

Project evaluation

**SUPPORT TO THE PROCESS OF REFORM AND
MODERNISATION OF JUSTICE IN ANGOLA**

Projecto de Apoio a Reforma e Modernização
da Justiça e do Direito em Angola
(PARMJ)

Final Report

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Acronyms

ADR Alternative Disputes Resolution

CJLR Commission for Judicial and Legal Reform

CMCCoordination and Management Committee

CSOCivil Society Organizations

INEJNational Institute for Judicial Studies

MDGsMillennium Development Goals

M&EMonitoring and Evaluation

MoJMinistry of Justice

NEXNational Execution Modality

OAA Angolan Bar Association

OHCHRUN Office of the High Commissioner of Human Rights in Angola

PARMJSupport to the Process of Reform and Modernization of Justice

PRSPPoverty Reduction Strategy Paper

UNDPUnited Nations Development Program

UNICEFUnited Nations Children's Fund

UNICRIUnited Nations Interregional Crime and Justice Research Institute

Executive summary

Project profile

The Project «Support to the Process of Reform and Modernization of Justice in Angola (PARMJ)» started in January 2007 and the current closing date of the project is December 2009.

Although the Project is primarily based on cooperation between the Angolan Government (represented by the Ministry of Justice) and UN Agencies one of its aim is to involve and coordinate several other actors in the field of law and justice, such as the Supreme Court, the Attorney General Office, the National Institute for Judicial Studies (INEJ) and the Civil Registry; cooperation is supposed to extend to other subjects such as the Bar association (OAA) and civil society organizations.

The three year Workplan of the project provides for 62 activities subdivided into four components: 1) Support to the justice and law reform process, 2) Modernization of the operations of justice institutions, 3) Strengthening of technical capacity of INEJ, the National Institute for Judicial Studies, 4) Legislative reform.

The project document, entrusts implementation (according to the National Execution Modality - NEX), to a two level structure:

- a Steering Committee (also called Coordination and Management Committee), led by a representative of the Ministry of Justice (called Project Director), and composed of representatives from the various actors and partners, to approve project's workplans and reports and to guarantee coordination among such actors and partners;
- an Implementing Unit (also called Project Secretariat), led by a national coordinator indicated by the Ministry of Justice and formed by a project officer, a secretary and other temporary staff; the Unit is assisted by an international technical adviser and receives technical support from national and international consultants according to the needs of the various activities to be performed.

The financial mechanism (with an estimated budget of 3,211,892 USD) provides for UN Agencies contribution to the project through both pooled and parallel funds, with a supervisory function entrusted to UNDP as Management Agent, which included a joint responsibility with the Ministry of Justice to set up the Implementing Unit; funding is expected also from other donors.

Project evaluation

RELEVANCE - Objectives and activities provided for in the Project Document retain their validity in the present context of law and justice in the country according to priorities expressed by PRSP, MDGs, UNDAF and the Plan of Action developed by CRJD. Other activities could have also been accommodated under the project. Some of them would have stressed even more its "access to justice" objective. Other activities would have attracted interest and participation of justice actors that have not joined in the present project (the Supreme Court or the Attorney General Office, for instance).

MANAGEMENT - The wide participation, cooperation and coordination provided for in the Project Document did not actually materialize. Many expected actors and partners showed little interest in participating into the project which they did not see to be beneficial to them. Their absence has not discouraged the Ministry of Justice, that has taken the governance of the project in its own hands.

One of the basic shortcomings of the project seems to be the lack of a well defined relationship with the Commission for Judicial and Legal Reform (CRJD). The present project was preceded by one expressly designed to support CRJD, which was hence directly involvement into the project itself with a clear leading role. In the present Project Document, however, support to CRJD is not so clearly stated as a main project objective and the managing role of CRJD itself is limited to appoint one representative in the Steering Committee, which was supposed to be the highest managing body of project.

As the planned Steering Committee (or Coordination and Management Committee) did not materialize, its role has been taken by a Project Board formed by the major partners only (usually MoJ, UNDP, UNICEF and INEJ under the leadership of MoJ).

The role of the MoJ has become even more relevant when its focal point into the project, the then Vice-Minister, has been appointed Justice Minister herself. While such a promotion has guaranteed a continuous and higher support to the project, her remaining the project focal point has inevitably merged procedures to secure her approvals into her many and higher new responsibilities.

IMPLEMENTATION - The project has a few months to go and several activities are already planned, while other ones might still take place. With such a qualification, however, the project shows a rate of implementation (and a degree of participation, cooperation and coordination) lower than expected.

Although it is sometime difficult to say how much the project contributed to activities provided for in its workplan but actually carried out primarily under other programmes, its implementation rate may be estimated around 30% in number of performed activities, and 25% in spending capacity.

If we move from numbers to quality the estimate is even more difficult, as few activities have actually implemented quality-indicators even when provided for in the workplan. Participants to seminars, for instance, were usually counted (sometimes in disaggregated numbers according to different categories). But instruments for recording their level of satisfaction and/or benefit deriving from the activity they participated to were seldom provided for. INEJ has used but not yet analysed them.

Each non performed activity has its own different reasons. Fairly common constraints, however, seem to be the centralized management structure and implementation process and a certain lack of coordination.

COORDINATION - As mentioned above, the project perceives and is perceived to be a non-actor in the performance of various activities that has been or are being carried out by other subjects under other programmes. The most affected project component under this respect is "Modernization of the operations of justice institutions", as the Ministry of Justice has its own programmes for it.

With most justice institutions remaining outside the project the original objective to foster coordination among them could not be pursued. The project intended to enhance coordination among UN Agencies, too. Their partnership into the project, however, is also reduced. OHCHR closed in 2008 and UNICRI withdrew its participation to the project since its very start, leaving UNDP and UNICEF as the only UN partners.

Both of them gave and are giving most valuable inputs and support to the project and their relationship with the project management is good. However, full understanding on rules and timing in financing procedures was not so quick and easy. Hence approval and implementing action-plans has not always been as smooth as needed.

CONNECTEDNESS - The "multi-sectoral character of justice" is set by the Project Document at the top of its implementing approaches, stressing the importance of placing law and justice in their own proper social and development context.

Indeed research on "live law" (i.e. informal justice) is one of the activities provided for by the workplan, although at present it is carried out (by sociologists as well as law scholars) as an independent programme of the law faculty at "A. Neto" University.

