA regulation in the end of 2014. In 2015 the project promoted elaboration of the new draft resolution to nail down a comprehensive methodology for RIA with qualitative and quantitative data collection for evidence-based policy-making. In 2016 the new draft regulation accompanied by methodology of cost-benefit analysis was developed by the Ministry of Justice assisted by the project and submitted to the Cabinet of Ministers for consideration. The interview with the Head of the Department of Legal Expertise and International Treaties confirmed the willingness of the national partners to continue this endeavor. The Integrated Information and Analytical Department of the Cabinet of Ministers reportedly has stronger buy-in into adoption of the new full-fledged RIA regulation because this is going to streamline regulatory activities of administrative agencies which will simplify their work. There is good reason to believe that at least for draft laws the new comprehensive RIA procedure will be obligatory since there is no concern about time constraints which are usually pressing for sub-legislative regulations. Evaluation finding is that the project has done its best here and the national partners have quite a strong buy-in to finalize the endeavor. The latest news is the order issued by the Integrated Information and Analytical Department of the Cabinet of Ministers to the Ministry of Justice and a number of other agencies prescribing to set up an inter-agency working group to refine the comprehensive RIA methodology and draft a new Government resolution on further enhancement of RIA<sup>4</sup>.

Target 8 of the project's RRF which requires amendments to the regulation of law-drafting process introducing participatory review for compliance with international standards of evidence-based policy-making is quite successfully met by the two Government resolutions mentioned above. Whereas the resolution №328 opened draft laws for public consultations (at least those affecting business activities), the resolution №345 specified requirements designed to improve the quality of law-drafting. Both regulations endorse basic elements of RIA and participatory policy-making. The comprehensive RIA methodology, which is being considered by the Government, in case of official endorsement by a Government resolution will be the perfect finalization of the component's delivery.

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<sup>4</sup> The order №02/1-687 of December 7 2016 issued by the Integrated Information and Analytical Department of the Cabinet of Ministers is available at the GGU.

There is one more significant deliverable related to this component. As mentioned above, the methodology of anti-corruption review of draft legal acts, elaborated with the project's assistance, was endorsed by the order of the Minister of Justice<sup>5</sup>. The new expertise was institutionalized in the framework of legal expertise carried out by the Ministry of Justice. This target was initially planned within the activity 1.1 (designed for the IMCL) but in fact was reached by the Ministry of Justice and contributed to the second component's delivery.

Legal endorsement of RIA and anti-corruption review in Uzbekistan was practically prepared and fulfilled by the Ministry of Justice as the main national administrative agency responsible for legal policy. The project's collaboration with the Ministry proved most effective which naturally resulted in high performance of the respective component.

Among other deliverables of this component the following are worth mentioning:

- Handbook on anti-corruption screening of legislation (being prepared for publication);
- International seminar on strengthening review of legal acts, and round-table on anti-corruption review;
- Pilot regulatory impact assessment of protection of trust provisions of the draft Law "On Administrative Procedures" (in progress).

Activity 1.3.: Cabinet of Ministers is enhanced to ensure new legislation is developed in accordance with standard procedures that promote public consultation and the use of evidence.

For some reason the baseline, indicators and targets for this component were defined too narrow to ensure implementation of the indicated activity result. There seems to have been an underpinning idea to align with the national e-government policy which overshadowed evident inconsistency between the expected activity result and its RBM derivatives. As shown by the latter the component aimed to support development and official introduction of the unified database of international agreements and treaties signed by authorities of Uzbekistan. The UNDP Uzbekistan Good Governance Unit explained that the database was supposed to include all public international agreements signed on three levels: interstate, intergovernmental and inter-agency. The number of such agreements was more than 5000 and no one had the full collection (depository) of international commitments of Uzbekistan. It was not clear which of the national partners could take the responsibility for this large-scale endeavor. Therefore, the Cabinet of Ministers was a natural choice due to the supra-departmental status.

Apparently, the database development indeed implied much more work than met the eye. In fact, in 2014 it was not clear how to tackle the issue of stocktaking the international agreements. There was no methodology at all. In Uzbekistan tasks of this kind would normally be assigned by the Government to an administrative agency that has necessary competence and capacity.

By the end of 2014, there had been a sudden turn in the policy context of this component. Another stakeholder, namely the Senate of Oliy Majlis represented by the Committee on Foreign Policy Issues, addressed UNDP Uzbekistan with the proposal to initiate official stocktaking of international agreements. Then it was agreed, that instead of database development, which had

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<sup>5</sup> The order № 384-mx of December 25 2015 is available in Russian at [http://www.lex.uz/pages/getpage.aspx?lact\\_id=2848241](http://www.lex.uz/pages/getpage.aspx?lact_id=2848241)

proven a premature endeavor, the project would support the special inter-agency working group set up under the Senate's Committee to work out treaty inventory methodology and carry out pilot stocktaking in selected fields. Thus the project's component switched to the new tasks. The inter-agency working group was set up in 2015 under the Senate and included representatives of the Senate, the IMCL, the Cabinet of Ministers and a number of leading scholars. By the time of the interview held for the evaluation, the working group had successfully accomplished its action plan: the stocktaking methodology was elaborated and tested in a pilot inventory made in the field of environmental conventions. At the time being the issue is being negotiated by the Ministry of Foreign Affairs and the Ministry of Justice. The Ministry of Information Technologies is reported to take part in this process as well.

In spite of this policy turn the project did prepare the Terms of Reference for the unified database development. There were not enough resources to finance the development. Therefore, further development of the unified database and its legal framework remain at the discretion of the ministries involved. For the database to be comprehensive the statewide inventory of international agreements held by various administrative agencies must be made in a consistent and regular manner.

Activity 2.1: The capacity of parliamentary committees is enhanced to consider legislation based on broad public input and independent expertise.

