

FINAL REPORT

**Support Project for the Implementation of the Legal Sector Master Plan**

**Lao PDR**

**Project Mid-term Evaluation**

**2016**

November 2015

|  |
| --- |
| Table of Contents |
| Table of Contents 2List of abbreviations and acronyms 3Acknowledgements 4Executive summary 5Background 5Evaluation objectives 5Evaluation methodology and limitations 6Key findings 6Key recommendations 9Evaluation findings 12Overall results and achievements 12Relevance/Appropriateness 21Effectiveness 25Efficiency 29Partnerships and Coordination 32Sustainability 35Monitoring and Evaluation and Risk Management 38Annex 1: Terms of Reference 42Annex 2: List of documents consulted 53Annex 3: Meeting schedule 54Annex 4: Evaluation matrix 57Annex 5: Evaluator biography 62 |
|  |

#

# List of abbreviations and acronyms

|  |  |
| --- | --- |
| ENM | École Nationale de la Magistrature |
| Lao PDR | Lao People’s Democratic Republic |
| LBA | Lao Bar Association |
| LSMP | Legal Sector Master Plan |
| MoFA | Ministry of Foreign Affairs |
| MoJ | Ministry of Justice |
| MPS | Ministry of Public Security |
| M&E | Monitoring and Evaluation  |
| NEX | National Execution |
| NGPES | National Growth and Poverty Eradication Strategy |
| NJI | National Institute of Justice / (also referred to as the National Judicial Training Institute, depending on translation) |
| NIM | National Implementation Modality |
| NSEDP | National Socio-Economic Development Plans |
| OSPP | Office of the Supreme People’s Prosecutor |
| PSC | People’s Supreme Court  |
| Prodoc | Project document for the Support Project for the Implementation of the Legal Sector Master Plan of the Lao’ People’s Democratic Republic |
| SPLSMP | Support Project for the Implementation of the Legal Sector Master Plan |
| TOR  | Terms of Reference  |
| UNDAF | United National Development Assistance Framework |
| UPR | Universal Periodic Review |
| VMUs | Village Mediation Units |

# Acknowledgements

This evaluation was conducted by Mark Aiken of Notio Partners, an international development consultancy firm which specialises in human rights and organisational development issues.

I wish to gratefully acknowledge the assistance of all those who have contributed to the evaluation, including:

* The beneficiaries, Government representatives, donor representatives, representatives of partner organisations and others who agreed to participate in this evaluation.
* The UNDP Lao PDR Programme Management Team.

Particular thanks are due to Mr Tongsong, the President of the Xiengkhouang Provincial Court and Mr Montee Siudom, the Deputy Director of Xiengkhouang Justice Department. Both officials travelled to Vientiane at short notice to meet with the evaluator, after logistical constraints prevented the evaluator from travelling to meet them in Xiengkhouang as originally planned.

The conclusions expressed in this report are those of the evaluator, who takes full responsibility for them.

# Executive summary

## Background

This review is a mid-term evaluation of the Support Project for the Implementation of the Legal Sector Master Plan (SPLSMP) in Lao PDR.

The Master Plan was officially adopted in 2009, and is seen as a critical component in assisting Lao PDR to meet the MDGs and to graduate from Least Developed Country status by 2020, primarily through improving Governance and accountable use of public resources. It marks part of the ongoing transition of the legal system of Lao PDR. The LSMP aims to coordinate the work of institutions related to the justice sector, including the Ministry of Justice (MOJ), People’s Supreme Court (PSC), Office of the Supreme People’s Prosecutor (OSPP), Ministry of Foreign Affairs (MoFA), Ministry of Public Security (MPS) and the Lao Bar Association (LBA). It also aims to channel the support of justice sector donors in a coordinated manner.

UNDP’s LSMP Support project commenced in January 2014 and will be finalised in December 2016, subject to any extensions. The project is implemented with support from the Lao PDR Government, European Union, France, United States and UNDP. The Ministry of Justice is the implementation partner for the project and the project uses a National Implementation Modality (NIM).

The project aims to deliver the following six outputs:

* Enhanced capacity, procedures and standards for legislative development and implementation in Lao PDR
* Improved capacity, structure and arrangements further improved at legal and judicial institutions for more effective and responsive judicial process
* More systematic development of legal and judicial professionals enabled through the establishment of a unified judicial training institute
* Increased public understanding of legal rights and information, and increased participation in the legal system towards full realisation of their rights.
* Lao PDR’s further integration into regional and international communities enabled through adoption, implementation, enforcement, monitoring and reporting of international legal instruments.
* Enhanced capacity of the Secretariat for more effective coordination in the legal sector and implementation of the LSMP.