The Project Document mentions access to justice as the development objective of the project itself and connects it to its "modernization" component, where civil registry benefits from it, but not other justice institutions connected to other independent ministerial programmes.

Good effort has been made to disseminate CRJD Plan of Action for Justice Reform, organizing planned workshops at the national level and in selected provinces. Radio programmes have been aired and now a website is under study to provide constant updating of law and justice reform initiatives. All such initiatives are coherently supporting the effort to implement project activities in connection with both the

professional environment in the country and the social reality of the wider public of normal citizens.

OUTPUTS - The overall impression, already mentioned in the previous paragraphs, that quantity and quality of project outputs have been less than planned and expected, needs here to be better specified (although little can be said about outputs of non performed activities).

The actual output of new draft legislation, can only be fully assessed when such drafts are actually disseminated for wide discussion or even approved by legislation. In most cases both events have yet to come.

Output of seminars and workshops will only show in future new attitudes and practices, although here changes are often due to the contribution of many factors other than the organised seminars or workshops themselves.

In the long term raining courses could (or should) produced career advancements for the participants and improved services for the public. Both outputs can only be assessed at a later stage.

IMPACT - The project has been active in promoting courses, seminars and workshops on justice reform. Lack of quality indicators does not allow at this stage for an assessment of such outputs and their possible impact on the justice system will show in a longer time. What we can already consider of a very positive impact of the project is its support to promote alternative disputes resolution, what requires a change of attitude toward administration of justice as a prerequisite for actual reform. And project initiatives in favour of mediation, conciliation and arbitration contribute to such change.

The project can still enhance its impact on the whole by improving the presentation of its own outputs, especially the studies on provincial and municipal courts. Upgrading the quality of reporting is an easy but underestimated way to enhance the potential impact of outputs in general.

SUSTAINABILITY - Inclusion, active participation and coordination are basic principles for viable initiatives in an area with many independent actors and stakeholders such as the reform of law and justice. Understanding and collaboration on the part of all involved parties are essential elements.

Shared visions, common objectives and individual contributions have to be openly discussed, clearly stated, defined and regulated.

To enhance collaboration a degree of flexibility is needed and instances are to be provided for mediation and compromise among different actors and partners.

RECOMMENDATIONS - According to the project evaluation and to lessons learned from its experience the following issues should be addressed in designing and providing further support to the process of reform in the legal and judicial systems:

- 1 . increase number of active partners and actors
- 2 . ensure wider participation to the project board
- 3 . open spaces for stakeholders
- 4 . dialogue with civil society
- 5 . create permanent and interactive links with public
- 6 . focus on coordination
- 7 . facilitate collaboration among justice institutions
- 8 . strengthen links with other programmes
- 9 . stress access to justice as project guiding principle
- 10 . widen spectrum of activities according to participants' interests
- 11 . focus on objective and measurable results
- 12 . introduce quality indicators for courses, seminars and workshops
- 13 . increase management resources and facilities
- 14 . improve planning, monitoring and reporting
- 15 . strengthen implementation mechanisms
- 16 . externalise performance of technical tasks
- 17 . provide backstopping when needed
- 18 . monitor and upgrade quality of study outputs
- 19 . publish study and research results

1. Introduction

1.1 Context

In the present reconstruction phase of post-war Angola improvement of law and justice play a key role to achieve political stability, social harmony and economic development.

The 1988 Unified Justice System has been partly amended by the 1992 Constitutional reform and is currently under review. However it still provides the basic structure for the administration of justice, entrusted to an assortment of independent institutions, almost all of them greatly understaffed, without proper installation and equipment and lacking necessary professional training.

Access to justice is severely hampered by the many factors, including the weakness of state justice especially at the municipal level and the lack of legal representation and defence other than in main urban areas.

Most existing legislation, with basic laws and codes dating back to the colonial period, is inconsistent with the current situation and contradicts the current institutional, political, and economic framework.

Facing such a situation a 1992 Presidential Decree created the Commission for Judicial and Legal Reform (CRJD) to which UNPD provided support through an ad hoc project. The Commission developed an articulated Plan of Action recommending short, medium and long term measures. Such a support was renewed in 2006 with the launching of PARMJ.

1.2 Project description

The Project «Support to the Process of Reform and Modernization of Justice in Angola (PARMJ)» started in January 2007 and the current closing date of the project is December 2009.

It is intended to promote:

- a multi-sectoral character of justice, including the involvement of sociologists, anthropologists, psychologists, and academics in the appropriate activities;
- equal civil society participation, including representatives of disadvantaged and vulnerable groups such as women, refugees, children, handicapped persons, persons living with HIV/AIDS and rural communities;
- involvement, coordination or partnerships with other national institutions working in the sector, such as the Supreme Council of Judges and Public Prosecutors, the

Angolan Bar Association, the Criminal Investigation Department, law schools and other relevant institutions, such as the National Institute of Statistics;

- participation of all interested parties in the various stages of the project, from planning activities to their monitoring and evaluation;
- social empowering process on the issue of access to justice, which is the development objective of the project itself.

The three year Workplan of the project provides for 62 activities subdivided into four components: 1) Support to the justice and law reform process, 2) Modernization of the operations of justice institutions, 3) Strengthening of technical capacity of INEJ, the National Institute for Judicial Studies, 4) Legislative reform.

In accordance with the process of reform of the UN the project provides for a joint effort of various UN Agencies in cooperating with the Angolan Government represented by the Ministry of Justice.

On the Angolan side the project aims at involving and coordinating several all actors in the field of law and justice, such as the Supreme Court, the Attorney General Office, the National Institute for Judicial Studies (INEJ) and the Civil Registry; cooperation is supposed to extend to other subjects such as the Bar association (OAA), law faculties and civil society organizations.