This component proved to face many challenges by the risk of parliamentary elections in the end of 2014, which caused delays in implementation of activities. In the second half of 2014, no cooperation with the Parliament was possible due to elections, so UNDP Uzbekistan approved rescheduling of all planned activities of the component for the following year. It was quite obvious that the first quarter of 2015 would also be lost for the component due to organizational hassle in the new Parliament. Moreover, the partnership with the new Parliament would have to be built again. Therefore the project had to find a new strategy of cooperation in the course of implementation. The new strategy included the following:

- Analytical support for the development of new laws to implement the constitutional amendments of 2014;
- Involving the parliament in promotion of RIA which had already been introduced by the government by that time;
- Responding to the needs of the new parliament and build a new partnership framework.

This strategy was quite reasonable and probably the only feasible one.

The project prepared a package of analytical materials and proposals on the draft laws "On Public Oversight" and "On Parliamentary Control" and submitted them via the IMCL to the Government in February 2015. Both laws were drafted according to the Presidential Order №P-4305 "On the law-drafting programme to implement the amendments to the Constitution of the Republic of Uzbekistan" issued on June 25, 2014. These outputs were in line with the overall goal of the project and UNDP priorities as well as relevant to the national needs.

The package on parliamentary control was later sent by UNDP Uzbekistan to the Committee on Democratic Institutions, NGOs and Civil Society of the Legislative Chamber of Oliy Majlis. With



due account of international expertise the project drafted an alternative version of the law “On Parliamentary Control” specifying different forms of parliamentary control with clear procedural mechanisms. Unfortunately, the Parliament discarded most of them and adopted a short framework law as usual.

The project supported the round-table on foreign practices of parliamentary control organized by the Senate on April 28, 2015 and the international conference on the issues of parliamentary control organized by the Legislative Chamber in May 14, 2015, thus responding to the needs of the new parliament.

With the view to involve the Parliament in RIA promotion, the project submitted draft amendments to the Law “On Normative Legal Acts” introducing RIA procedure for draft laws as well as draft guidelines on RIA for MPs to the Legislative Chamber. The Legislative Chamber agreed to consider proposals and reportedly recommended the guidelines for internal use. Besides, the MPs participated in the study tour to the UK where they got aware of modern RIA practices abroad.

The project also tried to accomplish some of the initially planned tasks. However, there was no opportunity for direct cooperation on the issues indicated in the component’s results framework. The parliamentary committees preferred to shape their expert rosters on their own. Therefore it was agreed with the NPC that experts selected by the project should be recommended to the committees of the Legislative Chamber. Some of them were included in the final expert rosters of the committees endorsed by the Council of the Legislative Chamber on February 4, 2016.

In June 2015 UNDP Uzbekistan started negotiations with the new Parliament on opportunities of cooperation. The process resulted in signing the joint action plan of the Legislative Chamber and UNDP Uzbekistan on 19 May 2016. The action plan stipulated some activities within the project’s mandate: holding an international conference on RIA issues and drafting a standard procedure for the Chamber’s respective committee to exercise oversight for implementation of the ratified UN treaties. However, recent turns in the last quarter of 2016 in the political context of Uzbekistan precluded timely implementation of the action plan and suspended the envisioned component’s delivery.

Thus, one can conclude that the project faced challenges to achieve the component’s targets because of incomplete assumptions regarding the national partner and unfavorable external factors of the institutional context, which precluded effective collaboration with the responsible national partner. Nevertheless, the project used every opportunity to build partnership with the new Parliament for promotion of the project’s overall goal.

#### **Final remarks with regard to effectiveness**

The evaluation found some deviation between the project design and the actual implementation: whereas the project was designed to build capacity of the key stakeholders, in fact the project delivery concentrated primarily on building the institutional framework for regulatory reform. This approach to project implementation proved quite successful. It is interesting to admit that while some targets were not met, the project nevertheless promoted its overall goal and made a significant and sustainable impact on the national regulatory policy. This leads to the conclusion

that probably the project implementation proved better tailored to the national context than its initial concept and design.

### Section 3. The Project Management Issues

#### The project's adaptive management framework

The management framework was designed in accordance with the UNDP guidelines for National Implementation Modality and the guidelines for Planning, Monitoring and Evaluation.

According to the management arrangements in the project document, "the Project Board is the group responsible for making by consensus management decisions for a project when guidance is required by the Project Manager (PM), including recommendation for UNDP approval of project plans and revisions... Project reviews by this group are made at designated decision points during the running of a project, or as necessary when raised by the PM. This group is consulted by the PM for decisions when PM tolerances (normally in terms of time and budget) have been exceeded".

During two and a half years of the project delivery the Project Board had only one session in the end of 2015. Before the project's inception there had been a Local Project Appraisal Committee session in April 2014. No more managerial round-tables involving all the parties responsible for the project implementation took place.

UNDP guidelines recommend that Project Board's sessions should be held regularly, at least once a year. As indicated in the project document, there was a special formal monitoring practice - **Annual Project Review** - which had to be conducted during the fourth quarter of every year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. This review was a responsibility primarily of the Project Board. It should focus on the extent to which progress was being made towards outputs, and that these remain aligned to appropriate outcomes.

The Project Board was competent to revise the project in the course of implementation in case of significant changes in the policy context. However, in the end of 2014, when it was quite evident that some project components stumble, and resulted in two successive budget revisions in 2014, the Project Board was not convened. In fact, the procedure of project document revision was not initiated.

Apparently, the NPC was the only person involved in the project management from the national side. NPC used available policy opportunities to redirect the project delivery to alternative routes leading to the promotion of the overall goal. As outlined above implementation strategies for components 1.3 and 2.1 were considerably revised by 2015. These revisions were timely and reasonable but were not accomplished in line with the planned management framework.