The field phase of this evaluation took place during January 2016 in Vientiane, Lao PDR.

## Evaluation objectives

The purposes of the evaluation are to:

1. Assess the Project’s relevance, effectiveness and efficiency and how much progress has been made in achieving the abovementioned outputs during the first 18 months of project implementation, and
2. To provide evidence-based and forward looking recommendations that are useful for UNDP and stakeholders in adjusting the second half of the Project and for conceptualising a direction and key elements of the next phase.

The evaluation TOR set out a range of specific questions for consideration under each of the evaluation criteria.

## Evaluation methodology and limitations

The evaluation adopted a mixed methods approach, with a combination of predominantly qualitative measures, supplemented by some quantitative measures. Qualitative measures included:

* Desk reviews of project reports and project products.
* 41 key informant and focus group discussions held in Lao PDR over a two week period, with representatives of the Lao PDR Government, donors, international agencies, UN and civil society organisations.
* Additional interviews and focus groups discussions with Secretariat members, project staff and UNDP programme management personnel.

The Quantitative aspect of the evaluation involved:

* Review of project data including monitoring and evaluation system data.

The evaluation process experienced some limitations. Although it was initially planned for the evaluator to visit project activity sites outside of Vientiane (specifically Xiengkhouang Province), due to logistical constraints this was not feasible. To mitigate this, key stakeholders from Xiengkhouang Province travelled to Vientiane and were interviewed by the evaluator in Vientiane. The second limitation was that it was not possible to meet with a representative of the Ministry of Public Security during the visit, due to their heavy work commitments at the time of the field visit.

## Key findings

1. The project is highly relevant to the priorities of Lao PDR and those of the United Nations.

The project was designed to support the ambitious Legal Sector Master Plan (LSMP), which is the roadmap of Lao PDR to become a Rule of Law State by 2020. The project structure and activity selection is very closely aligned to the LSMP. The initial four outputs of the project match those of the LSMP. Two additional outputs have been added to cover:

* 1. work on the integration of international legal instruments, as an integrated successor programme to UNDP’s previously dedicated support to the Ministry of Foreign Affairs under the ‘International Law Project’
	2. Enhanced capacity of the Secretariat to coordinate the implementation of the LSMP.

The project is also aligned with Directions 4 and 5 of the Government’s National Socio-Economic Development Plans (NSEDP) and strongly pro-poor access to justice approach of the priority actions under the five year National Growth and Poverty Eradication Strategy (NGPES). [[1]](#footnote-2)

The project is also aligned with the UN country programme priorities, as set out in the UNDAF 2015 Outcome 2:

“By 2015, the poor and vulnerable benefit from the improved delivery of public services, an effective protection of their rights and greater participation in transparent decision making.” [[2]](#footnote-3)

And UNDAF Action Plan Output 2.4

“The Legal Sector Master Plan is effectively implemented advancing the Rule of Law and accelerated realization and protection of human rights.”

1. The LSMP is ambitious in both its breadth and timing. The SPLSMP is correspondingly ambitious, in that:
	1. It works across a range of institutions and departments, led by the Ministry of Justice (MoJ) and including the Ministry of Foreign Affairs (MoFA), the Ministry of Public Security (MPS), Office of the Supreme Public Prosecutor (OSPP), the People’s Supreme Court (PSC) and the Lao Bar Association.
	2. The scope of activities is broad – the project includes diverse activities such as technical assistance, training, IT development of a judgment execution database and website, establishment of a recording studio and grass roots community outreach activities.
	3. The timeframe for activities is ambitious, particularly where activities are sequenced – for example, on the training initiative for Village Mediation Units, where a delay at one stage of the process can result in delays for subsequent activities.

The diverse range of project partners, diverse scope of activities and ambitious timeframes combine to form a challenging project to implement.