The project document, entrusts implementation (according to the National Execution Modality - NEX), to a two level structure:

- a Steering Committee (also called Coordination and Management Committee), led by a representative of the Ministry of Justice (called Project Director), and composed of representatives from the various actors and partners, to approve project's workplans and reports and to guarantee coordination among such actors and partners;
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1.3 Evaluation objectives and methodology

The main objectives of the present review are to assess project effectiveness by:

- (i) take stock of the project achievements vis –à-vis the implementations of the planned activities, results and products, problems and opportunities;

- (ii) verify the continued relevance and pertinence of the project, the alignment with national priorities as well as the related sustainability;
- (iii) assess the project design, objectives, strategies and implementation arrangement in light of changes in the environment;
- (iv) assess if the gender equality and advancement of women being captured;
- (v) assess if the risks and issues have been properly identified, assessed, priorities and monitored;
- (vi) identify areas which project promoters and management should have paid specific attention in order to achieve the project objectives;
- (vii) highlight what has been successful and what has not;
- (iii) assess the added value of a joint UN program, and
- (ix) based on identified lessons learnt, make recommendations on how to improve performance of future support for the justice sector

In order to reach such objectives several activities have been undertaken by the consultants during the mission period from August 26 to September 8, 2009.

Several meetings were held with the two UN Agencies involved, i.e. UNDP and UNICEF, and with the National Coordinator and the Financial Officer of the project Implementing Unit to discuss the review exercise, the methodology and approaches to be used. They provided most documentation, that has been subject to thorough desk study, as well as valuable information and insights on various aspects of the project.

They project secretariat hosted the consultants, scheduled and facilitated meetings with several institutions involved or interested into the project, including field work in Huila attended by the national consultant.

During meetings with the Implementing Unit discussions focused on project operations, management and governance structure, administrative and financial procedures, difficulties and problems. During meetings with the various stakeholders there were discussions on their relationship with the project, its relevance, design, usefulness, impact, challenges and long-term sustainability.

2. Project evaluation

2.1 Relevance

Objectives and activities provided for in the project document retain their validity in the present context of law and justice in the country according to priorities expressed by MDGs, PRSP, UNDAF and the Plan of Action developed by CRJD.

The two studies performed as project activities in 2008 on *Infrastructures and equipment in the courts and procuradorias de Angola* and on *Courts activities and training needs in selected Angolan provinces* confirmed the difficult situation already highlighted by the *Diagnostico preliminar sobre o sistema de administracao da justica. Perspectivas estatistico-estrutural* published by the Bar association in 2002.

Various stakeholders said that several other activities (of more direct concern to them) could have been accommodated under the project. Indeed, some of them would have increased coherence toward its "access to justice" objective. Other activities would have attracted interest and participation of justice actors that have not joined in the present project (the Attorney General Office and the Bar association, for instance, were quite explicit on it).

The original project design was fairly clear on the objectives to be achieved and on the context it was going to operate, a context marked - among other factors - by a relevant degree of complexity. The Project Document says "*The justice sector in Angola is composed of an assortment of independent institutions...*" and actually provides a useful diagram of such institutions to "*... demonstrate why it is essential to always take into consideration the complexity of the sector and all its relevant actors*".

The managing and implementing provisions that followed such a clear, strong (and correct) assertion were probably not equally clear, strong (and correct). Quite on the contrary, they were short (3 pages in a document of 26) and at time somehow confusing, especially when the same project office was addressed to using different names in different places (i.e. Implementing Unit *alias* Project Secretariat, Steering Committee *alias* Coordination and Management Committee - CMC or JCMC).

While roles of individual partners were duly listed, there was no provision on how those roles were to be actually brought together, monitored, supported and eventually enforced. Similar shortcomings are always detrimental for the smooth implementation of any project. Here, however, they were some how more relevant as one of the declared objective of PARMJ was to enhance cooperation among entities that were recognised to have little experience at that, both in the Angolan legal-judicial system and in the UN family.

2.2 Governance and management

As mentioned above the wide participation, cooperation and coordination provided for in the Project Document did not actually materialize. Many expected actors and partners showed little interest in participating into the project which they did not see to be directly beneficial to them.

As a consequence of such scarce participation the governance structure of the project has been actually different from what was originally designed. *What* it did happen is clear; *why* it did happened is no so clear. An explanation could be that, with the presence of fewer active partners than expected, the MoJ had to take the project in its own hands. But let's try to approach the issue in a more articulated way.

One of the shortcomings of the project, i.e. the lack of a well defined relationship with the Commission for Judicial and Legal Reform (CRJD), might have its roots in the recent past. The project that preceded the present one was expressly designed to support CRJD, which was hence directly involved into the project itself with a clear

leading role. In the present project design, on the contrary, support to CRJD is not so clearly stated as a main project objective and the role of CRJD itself is limited to appoint one representative in the project Steering Committee, which was supposed to be the highest managing and coordinating body of PARMJ.

However, possibly in the light of the past project experience, the new governing body (Steering Committee as it was called) might have appeared to be a duplication or even a diminution of the CRJD, were most Angolan justice institutions were already represented, often at high level.

Anyhow, be it a suitable explanation or not, the expected Steering Committee (or Coordination and Management Committee) did not materialize. Its governance and coordinating role has been taken by a Project Board formed by the major project partners only (usually MoJ, UNDP, UNICEF and INEJ under the leadership of MoJ). Hence, the CRJD is formally outside the project, although the project Implementing Unit continues providing de facto support to it, mainly for secretarial location and purposes.

Another significant shift from the original management design of the project has come as a consequence of the former Vice-Minister (and project focal point) becoming last year the new Justice Minister herself. Such a promotion has come as a quite welcome development for the project itself, as it has guaranteed a continuous and higher support to it. However, the fact that the new Minister has remained the project focal point, has inevitably merged project procedures to secure her approvals into her many and higher new responsibilities.

2.3 Implementation

It is not easy to say how the new governance situation has directly affected activity implementation at a lower level. The Implementing Unit has continued its established practice in the administration of personnel, financial management, accounting, procurement of services, monitoring and reporting.

Under this respect one positive and one less positive observations have to be made. The first one is that the new National Coordinator, appointed this year to substitute the original one, is not a new comer in the project, as he was already its Project Officer, having a long previous experience with the process of law and justice reform.

The less positive observation is that the established planning and reporting practices in the project remain somehow succinct compared to international standards. Possibly this is due to the fact that much explanation is not perceived to be a real necessity when the authoritative backing of ministerial approval has been already secured for all concerned activities.

As far as recruitment of personnel (and consultants) is concerned one can look satisfactorily at the prevailing practice to select them through public competition. A practice that is not followed, however, for the higher ranking officers. But one has to see things in context.