It is worth mentioning that the component 1.3 which aimed at unified database development was revised at request of the Head of the Senate's committee on foreign policy issues. The minutes of the meeting of April 3, 2015 confirm the fact that the stakeholder changed his vision of the priorities in the component's target-area as compared to his views at the time of LPAC session in April 2014. Head of the Senate's committee challenged the project's approach to the issue-area of implementation of international agreements and highlighted new priorities, which focused mainly on stocktaking. The new policy line was agreed with the NPC and the Senate who ensured participation of the other relevant stakeholders in the inter-agency working group set

up to elaborate the methodology for the stocktaking. Again the component revision did not follow the procedure specified by the management framework and UNDP guidelines for substantive alterations of the project design.

The project had rather low quality reporting which hampered monitoring and evaluation. Short ATLAS target-based reports were not so useful because of considerable discrepancy between targets and results without comprehensive comments about reasons and legitimate grounds for such deviations. At least deviations require highlighting, explanation and reference to formal grounds. Otherwise it is difficult to decide whether the results are relevant and acceptable. Annual work plans (AWPs and APAs) used by the project were not provided with comprehensive delivery reports which hampered effective evaluation.

Unfortunately, no annual progress reports with comprehensive monitoring of the project progress against the defined targets and clear explanation of deviations and revisions of the project design were in place for evaluation. The data was collected from various sources including e-mail correspondence between the GGU and the project. The interim reports for the NPC proved most useful because they clearly indicated any challenges and delays with the delivery schedule.

The interviews with the project team revealed the fact that the project design was rather owned by the project team to the limited extent. The PM was not fully clear on the results and resource framework and seemed to underestimate its significance for monitoring and evaluation. This problem is partly accounted for by the fact that in accordance with UNDP rules the PM does not participate in the development of the project document.

In fact, the project team focused more on key policy issues within the scope of the project's mandate rather than on targets and activities as planned. This conclusion is tacitly confirmed by the structure of the presentation of the project's results made by the PM on the Project Board session. The presentation structured the project delivery by actual lines of activity quite different from the initial project design, which made it impossible to assess the progress against the defined targets. Here is the project design as presented at the Project Board's session:

*Component 1: Assistance in development of rule-making, RIA and anti-corruption expertise.*

*Component 2: Support of the strengthening of the role of public discussions of legal acts and parliamentary control.*

*Component 3: Assistance to improving implementation of international treaties.*

As compared to the results and resource framework of the project document this structure more adequately reflects the real state of delivery. However, that means that the project design was significantly changed which was not commented or justified by the PM or any member of the Project Board. No evidence was found in the minutes of the session of deliberation on the issue of project revision or any other management response to the project implementation problems.

As for risk management, the evaluation found that the risks were not properly defined and estimated from the outset. Even the clearest risk related to parliamentary elections of 2014 was not reflected in the risk log. Nor were they effectively managed as the project delivery shows.

## **Partnership strategy**

UNDP partnership strategy is based on the concepts of national ownership, national capacity building and human development. In light of these conceptual guidelines the evaluation made a number of findings.

There was an evident challenge with national ownership both in the project design and the implementation. Apparently stakeholder engagement at the project inception phase was not effective enough to build a team of national stakeholders responsible for the project. It was surprising to find that although at the LPAC session in April of 2014 the Cabinet of Ministers represented by the head of Legal Department welcomed the database development endeavor, they did nothing to organize this development in practice. Until the Senate took lead in 2015, this component had produced no progress. The evaluation did not find “a multi-stakeholder governance framework at the horizontal and vertical levels”, which is “crucial for creating ownership, capacity, and consensus about long-term policy objectives and results” as written in the project document.

Capacity building rationale laid down in the project design proved premature in practice. Throughout the entire implementation the project has been building the institutional framework for evidence-based policy-making rather than building capacity of the national stakeholders. Of course, study tours and supply of analytical materials and special literature could also be regarded as capacity building. But for the time being these actions are more appropriately perceived as contributions to advocacy to promote new approaches to regulatory policy. It may well be for this reason that the project’s actual strategy proved more effective than that defined in the project document. The point is that the real delivery focused on the tasks which proved timely and relevant to the actual needs of the context. In fact the inception phase advocacy and setting the institutional framework was more relevant than capacity building.