1. The project is led by a National Project Director from the Ministry of Justice, who manages this role in conjunction with his regular MoJ responsibilities. The project is executed using the NIM modality. Pillar / Output Heads have been assigned to manage the implementation of each output. The Output Heads also have full time responsibilities relating to their substantive appointment within their Ministry. The Project Secretariat provides overall project coordination, and includes support staff to provide administrative support on the implementation and reporting of activities. The Secretariat serves as the ‘go-between’ between UNDP and the implementing Ministries.

The project management arrangements are shown on the following diagram:



1. During the evaluation consultations, stakeholders appreciated the breadth of efforts which the project had made to support the priorities under the LSMP. It was not the intention of the project to fund the entire LSMP, as with limited budget and limited management capacity, it is not possible to address all of the LSMP priority needs via the project. There is a risk that the project may be seen as a source of extra budgetary resources, and that the project may become too stretched by trying to implement a large number of small activities. To ensure the coherence of the project, it is important to ensure that the selected activities remain strategic, and avoid choosing activities to ‘divide up the pie’.
2. The project has played a very positive convening role, in bringing together Government, development partners and civil society to engage on justice issues. One example of this role was the project’s support to the review of the Penal Code, and another example was the two day workshop for Human Rights Day 2015. The project has also promoted intra-Government dialogue on human rights issues – for example, by the training provided by MoFA concerning ICCPR and Lao PDR’s regional and international obligations. The project has taken steps to encourage dialogue and build confidence between the Government and civil society. Some development partners believe that there is space for UNDP and the SPLSMP to go further in its support for civil society capacity development and Government / Civil Society confidence building. The project plans to have increased engagement with civil society – for example, in relation to outreach and village level activities.
3. SPLSMP has sought to work in a methodical and structured way. For example, it has worked to create an evidence base to inform policy making, by conducting the legal aid survey which will feed into the draft Legal Aid Act. It approached training with the People’s Supreme Court and the OSPP by conducting a training needs assessment, leading to training design, training of trainer activities and followed by the implementation of training courses. While this rigorous approach is sound, some stakeholders expressed frustrations concerning the lengthy process and timeframe required to deliver training courses. The project has tried to balance ‘quick impact activities’ with its longer term work, however it is not feasible to meet all of the ‘quick impact’ priorities under the project.
4. The project initially commenced slowly, but has made significant efforts to expedite activities and is now far more advanced in project implementation. The initial slow start was due to a combination of factors, including start-up issues, difficulties in recruitment, procurement, training of the Secretariat and Government counterparts in NIM policies and procedures, and a complicated UNDP and Government decision making process to prioritise and plan activities. In line with the very ambitious scope and timeframe of the LSMP, the SPLSMP has been similarly ambitious and has probably over-estimated the timeframe required to realistically implement some activities. While project activities are generally now back on track, some activities remain delayed, including several activities relating to grass roots justice service provision, such as the planned work with the Village Mediation Units. At the time of the evaluation, this work was pending the issuance of the Village Mediation Unit Decree (or Prime Minister’s decree). The project should consider contingency plans in case it is not possible to fully implement this work stream before the end of the project.
5. Some Outputs and activities clearly have very strong champions, who have led the planning and implementation of the activity. However, the commitment to implement some activities is not as clear. Under Output 3, the SPLSMP and the Government of France combine to provide technical and financial support to the NIJ. The technical assistance included a range of recommendations for course structure and management, however at the time of the evaluation the NIJ was focused on implementing the second round of training, and the commitment (and capacity) to implement the technical recommendations was not clear.
6. The project has taken a mainstreamed approach to gender programming. The SPLSMP has worked together with UN Women on gender issues, including consideration of women’s issues under the Penal Code review (including pregnant women and women with young children), advocating for the inclusion of women as panel members in the VMU decree, advocating for women’s access to legal aid in the legal aid drafting process (as women may be unable to access their family’s money to obtain legal assistance, particularly if the case involves a family member and conducting some outreach on SGBV. Women’s leadership and capacity development within the justice institutions could also be further promoted.
7. As Lao PDR is the chair of ASEAN in 2016, this may have impacts on project implementation. It may be difficult for high level decision making to take place when counterparts are distracted by ASEAN preparations. There may also be urgent ad-hoc requests for support for ASEAN related activities. Some key activities from the LSMP may be given visibility in the ASEAN summit meetings or side meetings. The project should prepare for these possibilities.