In Angola there are surely highly qualified professionals. However, they are very limited in number compared with the growing needs of the country, what leads to their being overburdened with many different charges. Therefore it is not surprising that applications often come from less experienced bidders. As this will probably be an unavoidable situation for quite some time, the project might provide for some backstopping, so that chosen personnel and consultants may receive specialised training on the job, thus securing high level results in project activities as well as improving professional capacities in the country.

The project has a few months to go and several activities are already planned, while other ones may still take place. With such a qualification, however, one cannot avoid to notice that the project shows a rate of implementation (and a degree of participation, cooperation and coordination) lower than expected.

Although it is sometime difficult to say how much the project contributed to activities provided for in its workplan, but actually carried out primarily under other programmes, its implementation rate so far may be estimated around 30% in number of performed activities, and 25% in spending capacity.

If we move from numbers to quality the estimate is more difficult (or even impossible), as few activities actually implemented quality-indicators even when provided for in the workplan. For instance participants to seminars (the most common project activity) were usually counted (sometimes in disaggregated numbers according to different categories). But instruments for recording their level of satisfaction and benefit deriving from the activity they participated to were seldom provided for. INEJ has used but not yet analysed them.

Each non performed activity has its own different reasons. Fairly common constraints, however, seem to be the centralized management structure and implementation process and a certain lack of coordination.

2.4 Coordination

As mentioned above, the project perceives and is perceived to be a non-actor in the performance of various activities that had been or are being carried out by other subjects under different programmes. The most affected project component under this respect is "Modernization of the operations of justice institutions", as the Ministry of Justice is doing it within its own programmes. Possibly formal collaboration and coordination between them was not regarded a real necessity, as both initiatives come under the same umbrella anyhow.

With most justice institutions remaining outside the project the original objective to foster coordination among them could not be pursued. The project intended to enhance coordination among UN Agencies, too. Their partnership into the project, however, is also reduced. OHCHR closed in 2008 and UNICRI withdrew its participation to the project since its very start, leaving UNDP and UNICEF as the only UN partners.

Both of them gave and are giving most valuable inputs and support to the project and their relationship with the project management is good. However, full understanding on rules and timing in financing procedures was not so quick and easy. Hence approval and implementing action-plans has not always been as smooth as needed.

2.5 Connectedness and coherence

An important passage of the Project Document points quite correctly to the dichotomy between formal and informal justice:

"The grey area of the (justice) pyramid represents the extra-judicial means of conflict resolution that society uses: traditional justice administered by "sobas" and other traditional authorities, conciliation and mediation by community bodies, counselling, and sometimes dispute resolution by civil society associations. They are a set of socially accepted (though unwritten) norms used by various bodies and organisations that can be defined as "informal justice".

On one hand, there is need to strengthen and expand municipal courts as the core of formal justice, particularly through the training of judges and other justice personnel. On the other hand, there is a lack of extensive knowledge about the functioning of alternative conflict resolution mechanisms (informal justice), the type of cases they usually resolve, and potential ways to integrate them into the judicial system".

The "multi-sectoral character of justice" is hence set by the project document at the first place among its implementing approaches, stressing the importance of placing law and justice in their own proper social and development context.

Indeed research initiatives on "live law" (i.e. informal justice) are among the activities provided for by the workplan and the Project Document mentions access to justice as the development objective of the project itself.

However, research into "live law" (with due participation of sociologists as well as law scholars) is not taking place at INEJ, but in a programme independently carried out by the law faculty at "A. Neto" University. So far there are no indications that INEJ will be part in it.

Obviously the "law in context" principle applies to "formal justice", too. Quite correctly, therefore, project activities to the effect are at the top of the workplan list. Here a good effort has been made to disseminate CRJD Plan of Action for Justice Reform, organizing planned workshops at the national level and in selected provinces. Radio programmes have been aired and now a website is under study to provide constant updating of law and justice reform initiatives. All such initiatives are coherently supporting the effort to implement project activities in connection with both the professional environment in the country and the social reality of the wider public of normal citizens.

To secure knowledge on the current situation of justice administration in the country is another correct preoccupation to keep project activities in tune with the present

reality of the judicial system even in rural areas. The two planned surveys on infrastructures, equipment, performance and needs of justice institutions in Angola have been carried out. As some of the research reports have not been duly developed, it is difficult to say to what extent such studies have actually increased the existing knowledge and information on the current status of justice administration in the country. Perhaps efforts could still be made to further analyse collected data and to compare them with surveys made by other sources toward the twofold aim of a publication and a database. Publication of the revised reports would surely benefit general knowledge on the subject and serve as reliable basis for future plans and actions. Research inputs will be a step forward toward continuous updating data banks on justice institutions.

Here we come to the project component on "modernization" of justice institutions. Quite correctly the Project Document sets at the base of reform actions a sound knowledge of the present reality. And the reality of justice is the status of its various institutions as well as the services they are able to render to citizens, including registration of major life events. Statistics are essential to know such a reality and computerized databases are instrumental to that. Therefore "modernization" today is an essential element for access to justice, starting from the right to have one's very existence recorded and certified when needed.

The support the project wanted to give to "modernization" of justice institutions overlaps with the programmes the MoJ has in the area. Almost none of the activities provided for this component of the project has been carried out under the project itself. In certain cases lack of coordination planning might be corrected at the implementing stage, connecting PARMJ with the ministerial programmes.

Good results are expected for Civil Registry, where UNICEF is the leading UN Agency. Computer equipment, training, and national meeting of register officers have already been done or are under way.

2.6 Instruments

The most dignified and convenient location of the project office (hosted in the present historical palace of the Ministry of Justice, soon to move to its new imposing building) has a price to pay: limited space (one single room). Computers these days reduce the need for most paper documentation, and the limited space of the project office helps to keep it to the very essential.

While UN formats (in line with M&E Matrix) are used for financial planning and reporting in neat and exhaustive Excel sheets, narrative reports on planned and performed activities lack such a similar support and tend to be not always so neat and exhaustive (or even frequent). It has been noted that in the ministerial context the project must often pay paramount respect for established formalities.

Many project activities are carried out by specific institutions, where reporting practices and standards are sometimes quite limited, not to mention the obvious problems of uniformity. Coordination and dissemination of information, however, is a

declared objective of the project, that would probably enhance such outputs by designing common reporting formats, standards and timing. This would be even more necessary (and easy) when the planned website of the project will come into existence as a powerful instrument for disseminating and updating project activities and results for a much wider public.