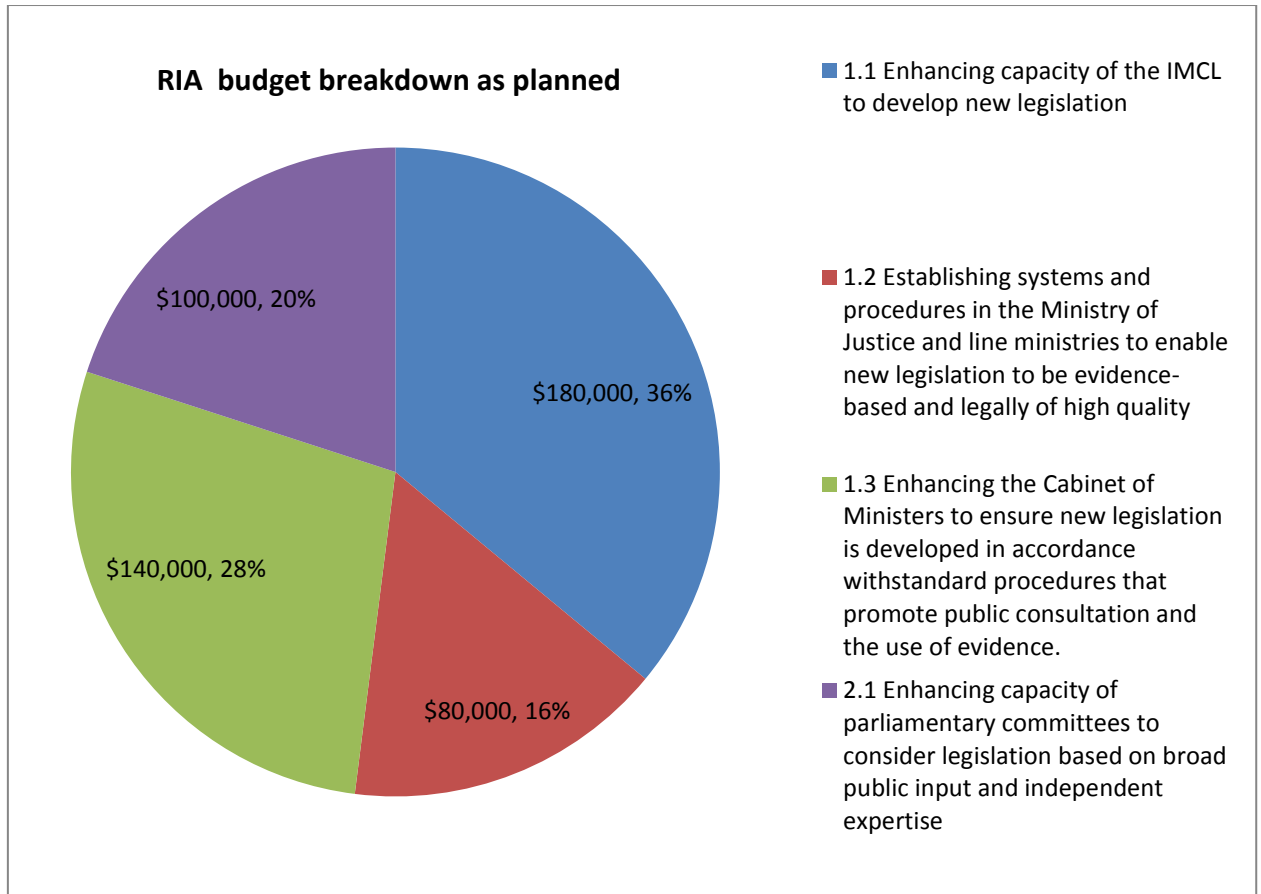
The role of the NPC in the project implementation is commendable. Despite all challenges, he assured the project delivery in line with the overall goal and envisioned outputs. Choosing the IMCL as the implementing partner was an element of the partnership strategy that proved to be effective.

In spite of all issues and concerns with partnership arrangements, the project proved quite successful in terms of real impact on the institutional framework of regulatory policy it managed to produce. The adopted regulations, the officially introduced on-line site for public consultations and raised awareness of the policy-makers created good grounds for sustainable development of the new evidence-based regulatory policy in Uzbekistan and opportunities for further improvements.

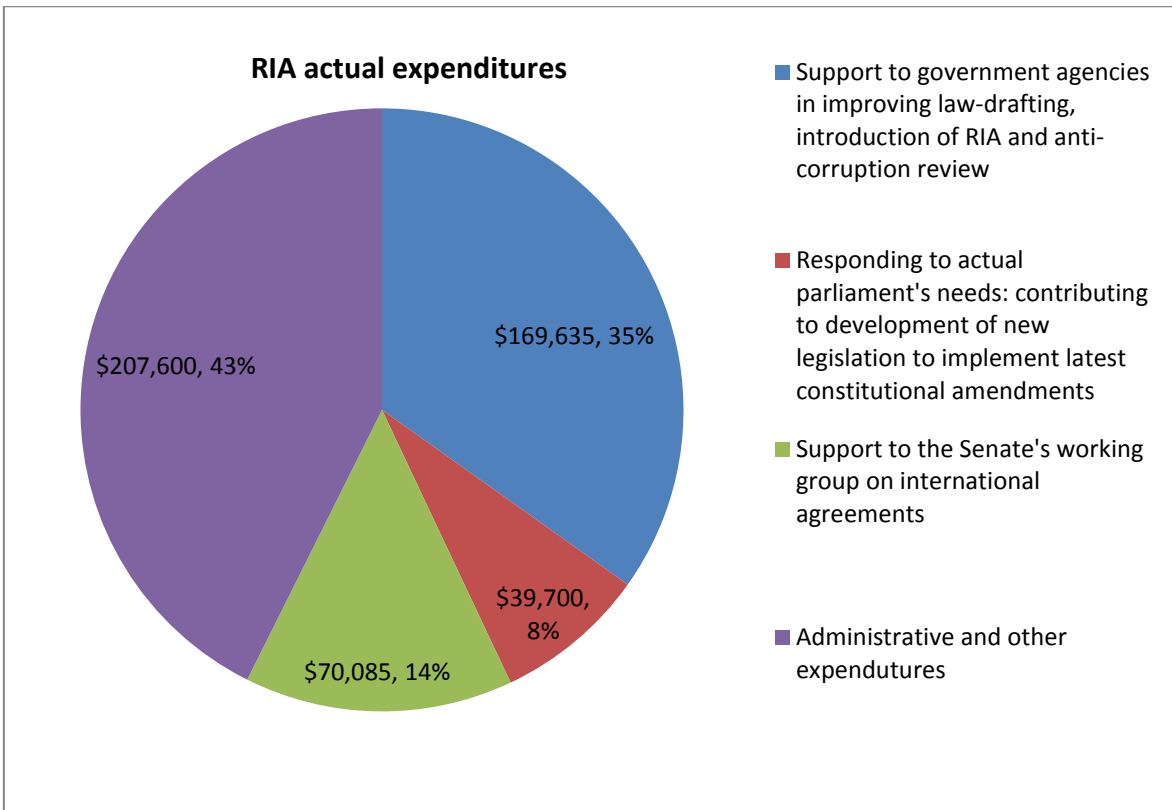
## Project finance

The total budget of the project was 500000 USD. By December 8, 2016 487020 USD was spent which accounts for 97% of the total budget.