## Key recommendations

1. The project should ensure that the selected activities are strategic and coherent. There is a risk that the project may try to engage in too many small activities, which are individually important and priorities of the relevant Ministry, but which collectively do not achieve the Government’s vision of becoming a Rule of Law State by 2020. There is also the need to strike a balance between activities to address immediate Government priorities, and longer term strategic initiatives. As each activity has associated management requirements, it may be more effective to implement fewer activities with a larger budget for each activity, rather than many small activities. There are some benefits to implementing a wide range of small activities, however realistically the demands upon the project cannot be met in full.
2. The project is piloting several innovative initiatives – for example, using MoJ personnel to provide legal assistance (rather than lawyers), and the implementation of legal information kiosks at provincial courts. At the time of the evaluation, there had been a limited period of implementation (reportedly 5 legal aid clients had been received in Xiengkhoang at the time of the evaluation). It is important that these pilot initiatives are robustly assessed, to determine whether they are effective and good value for money, and if so, whether they can be scaled up (either by UNDP or another donor). For example, what are the advantages and disadvantages of using MOJ staff rather than private lawyers to provide legal assistance? The project is collecting data including client satisfaction surveys and case statistics. This links in with UNDP’s Strategic Plan Output indicator 3.4 (Number of clients who have used the legal aid service, disaggregated by sex). However, the criteria or process to assess the higher level performance of these innovative activities was not clear at the time of evaluation (ie, are these policy approaches the most effective and which activities should be discontinued or scaled up).
3. In the programming approach, UNDP should ensure that institutional capacity building work (supply side initiatives) is balanced with access to justice concerns (including demand side initiatives). The project has undertaken many worthy activities to strengthen the legal architecture of the State. Further support will be required to translate this architecture into policies and procedures which impact on the front-line services that justice users’ experience. Global experience informs us that the benefits of building strong institutions do not automatically ‘trickle down’ to service users. While the SPLSMP has been structured in a way to have a combination of central and provincial activities, and supply and demand activities, unfortunately several of the activities which would benefit justice users have been delayed, and there may not be time to fully implement these activities during the course of the project (eg the planned work with VMUs which remains pending the approval of the VMU decree by the Prime Minister’s office). Future programming should place a higher emphasis on access to justice programming, including focusing on applying reformed policies to justice users in provinces and villages.
4. The role of the Secretariat was not clear to all stakeholders. Some stakeholders believed that the purpose of the Secretariat was to coordinate all activities under the LSMP. Other stakeholders believed that the LSMP was only intended to coordinate UNDP’s activities, and that other development partners should coordinate their own projects directly with the relevant line Ministry. If the purpose of the Secretariat is only to coordinate UNDP’s activities, then the role of the Secretariat is probably unsustainable beyond the life of the project and the level of staffing is probably excessive. If the purpose of the Secretariat is to coordinate all projects under the LSMP, then this requires greater commitment by counterparts and development partners to bring their activities under Secretariat framework, including by sharing their Annual Workplans. It would also require greater commitment by UNDP to encourage additional participation of other development partners at Secretariat meetings.
5. The Secretariat could play a useful role in monitoring and reporting on sectoral level indicators under the LSMP. These could be shared through a dashboard on the MOJ website, to promote transparency and access to information. The project already plans to use the website to report on the LSMP indicators once these are finalised. As the LSMP indicators had not been finalised at the time of the evaluation, ton report includes some sample high level indicators, based upon indicators selected by similar justice coordination bodies in other countries. The indicators should ideally be simple, meaningful, high level and easy to collate on a regular basis. Additional M&E staffing capacity would likely be required if the Secretariat were to take on this role.
6. The SPLSMP M&E system has a comprehensive series of activity level indicators. The logframe includes less emphasis on higher level impact measures. Given the importance of training and capacity development within the project, the project should explore including some higher level measures to assess the project’s impact. For example, in relation to training outcomes – whether there were changes in terms of knowledge gained (ie, pre-test versus post-test results), changes in workplace behaviour, or changes in results linked to the training.
7. The project has very strong technical relationships with line Ministries, but could benefit from the more strategic use of political relationships and senior level diplomacy at Head of Agency and Embassy level to support the project’s policy work. The political decision making processes in Lao PDR are frequently opaque, and it may be difficult to know whether activities have stalled due to a problem, or whether delays are simply the result of competing priorities. It is also difficult to gauge how much space may exist on ‘sensitive’ issues – and whether there are opportunities for the project to expand their work, or whether this would cause problems. The existence of uncertainty has the potential to lead to self-censorship, to avoid ramifications for the project and partners. The project has managed to adroitly negotiate some sensitive issues, under the guidance of Government champions – however this process may be simplified with stronger higher level political support.
8. In addition to building the legal architecture of the State, the project has focused mainly on criminal justice issues. While JICA is supporting the civil law reform process, there are likely a range of other thematic issues which could be supported to help the Government with their vision of greater regional integration – for example, commercial and investment law, environmental law, labour law etc. The project has provided some support for environmental issues relating to mercury, by leveraging UNDP experts based within the Ministry of Natural Resources and Environment. . However, the project and the Secretariat could play a useful role in supporting the Government to attract and obtain support from other experts whether within or outside of Lao PDR – for example, by assisting the Government to scope support from the World Bank, Asian Development Bank or DFID which have specialist expertise in commercial law development. This is not to suggest that any project should be delivered through the Secretariat, but rather, that the Secretariat has the potential to play a bridging role to reach out to specialist institutions, and to assist the Government in assessing their priorities and managing the scope of any engagement.
9. In preparation for a potential successor project, UNDP and development partners should commence discussions with the Government over potential co-funding contributions. The Government has made significant contributions to the SPLSMP, especially in the allocation of human resources and office space. However, the priorities of the justice sector exceed the amount of funding which donors are likely to be able to provide. Co-funding contributions offer the possibility of providing for additional activities, while further demonstrating the commitment of the Government to the project.