2.7 Outputs

The overall impression, already mentioned in the previous paragraphs, that quantity and quality of project outputs have been less than planned and expected, needs here to be better specified (although little can be said about outputs of non performed activities).

The actual output in a number of important project activities, such as preparation of new draft legislation, can only be fully assessed when such drafts are actually disseminated for wide discussion or even approved by legislation. In most cases both events have yet to come.

For other important project activities, such as seminars and workshops, immediate results could be easily measured (if suitable indicators are provided for and actually implemented). But their real output is more difficult to assess, as the direct benefit for the participants and the indirect one for their professional environment will only show in future new attitudes and practices, where changes are often due to the contribution of too many factors other than the organised seminars or workshops themselves. Should the project continue or give birth to another project the assessment of such changes could be taken into consideration.

The same can be said for training courses, where immediate benefits for the participants can be assessed on the basis of tests and questionnaires (when provided for). Better professional qualification resulting from training courses, however, could (or should) produced also career advancements for the participants and improved services for the public. Both outputs can only be assessed at a later stage and it could (or should) be a project preoccupation to prepare and pass such a future task to the institutions addressed by the training activities.

A general (and minimal) output prerequisite is the fact that the potential beneficiaries of a project activity are aware of the fact that such activity is planned or is going to take place at a certain time, so that they can register for it and organize their participation. When other justice institutions know about some project activity of their own interest, they can either join it or exclude it from their own programmes so to avoid duplication. Not always such information receive proper circulation and at times the project itself is affected for not being timely informed or involved in activities carried out by other subjects in areas provided for by its own workplan. Early inputs to enhance project visibility is a good (and easy) step toward improving later outputs.

2.8 Impact

In a three year project (not yet ended and with a number of activities still do be implemented) impact assessment is not possible at the present stage. Full and lasting effects on direct beneficiaries (mainly justice institutions) and indirect beneficiaries (citizens) will take time to show. However, some differences can be pointed at in each of the four components of the project.

In the "Support to the justice and law reform" component, impact of surveys for a better knowledge of justice administration (when properly acquired, analysed and reported) can be assessed only when infrastructures and capacities of justice institutions at the various levels have been actually improved on the basis of such surveys and, as a consequence, they actually provide better justice services to citizens.

Equally distant in time is the impact assessment of dissemination and discussion activities for the CRJD Plan of Action of Justice Reform and the Operation Plan to be prepared as a project activity. As always, the full impact of plans and programmes comes only when they have been implemented and produce actual results for the citizens, reforms having been approved by legislation and put into operation.

On the impact of the second component "Modernization of justice institutions" there is little to say, as most of its activities do not take place as project initiatives. Action for the Civil Registry carried out under the project is not yet completed, so that at the present stage it is not possible to judge its impact.

INEJ has proved to be one of the most active and receptive component of the project, that has substantially contributed toward assessing the present status, problems, needs and development possibilities of the Institute. Restructuring measures are still in process (mainly outside the project plan), but in a not too long period one could surely see their impact in terms of better quality of justice services rendered by trainees who has improved their professional level at INEJ or even at other educational institutions that will follow the INEJ model.

The fourth and last component "Legislative Reform" is the one most connected to the "access to justice" objective of the project, especially when dealing with Mediation, Conciliation and Arbitration. Almost everywhere (although for partially different reasons) alternative dispute resolution (ADR) has become or is becoming one of the new frontiers of justice. "Informal justice", once a diminutive or banned practice, is now recognised as a potentially positive complement to formal justice. It is a quite significant change of attitude, possibly leading to relevant changes in the whole system for the administration of justice and, what is here more important, in providing citizens everywhere in the country with easy access to justice services for the resolution of disputes.

Several project activities are provided toward this important development: research into "live law", study visits to other countries, capacity building courses, workshops, seminars and debates on a draft new law to be prepared on Mediation, Conciliation and Arbitration Centers for presentation to the Government. Such a list (where not all mentioned activities have been implemented so far) shows how expected results are complex and not immediately available. However, it is possible to say that here we

already can see a project impact, to the extent that devoting so much attention and efforts to informal justice, is *per se* a contribution toward a relevant change of attitude on how citizens can solve their disputes in a plurality of legally recognised ways.

2.9 Sustainability

Support to the reform of law and justice has to take into consideration the complexity of the system and the number of actors and stakeholders. Inclusion, active participation and coordination are therefore basic principles for viable initiatives in the area. Implementation of each principle requires adequate actions and proper mechanisms and instruments. Experience gained in the previous and in the present project to support the justice reform process provides useful lessons on what is possible and good to do and what is not.

Understanding and collaboration on the part of all involved parties are essential elements to give unity and effectiveness to project planning and implementation. Shared visions, common objectives and individual contributions have to be openly discussed, clearly stated, defined and regulated in the project document and they have to be convincingly accepted and consistently implemented by all participants. The project should have adequate powers and instruments for effective and constant monitoring on the level of common understanding and collaboration.

Wide participation of different actors accustomed to work independently inevitably entails the possibility for conflicting interests and contrasting positions. To restore understanding and to keep collaboration going a degree of flexibility is needed. The project document should provide for appropriate instances where mediation can be exercised and compromise reached so that planned objectives are not lost and at the same time collaboration attitudes and capacities are enhanced.

Recommendations

According to the project evaluation and to lessons learned from its experience the following issues should be addressed in designing and providing further support to the process of reform in the legal and judicial systems:

1	increase number of active partners and actors	the justice system has many independent institutions; support to its reform should involve as many of them as possible
2	ensure wider participation to the project board	all national and international partners and actors should be represented in a sort of project board, having well defined functions and powers
3	open spaces for stakeholders	the "access to justice" principle has to be implemented in the project structure by providing suitable space to stakeholders representatives
4	dialogue with civil society	permanent and interactive links are to be established with CSOs working with justice, possibly gathered in a sort of forum
5	create permanent and interactive links with public	permanent and interactive links are to be established with the general public, too, such as radio and TV programmes; a website would also facilitate access to project information on a large scale
6	focus on coordination	coordination among so many partners, actors and stakeholders is both a necessity and an objective to be addressed to with suitable mechanisms and instruments
7	facilitate collaboration among justice institutions	collaboration among justice institutions, usually independent bodies, is also both a necessity and an objective to be addressed to with suitable mechanisms and instruments
8	strengthen links with other programmes	as there are many programmes and initiatives aimed at improving the administration of justice in its various aspects, the project has to carefully select and define its own position in order to avoid duplication and to enhance synergies
9	stress access to justice as project guiding principle	the "human" based approach of the project should be enhanced next to the present one mainly based on "institutions"