The initial budget breakdown by activities was planned as indicated below:



There was a considerable deviation in actual delivery from the project's RRF. This is why actual expenditures are more adequately represented in the following breakdown by actual lines of activity:



Support to government agencies in improving law-drafting, introduction of RIA and anti-corruption review which produced the project's most significant achievements accounts for 35% of the total expenditures. In general this seems quite an efficient line of activity. The support included basically analytical inputs, international expertise and study tours. Publications including translation costs consumed about 46% of the costs related to this line of activity which is doubtful in terms of cost-efficiency due to the limited impact of the publications on final achievements of this activity. However, a Manual on Regulatory Impact Assessment prepared and published in collaboration with the IMCL is a good contribution to sustainability of the project's overall impact.

Responding to the actual parliament's needs mainly by providing analytical inputs and international expertise was quite reasonably and efficiently organized. This component accounts for only 8% of all costs. However, this line of activity achieved limited results.

Supporting the Senate's Working Group on implementation of international agreements is more balanced in terms of cost-efficiency and significance of the results achieved. The Working Group made policy analysis, drafted amendments to the legislative framework, elaborated and tested methodology for inventory of international agreements. The project financed engagement of local and international consultants, events and publications. The support was provided to prepare the technical design specifications to upgrade the international treaties section of the national database of Uzbekistan legislation [www.lex.uz](http://www.lex.uz). Expenditures of this component account for 14% of total costs.

The share of administrative expenses accounts for 40% of total costs<sup>6</sup>, which is rather high by UNDP standards. The ratio of administrative-to-programme costs is 0,66 which is suggestive of significant potential for improving cost-efficiency.

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<sup>6</sup> Some costs included in the section “other expenses” on the diagram were not administrative.



## Section 4. Opportunities for the 2<sup>nd</sup> Phase

Regarding the 2<sup>nd</sup> phase it is important to keep in mind that the UNDAF 2016-2020 emphasized the priorities of equitable universal access to public services and protection of citizens' rights within the thematic area of governance and public administration reform. The national policy priorities here are most likely to include the following:

- Further enhancing business activities and improving business environment;
- Scaling up ICT modernization of public service delivery and further promoting e-government;
- Regulatory reform with emphasis on administrative procedures and standards for public services;
- Judicial reform to enhance judicial independence and further restrain the administration;

It is recommended that the 2<sup>nd</sup> phase project developers take due account of the Constitutional Day Speech of the President-elect to clarify the national policy guidelines for the nearest years to come:

In his Constitutional Day Speech the President-Elect of Uzbekistan noted the following with regard to Parliament and regulatory reform as well as public governance and administration reform in general:

Although 400 laws were adopted, their direct application and impact on people lives remain limited. New laws should be directly applicable and practical and reduce the number of agency-based regulations and bylaws.

In last **3 years, state agencies adopted 157 regulations based on repealed and abolished laws**. Ministry of Justice will be a lead agency to establish the effective mechanism on implementation of laws.

Laws should be communicated to people and implementers in the most effective ways, not just limited to general awareness raising events.

New edition of **National Action Plan on Raising Legal Awareness of the Public** will be developed and adopted under the leadership of Parliament.

Cabinet of Ministers will have a designated **Standing Representative** in Oliy Majlis dealing with legislative drafting and oversight on acting legislation.

Newly adopted Law "On Combating Corruption" shall be immediately implemented.

Government of Uzbekistan, jointly with both Chambers of Parliament and NGOs, will develop a **Strategy (Roadmap) for 2017-2021 on further development of Uzbekistan**. This Strategy will focus on governance reform, judicial and legal reforms, liberalization of economy, and development of social sector, inter-ethnic friendship and tolerance issues.

Government will adopt a **Concept Note on Administrative Reforms in Uzbekistan for 2017-2021**. The Concept note will be focused on optimization of organizational structure, functions and powers of public administration, reduce their unusual and overlapping functions, and reduce their staff as well as decrease the role of state in economy (deregulation).

2017 year is announced as Year of **Dialogue with People and Human Interest**.

New public governance mechanisms ensuring **two-way communication with people** will be developed and introduced.

The situational analysis and effective implementation of decrees and decisions in every region and raising the **accountability of state agencies** will be systemized and institutionalized. In this regard, MPs and senators will analyse each region and will hold accountable all local government authorities, including khokims, prosecutor and police officers, to the Local Kengashes. The **reporting of local executive bodies in Local Kengashes** will be further strengthened. Speaker of Legislative Chamber and Chairman of Senate will review the reports of regional khokims, heads of prosecution and police agencies. Parliamentary inquiries and hearings will be widely applied. In this regard, starting from 2017, Parliament will adopt its **annual work plan on every region**.

**Foreign economic policy:** Embassies of Uzbekistan in foreign countries will be assigned with new functions on attracting foreign investments and innovative technologies. Senate Committee on Foreign Affairs will oversee this process and will identify the solutions on elimination of administrative barriers in this field.

Among the abovementioned priority issues the following tasks related to the project's mandate should be underscored:

- Improve law-making to ensure adoption of comprehensive directly applicable laws thus reducing the share of sub-legislative regulation in the regulatory policy.
- Establish an effective mechanism of implementation of adopted laws including mechanisms to ensure public awareness of the essential issues of new legislation.
- Introduce the position of Standing representative of the Cabinet of Ministers in Oliy Majlis to improve collaboration of the two branches of power for better law-making and oversight for implementation of laws.
- Develop and adopt a new edition of the National Action Plan on Raising Legal Awareness of the Public. The Parliament is expected to lead this development.
- Adopt a Concept Note on Administrative Reforms in Uzbekistan for 2017-2021 to ensure efficient public administration and the civil service reform.
- Develop a comprehensive Strategy (Road-map) for 2017-2021 on further development of Uzbekistan, including the issues of governance and judicial reforms.
- Introduce new public governance mechanisms promoting dialogue with people and real impact on people's lives.
- Strengthen accountability of executive agencies and further enhance parliamentary and public oversight for their performance.

The new tasks perfectly fit the current UNDAF and CPD as well as the outcome 2 of UNDP Strategic Plan for 2014-2017.