# Evaluation findings

## Overall results and achievements

**Overall: The project has managed and delivered a broad range of initiatives across justice institutions. The project activities are closely aligned with the LSMP and are predominantly justice ‘supply-side’ initiatives. The project has collaborated well with other actors, particularly on the synergies with ENM and ASF-F in relation to legal training, and has played an important convening role through its support to the Penal Code review, helping to create space for development partners and civil society actors to contribute on legislative reform.**

**The project has also established a solid evidence basis for its work, proceeding sequentially from Training Needs Analysis to training design, training of trainers and training roll-out. At the same time, the project has established a comprehensive monitoring system**

**As the project is implementing a broad range of activities, one challenge for the project management team is to ensure that ‘the whole is greater than the sum of the parts’ – that is, that the project results in something more than a series of activities. As many of the activities are innovative, particularly in the Lao context, it will be important that the pilot activities are robustly assessed before further roll-out of these activities (ie, under any successor project). Due to some implementation delays, it was premature to review some activities which had recently commenced. A further challenge is avoiding overloading the absorptive capacity of the institutions, particularly by simultaneously implementing more projects than can be handled.**

**Due to the strong focus on central institutions and strengthening the legal operating environment, the structural gaps which are exist in this project are mostly on the demand side and at field level. The project activities seeking to target these areas (by working with Village Mediation Units (VMUs), providing legal aid and promoting access to legal information) appear appropriate in design under the conditions, but are still in a preliminary stage of implementation. A remaining challenge will be to properly translate the project’s excellent policy work into appropriate provincial, village and grassroots initiatives, to fully benefit citizens.**

#### What has been the progress made towards achievement of the intended outputs (and that these remain aligned to appropriate outcomes)? What are the results achieved? What are the reasons for the achievement or non-achievement? What are the recommendations in this regard to take corrective actions for the second half of the implementation of the SPLSMP?

The SPLSMP project logframe includes 6 outputs and 15 sub-outputs. Overall, the evaluation focuses on the output level, rather than the activity level. The following section provides an overview of key highlights from each output.

### **Output 1: Enhanced Capacity, procedures, and standards for legislative development and implementation in Lao PDR**

The project has played an important role in supporting the development of legal architecture. For example through the development of the law making manual (drafted) and law dictionary (finalised), to promote consistency in the law making process and simplify legislative interpretation and jurisprudence (ie, through using consistent legal terms for the same concepts).

Following the law-making baseline report and recommendations, there is an emphasis on participatory engagement, to provide opportunity for stakeholder contributions on draft versions of new laws. The SPLSMP has supported the revision of the Penal Code via this participatory process. This has been important for several reasons:

* procedurally as a way to pilot the consultative process;
* practically, as a way of consolidating technical assistance from multiple stakeholders and managing the process to avoid duplication and confusion, and
* objectively, to help strengthen a piece of legislation which has important state security and legal rights considerations.