10	widen spectrum of activities according to participants' interests	components and activities in the workplan have to be redesigned, cutting dead ends and opening new viable initiatives according to actual needs of partners and actors and priority interests of stakeholders
11	focus on objective and measurable results	objective measuring provides parameters for evaluating results as well as guiding paths to engage in factual activities that can suitably connect to other initiatives
12	introduce quality indicators for courses, seminars and workshops	as training (and retraining) is an essential element in any reform programme, special care should be devoted to keep its quality as high as possible
13	increase management resources and facilities	with so many actors and activities, the project should be seen as a hub capable to coordinate and support them as efficiently and effectively as needed
14	improve planning, monitoring and reporting	as a project is perceived as good as its activities are properly planned, monitored and reported, these functions have to aim at highest standards
15	strengthen implementation mechanisms	the low rate of implementation in the present project draws attention to the importance for adequate implementation mechanisms
16	externalise performance of technical tasks	as in most justice institutions involved qualified resources are good but scarce performance of technical tasks should be externalised as much as possible to professionally qualified subjects properly recruited and monitored
17	provide backstopping when needed	when activities requiring non available professional skills may not be externalised, the necessary backstopping should be provided
18	monitor and upgrade quality of study outputs	good study and research activities are not an output <i>per se</i> ; their ultimate value is given by high quality reporting
19	publish study and research results	results of study and research activities are project outputs only when duly published or included in suitable databases

ANNEXES

Summary of implemented activities

Workplan: planned and implemented activities

Terms of Reference

List of persons

List of documents

Summary of implemented activities

2007

- Seminar on alternative mechanisms of conflict resolution
- Field Visit to Brazil by trainees on mediation
- Meetings (*Palestras*) in Luanda and three other provinces
- 5 radio debates on justice reform plan
- Diagnostic Study of INEJ
- Field Visit to Mozambique on alternative mechanism of justice
- Field Visit to Brazil to attend an international conference on justice reform

2008

- Radio announcements
- Study on the functioning of Provincial and Municipal Courts
- Study on the training needs for Provincial and Municipal Magistrates
- Seminar on justice reform in Cabinda, Huila and Benguela
- Study on the needs of Provincial and Municipal Courts and Prosecutor Offices in terms of infra-structure and equipment
- Study by international consultant about INEJ needs in terms of human resources and Action Plan.

Workplan: planned and implemented activities

Component 1. SUPPORT TO THE JUSTICE AND LAW REFORM PROCESS

1. The Plan of Action of Justice Reform is disseminated and discussed with the civil society and Justice Structures at the Provincial and Municipal levels

- 1.1. Workshops at Universities (Faculties of Law, Humanities and Science)
- 1.2. Round tables with relevant NGOs
- 1.3. Provincial seminars involving municipal structures
- 1.4. Radio and Television Programmes
- 1.5. Production of publicity material

2. Increased knowledge and information available on the current status of Justice administration in the country

- 2.1. Study on the performance of provincial and municipal courts in some selected Provinces
- 2.2. Study on informal and traditional judicial instances in selected urban and rural areas.
- 2.3. Survey of training needs of provincial and Municipal Magistrates
- 2.4. Survey of infrastructure and equipment of provincial and municipal courts and P.O.
- 2.5. Supply of books to provincial and municipal court

3. The medium and long term Justice Reform Operational Plan elaborated and discussed.

- 3.1. Systematization of contributions from peripheral structures of justice and civil society
- 3.2. Publication and dissemination of surveys
- 3.3. Exchange visits of Justice and Law Reform initiatives in other countries of the region
- 3.4. Preparation of an Operational Plan based on results

Component 2. MODERNIZATION OF THE OPERATIONS OF JUSTICE INSTITUTIONS

1. New justice statistics collection instrument are produced and a computerized database is installed in Court and Provincial Prosecutors Offices in three Provinces, including Luanda.

- 1.1. Survey on the current system of statistical data collection in the S.C. and A.G.
- 1.2. Creation and installation of database in Courts and Offices of Prosecutors (inc. internet).
- 1.3. Training of Magistrates and staff of Records offices on computer packages
- 1.4. Supply of computers and other computer accessories
- 1.5. Training and on-job assistance of staff in charge of the management of the Database.

2. A Year Book of Judicial Statistics is published annually

- 2.1. Support to Department of Statistics for the collection of data from the Provinces
- 2.2. Presentation of report, depending on information required.
- 2.3. Statistical data analysis
- 2.4. Publication and dissemination of Judicial Statistics Year Book .

3. Three Registries of births, marriages and deaths are computerized in three Provinces, including Luanda. (Pilot project).

- 3.1. Survey on the current system of records and issuance of certificates .
- 3.2. Creation of a computerized Civil Registration system (including internet connection)
- 3.2. Creation of a computerized Civil Registration system (including internet connection)
- 3.3. Training of staff of Civil Registries on the use of computer equipment.
- 3.4. Provision of IT instrument (computers, printers, UPS, etc).
- 3.5. Training and on-job assistance of staff

Component 3. STRENGTHENING OF TECHNICAL CAPACITY OF INEJ

1. The knowledge of Magistrates is enriched by the socio-juridical knowledge of the country.

- 1.1. Diagnosis of current difficulties and capacity of INEJ
- 1.2. Preparation of a plan of research activities in INEJ
- 1.3. Training of multidisciplinary teams in investigation methodologies.
- 1.4. Research on various aspects of "live law" (informal justice, social conflicts, etc.).
- 1.5. Exchange visit with similar institutions at regional and international levels.
- 1.6. Publication of investigation results
- 1.7. Organization of workshops and seminars on the investigation results.