It is clear that the President-elect reaffirmed the priority of improving law-making. The first President of Uzbekistan put continuous efforts to this end. Now there is a chance that the institutional framework for legislative process will finally be reformed. Still the targets related to revision of legislative procedures and respective capacity building should be defined cautiously with due account of the national stakeholders' intentions and effective risk management arrangements.

Regardless of the progress in the reform of legislative procedures, it seems reasonable to seek for alternative ways to collaborate with MPs with the view to improve law-making. After a decade of parliamentary development assistance it has become clear that law-making can be quite

effectively improved through contributions to pre-legislative consultations with MPs besides direct capacity building efforts in the Parliament. The rigid institutional structure of the parliament often precludes revision of the legislative procedure and even most necessary capacity building<sup>7</sup>. A good option is to support *ad hoc inter-agency working groups* which are usually set up by the government for significant law-drafting tasks. It has become a good practice to invite MPs to participate in pre-legislative consultations held by such working groups. Providing analytical and consultancy support to such kind of pre-legislative consultations may prove much more effective and efficient than direct contributions to parliamentary activities. A working group format is convenient for open-minded knowledgeable and detailed dialogue with MPs, which raises their awareness and understanding of conceptual issues of a draft law. This practice of collaboration with MPs has been tested recently in refining the draft Law “On administrative procedures” and proved a highly effective mechanism of pre-legislative policy dialogue with the Parliament. Similar consultations with deputies are often held by the IMCL as reported by the NPC. Consultations in small working groups often prove more effective and efficient for elaboration of optimal policy solutions than official legislative procedures.

It remains to be seen what opportunities the Standing representative of the Government in the Parliament may provide. Negotiations with the stakeholders will be crucial for clarifying ways and modes of collaboration with the new official in improving law-making. If possible the project should contribute to development of legal regulation of the status and activities of the new official.

As the interviews with the representatives of the Parliament showed, both chambers were going to strengthen parliamentary oversight. This need was expressly articulated. Besides, this priority has been reaffirmed by the President-elect in his Constitutional Day Speech. In particular, the need for enhancing oversight for implementation of newly adopted laws was emphasized. Thus there is a clear relevance to the project’s mandate. In general parliamentary oversight is a promising issue-area for UNDP intervention because apart from clear relevance to the national partner’s needs it creates additional opportunities for promoting other lines of the project activities. For example, parliamentary oversight for implementation of the Law “On Administrative Procedures”, which is to be adopted in 2017, could be effectively combined with revision of current administrative regulations and development of new rules of administrative procedure by administrative agencies. Parliamentary oversight on the part of the Senate could ensure effectiveness of stocktaking of international agreements which is likely to continue in the nearest years. Parliamentary oversight for implementation could be a perfect follow-up for RIAs and anti-corruption reviews of newly drafted laws after their adoption ensuring best results of regulatory policy. This potential synergy must be taken into account when designing the 2<sup>nd</sup> phase of the project. Besides, promotion of parliamentary oversight could foster public participation through engagement of independent experts, academic scholars and CSOs in respective parliamentary activities.

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<sup>7</sup> Such as an analytical center designed to strengthen analytical capacity of the Parliament, which has never come into being due to lack of political will among MPs.

Parliamentary monitoring of SDGs implementation as stipulated by the current JWP is subject to negotiations with the Parliament. There is no guarantee that the national partner will really own this activity and respective results. At least the policy paper on the methodological issues of such monitoring could be presented to the parliament to meet the JWP's target.

The President-elect announced the coming year as the year of dialogue with the people, which is suggestive of favorable conditions for promotion of public participation and inclusiveness in the legislative process. After the President-elect has highlighted the priority of responsiveness to the people the Parliament is most likely to come up with an action plan to implement the President's guidelines. Therefore one can expect new favorable opportunities for promotion of public participation in the legislative process and parliamentary oversight. The plans of promoting public consultations including the chambers' web-sites modernization have a good chance now to be implemented. Still it is worth checking twice if the Parliament is really going to change something in its routine.

Development of a new National Action Plan on Raising Legal Awareness of the Public, which was entrusted to the Parliament, entails additional opportunities for collaboration with MPs to promote public awareness and participation. The project should make use of these opportunities.

Besides reinforcing collaboration with the Parliament it is reasonable to build on the achievements of the initial phase of the project. The staging ground pioneered by the project in promotion of RIA should be used for introducing a comprehensive RIA methodology and further enhancing evidence-based policy-making. As noted above, the Cabinet of Ministers has recently approved of proposals on further development of RIA submitted by the Ministry of Justice on October 17, 2016. The official assignment was given to the Ministry of Justice and a number of other agencies to set up an inter-agency working group for testing and refining the proposed comprehensive RIA methodology and preparing the draft government resolution on enhancing RIA within two months. The project must support the inter-agency working group in holding pilot regulatory impact assessments and drafting the new government resolution. At the moment the project has already launched the first RIA pilot: protection of trust provisions of the draft law "On administrative procedures" will be assessed for impact on business costs. There must be a number of other pilot assessments to reach final conclusion with regard to the methodology and its endorsement by the new government resolution. No doubt the project must keep driving forward this process.

The anti-corruption review institutionalized in the Ministry of Justice as a component of legal expertise has a good chance now to develop into a full-fledged institution. The Law "On Combating Corruption" adopted recently by the Legislative Chamber creates new opportunities for strengthening the anti-corruption review mechanism and extending its scope to include the active legislation as well. The anti-corruption review of legal acts may no longer be confined in the legal expertise of the Ministry of Justice. The project should use new opportunities to promote further development of RIA as a full-fledged institution. The new legislative framework allows for a comprehensive anti-corruption review system. Regardless of this new law the Ministry of Justice has the mandate to review the active legislation for corruption risks but this

review could be considerably enhanced if supported by external expertise and consultancy. Such joint pilot reviews could engage independent local and international experts apart from the ministry officials, which would foster methodological improvements and facilitate public participation. Besides, it is expedient to introduce a separate reporting system within the Ministry of Justice for this kind of expertise, which would be useful for monitoring and evaluation of the progress in this field.