The project document may have initially foreseen supporting a larger number of legislative processes in less depth, rather than the considerable investment in the one law. However, given the importance of the Penal Code and the fact that this was the first pilot, it was reasonable for the project to concentrate on supporting one process properly to help ensure the best prospects for success.

The new participatory process will require further support in order for the consultation stages of the process to become institutionalised. The SPLSMP may prioritise other key legislation to support, as it will not be possible for the project to support all legislation in the comprehensive technical way and with the same degree of financial investment which the Penal Code review process was supported.

### **Output 2: Institutional capacity, structure, and arrangements further improved at legal and judicial institutions for more effective and responsive judicial process**

This output is extremely broad, due to the number of institutional partners, the varying scope of the activities, and the complexity of the management arrangements required. The output is aligned to Pillar 2 of the LSMP, however some of the activities in this output could equally be the subject of a project by themselves. The cross-institutional management arrangements are a challenge for this Output, in that activities of one institution are managed administratively by the Output Head who may work for another institution.

The scope of the activities include: A judgement enforcement database, criminal justice reforms, training needs assessments and capacity development programmes for Judges and Prosecutors, capacity development for young lawyers, promotion of provincial level legal aid.

The project has sought to work in a structured and sequenced way – for example on training, commencing with a training needs assessment, developing training curriculum, conducting training of trainer courses and then rolling out training. This approach provides a solid evidence basis for the work which the project undertakes, and is a responsible use of the limited project finances. However, some stakeholders also expressed frustrations that they were unable to implement simple training courses as required on an ad-hoc basis, since the project plan did not allow for this. Delays in the training needs assessment stage also delayed the other stages. There is a balance to be struck between flexible / responsive programming which can meet immediate needs and sequenced programming which will deliver a higher quality product but after a long process.

The SPLSMP activities to support the MPS through training have not yet commenced, due to the complexities of training security / police personnel using US funding. The project has now pivoted and will use funds from other donors for this purpose. However, the process has required a significant investment of management resources, as the issue was originally identified in the project risk log in September 2014, but a solution was not found until late 2015, and the training had not yet commenced at the time of the evaluation in January 2016.

The Judgement Execution database has significant potential, as a means to improve the efficiency of the Court, and also as an anti-corruption measure. At the time of the evaluation, the use of the database was still in a preliminary stage, and was only in use at the pilot sites. 298 out of 2,308 cases registered into the system had been enforced and monitored, with a further 14,000 judgements not yet entered into the new system. [[3]](#footnote-4) The effectiveness of the database should be robustly reviewed before roll-out to other locations, as there are concerns that the web-based nature of the database requires an ‘always connected’ internet which may not be feasible in some locations, especially during the wet season. A database which periodically connects to the internet for batch updates may be more practical. It will be essential to resolve this issue before proceeding with further case management system development, which the project foresees piloting in Vientiane and Xiengkhoang province.

The provincial level legal aid service delivery and legal information kiosks were at a preliminary stage during the evaluation, as their operation had recently commenced. At the time of the evaluation, reportedly five clients had received assistance (ie, within the first weeks of operation). These activities also have useful potential, although various other modalities exist to deliver legal aid and legal outreach services which do not rely as heavily on Government officials. It will be important to assess the effectiveness of the SPLSMP’s approach.

The collaboration between the SPLSMP and ASF – F on the training of young lawyers is a positive example of the synergies between the project and the technical assistance provided by French lawyers, which leverages the country expertise of the project and accesses technical experts from France.

### **Output 3: More systematic development of legal and judicial professionals enabled through the establishment of a unified judicial training institute**

This output is aligned with Output 3 of the LSMP. Under the LSMP, the Government’s strategy is that the National Judicial Training Institute (NJI) will play the lead role in enhancing human resources capacity within the justice sector. The intention is to provide a common core of training to justice professionals, with further specialised training provided by each institution as required depending upon the staff member’s professional role.

The initial stage of the project’s support under this Output appeared to progress smoothly. The NJI began operations in January 2015 with 125 trainees, including 27 females, commencing the one year training course.[[4]](#footnote-5) The NJI was officially launched in October 2015, following the formal decree by the Prime Minister in April 2015. The project adopted a holistic approach, providing technical assistance through an expert, financial assistance to support the initial operation of the NJI, and working together with experts from ENM and ASF-F. In this way, the Government of France funded a comprehensive approach to judicial training, through the SPLSMP and through bilateral means.