2. The curricula of INEJ are reformed and new teaching methodologies are incorporated

- 2.1. International Seminar on modern techniques and methodologies of law teaching.
- 2.2. Multidisciplinary Workgroup including INEJ, Universities and independent researchers.
- 2.3. New curricula for training of Magistrates and other Justice professionals
- 2.4. Increase of INEJ book collection (library)

3. Various categories of Legal Operators are trained

- 3.1. Definition of profile of various categories of trainees
- 3.2. Preparation of curriculum programmes
- 3.3. Capacity building for operators of Mediation, Conciliation and Arbitration Centers
- 3.4. Training Courses for legal counsel
- 3.5. Capacity building course for Registry and Notary Public officers

- 3.6. In loco Refresher courses for Municipal Magistrates, including juvenile justice
- 3.7. Training courses for trainers (Magistrates)

Component 4. LEGISLATIVE REFORM

1. *The Judiciary Organization Act (SUJ) is reviewed and competences defined*
 - 1.1. Training of a Coordination Committee (MINJUS, MININT, SC and OAG)
 - 1.2. Analysis of results of surveys and researches on the administration of Justice in Angola
 - 1.3. Exchange visits and Comparative Law material with judicial systems of other countries.
 - 1.4. Preparation of a Draft Organic Law of the Judiciary and Office of Attorney General
 - 1.5. Dissemination and discussion of Draft Law at the level of Provinces and civil society
 - 1.6. Presentation of Draft Law to Government
2. *A draft Civil Registration Reform Code is prepared.*
 - 2.1. Creation of a Sub-Workgroup (Registry and Notary Public and specialized Consultants).
 - 2.2. Analysis and consideration of the recommendations of the Seminar in June 2005.
 - 2.3. Preparation of a Draft Civil Registration Code
 - 2.4. Organization of a National Seminar for the Discussion of the Draft Law.
 - 2.5. Finalization of the reform project and presentation to government
3. *The Decree for the creation of Mediation and Conciliation Centers and their respective statutes prepared.*
 - 3.1. Workgroup for Magistrates, MINJUS, Bar Association, specialists of the sector.
 - 3.2. Exchange visits with countries with functional Mediation, Conciliation and Arbitration Centers
 - 3.3. Preparation of the Decree of the Creation of Mediation and Conciliation Centers.
 - 3.4. Organization of a National Seminar for the Discussion of the Decree
 - 3.5. Finalization of Project and presentation to government

Terms of Reference

- 1 - In September 2006, the Government of Angola approved the Project «Support to the Process of Reform and Modernization of Justice in Angola (PARMJ)». The implementation of the project started in January 2007. The current closing date of the project is December 2009.
- 2 - The Program modality is a Joint UN program with the participation of UNDP, UNICEF and OHCHR.
- 3 - The support to the justice sector will continue beyond this project. In order for the UNDP and UNICEF and any potential partnering agencies improve the support provided, as well as for the national partners to better implement UN supported activities, a final evaluation of the PARMJ will be conducted. This evaluation is supposed to inform all stakeholders on the successes and shortcomings of the current project so that these successes can be replicated or maximized and any weaknesses or shortcomings be avoided in future interventions.
- 4 - PARMJ supports the Government of Angola in deepening and improving its ongoing process of reform of justice, by actions towards the participatory dissemination of the proposed Plan of Action for Reform and Modernization of Justice, conducting studies and research on the actual situation of the courts and other conflict resolution bodies; modernisation and implementation of statistical information systems; providing multi-disciplinary vocational training of staff working in the legal and judicial systems; and carrying out the legislative reform.
- 5 - The specific components of the project are: i) Support to the reform process through wide-ranging debate and consultation with peripheral justice institutions and civil society, as well as studies and surveys on the problems affecting the operations of the courts; ii) Modernization of institutions through the setting-up of computerized systems (databases) for the routine collection of statistical data; iii) Strengthening the National Institute for Judicial Studies (INEJ) technical capacity, to provide quality professional training and conduct research on social issues that are relevant to the administration of justice, including informal conflict resolution mechanisms; and iv) Legislative reform of the Unified Justice System, of the Civil Registration Code, and the development of Civil Registration Code and a Decree to create Mediation and Conciliation Centres.

To allow for an independent assessment, an evaluation team will be recruited. This team will be composed of an international consultant, who leads the process, and a national consultant. The UNDP Governance Team, the UNICEF officer in charge of the project and the project coordination will participate in the launching of the exercise and provide inputs for the report as and when needed. This document contains the terms of reference of the consultant.

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Duties and Responsibilities

Objectives of the Review

The main objectives of the proposed review are to assess project effectiveness by: (i) take stock of the project achievements vis –à-vis the implementations of the planned activities, results and products, problems and opportunities; (ii) verify the continued relevance and pertinence of the project, the alignment with national priorities as well as the related sustainability; (iii) assess the project design, objectives, strategies and implementation arrangement in light of changes in the environment; (iv) assess if the gender equality and advancement of women being captured; v) assess if the risks and issues have been properly identified, assessed, priorities and monitored; vi) identify areas which project promoters and management should have paid specific attention in order to achieve the project objectives; vii) highlight what has been successful and what has not; viii) assess the added value of a joint UN program, and (ix) based on identified lessons learnt, make recommendations on how to improve performance of future support for the justice sector.

Scope and elements of the review:

1. Scope of the Evaluation: The review will cover the following: ; (i) analysis of the context and environment for successful implementation and design of the Programme; (ii) design of the Project; (iii) implementation of all project outputs and activities (quantity, quality and utility); (iv) project outcomes, effects and impact, and (v) project sustainability.
2. Relevance- The Design of the Project: Using all relevant documents, the evaluation team will assess the validity of the assumptions and premises that formed the basis for the design and implementation of the project to determine their correctness and continued relevance. The project's enabling environment will also be assessed to determine project ownership and support by its promoters and beneficiaries.
3. Project Governance and Management: The evaluation Team will first assess the governance structure, its functions and performance of the project in order to determine its adequacy and effectiveness. Project management will also be assessed especially as it relates to the leadership of project activities, administration of personnel, financial management, accounting, procurement of goods and services, monitoring and reporting systems, etc., so as to determine their relevance and compatibility with project premises, objectives and activities as designed.
4. Connectedness: The evaluation will assess to what extent the activities of the joint program have taken into account the specific context and interrelations between social and developmental issues. What was the link between the Government's Medium Term Program and to what extent results were reflected in Governmental Reports.
5. Coherence: The evaluation will also assess to what extent policies of different actors of the project were complementary or contradictory.