Law-drafting activities of the administrative agencies streamlined by the Government resolution №345 are likely to open new opportunities for intervention. The project may support the interested administrative agencies in their law-drafting work on the tasks assigned by the programmatic decrees and resolutions of the President. Official assignment is a strong guarantee of the agencies' commitment and lack of capacity and expertise to produce quality concept notes is a good reason for collaboration with UNDP. So the national law-drafters will have stronger buy-in into the project's support. Besides, if the new Government resolution on RIA is adopted new detailed requirements to RIA reports based on broad public input will make the official drafters' need for external assistance even more pressing.

In addition to direct response to this pressing need it is important to continue national capacity building for evidence-based participatory policy-making. To this end the project activities should encompass not only key government agencies but also academic institutions and policy centers, as well as independent experts participating in law-drafting and other public policy work. This approach will promote knowledgeable public participation and at the same time strengthen the national capacity for independent policy advice to the policy-makers.

It is uncertain if the Senate is still committed to driving forward the stocktaking of international agreements. The inter-agency working group reported that their mission was over. However, within the framework of parliamentary oversight the Senate may continue to influence on the process. The project may continue support for the stocktaking endeavor after the plans of the national stakeholders have been clarified and their need for UNDP support has been expressly confirmed. It is especially important to clarify the plans regarding the database development before including it in the new project's results framework.

Adoption of the Law on Administrative Procedures (APL) expected in 2017 will entail a large-scale revision of the administrative regulations in all sectors of public administration, including public services. The APL will authorize development of new administrative rules for administrative adjudication and public service delivery on the basis of the procedural guarantees for rights and legitimate interests of citizens and business entities. This regulatory reform perfectly meets the current UNDAF outcomes and UNDP Strategic Plan. So there is a good reason for support. Besides, this revision of administrative procedures could be effectively combined with the functional review and BPR efforts envisioned in the current JWP, thus creating synergy in public service delivery reform. The APL drafting endeavor is indicated as a measure to improve regulation of business activities in the abovementioned Presidential Decree № УП-4848 which makes it a priority issue and ensures timely implementation.

Another important initiative closely linked to administrative procedure reform is creation of administrative justice. The official assignment to draft the law “On administrative judicial proceedings” was endorsed by the Presidential Decree №УП-4850. This law will consummate the administrative law reform in Uzbekistan. Administrative justice will finally restrain the administration by effective judicial review of administrative adjudication which will principally change the balance between the two branches of state power and enhance independence and authority of the judiciary as a whole. The administrative judge will be a mighty figure empowered to review and repeal administrative acts issued by administrative agencies. This is the strongest guarantee of rights and legitimate interests of private persons, which is common in many contemporary democracies. In the administrative justice, it is a key tool ensuring public trust in courts. Moreover, there is a very important part in the administrative court’s jurisdiction which is directly relevant to the regulatory reform agenda, namely the power to review and repeal administrative regulations based on the law as well as to control the legality of legal interpretation applied by administrative agencies. There was no such a mechanism of judicial oversight for regulatory policy in Uzbekistan before. So it is of primary importance to design it properly when drafting the new law to establish administrative justice. Thus it is quite evident that this reform perfectly fits the Outcome 8 of UNDAF 2016-2020. Though it was not reflected in the respective CPD, it is strongly recommended that the project support this reform.

Since the President-elect highlighted the issues of accountability of state agencies and their responsiveness to the public there is a good reason to expect cooperativeness on the part of the national stakeholders regarding the project’s endeavors targeted at promotion of evidence-based inclusive policy-making.

The best way to ensure that the abovementioned assumptions materialize in practice is to contribute to the development of the Concept Note on administrative reforms announced by the President-elect. This document will consolidate all current endeavors in the field of public administration reform and define new objectives for 2017-2021. It is crucial that the regulatory reform agenda promoted by the project be properly reflected in the Concept Note.

An Action Strategy for development of Uzbekistan for 2017-2021 is the most comprehensive framework for future collaboration with the national counterpart. Therefore the project and UNDP as a whole should use all chances to contribute to the development of this strategic document. To this end UNDAF 2016-2020 and the respective CPD need to be reaffirmed in consultations with the national partners and if necessary refined in light of the national policy priorities and prospects.

## Recommendations

The first and foremost recommendation is that the project should continue. Now that the institutional framework has been built and the policy-makers are ready to proceed to more comprehensive reforms it is time to develop full-fledged institutions of RIA and anti-corruption review as well as build the national capacity for evidence-based policy-making.

### Recommendations for the 2<sup>nd</sup> phase

It is recommended that the project:

1. Support the Ministry of Justice and the inter-agency working group in testing and refining the proposed comprehensive RIA methodology and drafting the new Government resolution on enhancement of RIA.
2. Promote further development of the anti-corruption review of legal acts based on the new Law “On Combating Corruption”: hold a number of pilot anti-corruption reviews of active laws and draft laws to improve the methodology and skills of the Ministry officials, undertake other measures in collaboration with the Ministry of Justice to promote development of anti-corruption review of legislation into a full-fledged institution.
3. Respond to the growing need for external expertise and consultancy support of national public institutions officially assigned with law-drafting tasks to meet the requirements imposed by the government resolution №345. The project should use this opportunity to further promote evidence-based policy-making and public participation.
4. Strengthen national capacity for evidence-based policy advice by active involving academic institutions and policy centers, participating in law-drafting and other public policy work, into the project activities. At the same time this cooperation could be regarded as a way to promote public participation in regulatory policy.
5. Continue support for the stocktaking of international agreements as long as the plans of the national stakeholders are clarified and their need for UNDP support has been expressly confirmed. It is especially important to clarify the plans regarding the database development before including it in the new project’s RRF.
6. Join the statewide revision of administrative procedures after adoption of the Law “On Administrative Procedures”. Development of new rules of procedure for public service delivery could be effectively combined with the functional review and BPR efforts envisioned in the current JWP, thus creating synergy in public service delivery reform.
7. Support the administrative justice reform by contributing to elaboration of the draft law “On administrative judicial proceedings” with special focus on the provisions concerning the powers of administrative court to review and repeal administrative regulations as well as to control the legality of legal interpretation applied by administrative agencies.
8. Support the Parliament’s efforts to improve law-making to ensure adoption of directly applicable laws and reduction of the share of sub-legislation in the regulatory policy with due account of risks which may occur in the course of implementation.
9. Use alternative ways to improve law-making: in addition to promoting revision of parliamentary procedures and practices the project should support official inter-agency working groups thus involving deputies in pre-legislative consultations on important draft