6. Coordination: Operational aspects will be analysed in order to assess level of coordination. While the evaluation will assess level of engagement of each UN agency in coordination mechanisms and processes it will also analyse to what extent partners were encouraged to engage with such coordination mechanisms.
7. Project Implementation. The implementation of the project components and activities will be assessed in order to take stock of the quantity and quality of achievements, compare them with what was planned and ascertain the likelihood of achieving the remaining objectives before the end of the project or be achieved in a scenario of integration of those into a new project to be designed.
8. Project instruments: The evaluation will examine the project's instruments for planning activities and monitoring implementation and their adequacy. These will include annual work programs and budgets, quarterly, annually and special reports on progress, audit reports.
9. Project Inputs: The review will examine the adequacy of inputs for the delivery of project outputs and the timeliness of the delivery of such inputs. The inputs will include selection criteria of consultants, service providers, equipment and other material inputs.
10. Project Finances: The evaluation will compare PARMJ budget with actual disbursements, timeliness of disbursement of funds, and absorptive capacity of project.
11. Project Outputs: The evaluation will assess the project overall outputs. The consultant will compare quantity and quality of the outputs produced with what was planned. He/she will determine whether the outputs produced are of value to the beneficiaries.
12. Impact: Based on the PARMJ outputs, the evaluation will assess what have been the wider effects of the joint program on the justice system.
13. Sustainability: Based on these assessments, the team will identify specific constraints and opportunities and make specific recommendations and consider its future expansion and sustainability.
14. Conclusions, lessons learned and recommendations. The review will be based on its findings and observations draw conclusions and recommendations that will guide the project to the end of its implementation and especially considering the expansion of such support.

Objectives, Tasks of the assignment and methodology:

1. The main objectives of the assignment are (i) to assess the implementation of the project in relation to its objectives and (ii) to prepare a report on the evaluation to be submitted to the UNDP, UNICEF and Government of Angola.
2. The following tasks will be undertaken by the consultant in order to reach the main objectives of the assignment:
 - Briefing. Meeting with UNDP, UNICEF and the National Project Coordinator, and to discuss the review exercise, the methodology and approaches to be used;
 - Desk study - Review all documentation related to PARMJ (project document, work plans and budgets, progress reports, minutes, concept papers etc.);

- Field - Discussions with the project beneficiaries on the relevance of the project, its design, its operations, management and governance structure, administrative and financial procedures, usefulness, impact, challenges and long-term sustainability;
- Discussions with the relevant project stakeholders, on relationship with the project, on its design, its operations, its management and governance structure, administrative and financial procedures, its usefulness, impact, challenges and long-term sustainability;
- Review of the project management arrangements to assess effectiveness in the implementation of the project;
- Analysis - Preparation by the Consultants of preliminary and final reports on the evaluation of the project with conclusions and recommendations. The preliminary report should be submitted to UNDP and UNICEF before departure and the final report two weeks after the mission completion. The final report Executive Summary and Recommendations must be in English.

Output:

The Consultants will produce a report on the evaluation with its conclusions and recommendations.

Dates:

The consultants will be hired for 25 working days, starting in July 2009. The assignment will require a 15 days stay in Angola, which may include some visits to the provinces.

Competencies

Knowledge of justice development and modernization, justice reform processes, its challenges and constraints

Experience in training programs and its assessment;;

Knowledge of the UNDP and its requirements for project evaluation exercise;

Excellent communication skills

Knowledge of spoken and written English and Portuguese.

Required Skills and Experience

Higher university degree in law or related field;

Proven experience in carrying out project evaluations or/and similar analytical exercises;

Experience in preparation of reports for similar assignments;

List of persons

- Gita Honwana Welch, UNPD Country Director
- Alfredo Teixeira, UNDP Deputy Director
- Fatima Santos, UNDP Programme Specialist
- Nelson Domingos, UNDP Programme Assistant
- Edima Kozma, UNICEF Child Protection Section Chief
- Joaquina Nascimento, INEJ Acting Director
- Jose' Maria, INEJ Study Manager
- Joao M. Moreira de Sousa, Attorney General
- Henrique dos Santos, Vice - Attorney General
- Agostino Domingos, Deputy Attorney General
- Filomena M. Goncalves, Deputy Attorney General
- Pascoal A. Joaquim, Deputy Attorney General
- Daniel J. Domingos, Deputy Attorney General
- Maria Paula Furtado, Deputy Attorney General
- M. Teresa Manuela, Provincial Attorney, Luanda
- Silva Neto, Supreme Court Juiz Conselheiro
- Florbela Araujo, Professor, "A. Neto" University
- Miguel V. I. Pinto, President Bar Association
- Vicente Francisco, Professor Belas University
- Irondino Muxiri, Deputy Director Minister of Justice Office
- Ildebrando Pinto, PARMJ National Coordinator
- Julio Kipasa, PARMJ Financial Officer
- Elisa Silicavissa, PARMJ Consultant

List of documents

- Millennium Development Goals
- UNDAF (2005 - 2008)
- Poverty Reduction Strategy (ERP)
- Plano de Governo
- Project Document -Reform & Modernization of Justice (English)
- Documento de Projecto - PARMJ (Portuguese)
- Workplans (2007 - 2009)
- Financial reports (2007 - 2009)
- Annual Progress Report, February 2007
- Acta da reuniao con os parceiros do PARMJ (5.11.2008)
- Relatorio Anual de 2008
- Estudo sobre as infra-estruturas e equipamento dos Tribunais e Procuratorias
- Estudo sobre o desempenho e as necessidades de formacao dos Tribunais
- Relatorio do Seminario sobre a Reforma da Justica (Lubango, 26.11.2007)
- Relatorio do Seminario sobre a Reforma da Justica (Cabinda, April, 2008)
- Relatorio da participacao ao XII Congresso de D. Processual (Brasil, Sept. 2007)
- Relatorio da deslocao a Mocambique (Sept. .2007)
- Relatorio do Consultor Internacional ao INEJ (Julio-Agosto 2008)
- Diagnóstico do Instituto Nacional de Estudos Judiciários (Junho 2007)
- Relatorio do Curso de Formacao Complementar para Magistrados Municipais (Huambo, Dec. 2008)
- Relatorio do Curso de Formacao Complementar para Notarios e Conservadores (Luanda, Nov. 2008)