laws. This is a good opportunity for sharing expertise and meaningful policy dialogue with MPs.

10. Hold consultations with the stakeholders regarding opportunities for collaboration with the Standing representative of the Government in the Parliament. If possible, the project should contribute to development of legal regulation of the status and activities of the new official.
11. Support the Parliament in promotion of parliamentary oversight and use emerging opportunities for synergies.
12. Contribute to the development of a new mechanism for effective implementation of newly adopted laws.
13. Prepare a policy paper on methodological issues of monitoring of SDGs implementation and negotiate inclusion of such monitoring to the parliamentary oversight schedule.
14. Use new favorable opportunities for promotion of public participation in the legislative process and parliamentary oversight which are going to appear due to the policy priorities defined by the President-elect for the coming year.
15. Support development of a new National Action Plan on Raising Legal Awareness of the Public by the Parliament and use related opportunities for raising public awareness and participation.
16. Contribute to the development of the Concept Note on administrative reforms for 2017-2021, announced by the President-elect. It is crucial that the regulatory reform agenda promoted by the project be properly reflected in the Concept Note.
17. Contribute together with UNDP Uzbekistan to the development of the Road-map for development of Uzbekistan for 2017-2021

### **Recommendations concerning project management**

Based on the evaluation findings it is strongly recommended that UNDP Uzbekistan should improve the project's management framework by way of:

- Setting up a capable Project Board whose members would represent the key national stakeholders and share the project's goals and implementation strategy and responsibility for the project delivery. It would be better if the Board composed of high-level officials were equipped with a working group including mid-ranking officials capable of steering the project implementation on a regular basis and serving as focal points for effective liaison with respective public institutions on operational matters. The Project Board should convene more often than previously for timely contemplation of troublesome issues.
- Streamlining reporting and monitoring procedures and instruct the PM accordingly. Introduce comprehensive annual progress reports. Interim reports must be linked to the RRF and explain any deviations which may occur in the course of implementation. Problems in delivery must be immediately reported to the GGU and the NPC. If the problem is significant, it should be addressed to the Project Board for appropriate management response.



- Enhancing the GGU monitoring for the project implementation. UNDP procedures and guidelines should be followed, especially when it comes to circumstances comprising grounds for project revision.

With regard to partnership, it is recommended that the IMCL should remain the implementing partner. The unique status of the Institute is an asset. In building partnership it is better to rely on the President's programmatic acts and respective stakeholders' mandates rather than on their statements and promises. An official task assigned by the President ensures strong commitment of any national partner which creates the firm ground for collaboration with UNDP. Two decrees issued by the interim President have already assigned a good deal of tasks to respective agencies. The Constitutional Day Speech of the President-elect set the new policy guidelines, which will surely entail new programmatic acts and respective assignments to government agencies. These factors must be taken into account by the project developers.

## Annex A

### **List of project plans and reports presented for evaluation.**

1. The RIA Project Document signed by the Institute for Monitoring of Current Legislation under the President of Uzbekistan and UNDP Uzbekistan.
2. Annual Work Plans (AWP) for 2014-2016 including two budget revisions in 2014.
3. Annual Plans of Activities (APA) for 2014-2016.
4. ATLAS annual reports for 2014-2016.
5. AWP reports for 2014-2016.
6. Final report on project implementation (in Russian).
7. Interim reports for the NPC (in Russian).
8. Cost-efficiency report on actual delivery.

## Annex B

### List of people interviewed (November 7 – 16 2016)

Name	Position	Organization
Farrukh Mukhamedov	Director; National Project Coordinator	Institute for Monitoring of Current Legislation under the President of Uzbekistan
Akhror Ruziev	Principal Research Associate of the International Legal Research Unit	Institute for Monitoring of Current Legislation under the President of Uzbekistan
Shukhrat Chulliev	Head of Legal Department of the Executive Office; Head of the Working Group on Implementation of International Treaties	Senate of Oliy Majlis of Uzbekistan
Rustam Giyasov	Senior assistant of the International Relations Unit of the Executive Office; Secretary of the Working Group on Implementation of International Treaties	Senate of Oliy Majlis of Uzbekistan
Zokir Umarov	Deputy, Committee on Foreign Affairs and Inter- parliamentary relations	Legislative Chamber of Oliy Majlis of Uzbekistan
Akmal Burkhanov	Deputy, Committee on Foreign Affairs and Inter- parliamentary relations	Legislative Chamber of Oliy Majlis of Uzbekistan
N. Tuychiev	Head of the Department of Legal Expertise and International Treaties	Cabinet of Ministers
I. Khalpaev	Head of Economic Legislation Department	Ministry of Justice of Uzbekistan
A. Musaev	Deputy Head of the Department of Criminal,	Ministry of Justice of Uzbekistan

	Administrative and Social Legislation	
M.Tillabaev	First Deputy Director	Legal Training Center under the Ministry of Justice
Azizkhon Bakhadirov	Interim Head of GGU	UNDP Uzbekistan
Farrukh Karabaev	Project Manager	RIA project