The technical experts from the project, ENM and ASF-F invested significant efforts in supporting the capacity development of the NJI – eg by conducting capacity assessments, reviewing curricula, providing advice on the course structure. While some of these technical recommendations were accepted by the NJI, at the time of the evaluation the current status was not entirely clear. The second round of training had commenced by December 2015, but it appeared that the recommendations from the September 2015 ENM / ASF-F evaluation and curricula reform had not been comprehensively incorporated into the new training rotation. There were some frustrations expressed by the Project and Development Partners that the technical inputs were not being utilised more effectively. At the same time, the NJI also expressed frustrations that the project was providing inadequate support to the operating expenses of the NJI (eg stipends for lecturers and supervisors of interns, etc), and that the reforms recommended by the technical experts would have the unwanted consequence of delaying the second round of training.

This issue should be urgently addressed, ideally with the SPLSMP National Project Director, the Director of the NJI and development partners. It is not an effective use of project resources to commit money to technical assistance if there is limited willingness on behalf of the project partner to implement the technical assistance. At the same time, it may also be the case that the NIJ has limited financial resources available to it, and is attempting to deliver the second round of training with such resources as it has.

### **Output 4: Increased public understanding of legal rights and information, and increased participation in in the legal system towards full realisation of their rights**

This output is important, since it is the main ‘citizen focused’ component of the project. Under the Output, the project has supported a large scale public justice survey, which was being finalised at the time of the evaluation. The public justice survey will form an evidentiary basis for the SPLSMP and other justice actors, and can be used to assess the impact of outreach activities. The public justice survey will also provide an evidence basis to support the drafting of the Legal Aid Decree.

The project has drafted a communication strategy (the Dissemination and Communication Plan 2020), so the MOJ can ensure that stakeholders undertaking legal awareness work (including CSOs) are working in a consistent and coordinated manner. The draft communications strategy was also being finalised at the time of the evaluation.

The project has supported the MOJ to conduct various means of legal outreach, including community radio programmes, quiz competitions, poster campaigns and interactive theatre / dramas. Project outreach activities are planned in three provinces (Oudomxay, Xiengkhoang and Champasak), in two districts per province for a total of six districts. With the support of a national consultant, a website was developed, although the content for this website was still being populated at the time of the evaluation. The project was also in the process of arranging for the installation of a recording studio at the MoJ, to give the Ministry the capacity to produce high quality outreach materials. Work was also in process to develop a smart phone application / game to raise awareness on traffic laws, and a second application to provide copies of Lao laws.

As the project is supporting a range of different outreach measures, it will be important to conduct follow-up post-outreach to compare the results to the initial Public Justice Survey 2014 baseline of 1443 respondents, and identify which outreach methods have the greatest impact and are the most cost-effective. These strategies can then be replicated in other geographic areas, or using different thematic messages. The planned outreach activities will take place in 6 districts of the approximately 70 districts of Lao, so it is appropriate to consider them as pilot activities at this stage, rather than a comprehensive national outreach campaign. The project team to repeat the Public Justice Survey at the end of 2016 in 60 test villages and 30 control villages to identify the impacts of the campaign.

The majority of disputes in Laos are resolved through the semi-formal or informal mechanisms, such as Village Mediation Units, rather than the formal justice system. The SPLSMP has been supporting the development of a legal recognition of the Village Mediation Units. The project convened ten consultation workshops with Government stakeholders, CSOs and development partners, which provided a participatory basis to develop the draft instrument. It was originally intended that the legal recognition would take the form of a Decree, but at the time of the evaluation it appeared more likely that it would be it would be issued as a Prime Minister’s Decision to establish the VMU Committee, early in 2016.

Several of the activities under this Output are delayed, when compared to the original project workplan. The People’s Justice Fund has the potential to increase the project’s engagement with civil society, while leveraging civil society’s presence in field locations and experience in delivering outreach programmes. The establishment of the management arrangements for the People’s Justice Fund took time, including agreeing how decisions would be made to award grants. The EU civil society capacity building fund may now fulfil a similar purpose that the People’s Justice Fund was originally intended to meet.

Some of the delays under Output 4 are beyond the control of the project, for example, waiting for political decisions to form the basis of further work with the VMUs and roll out VMU training in conjunction with the Asia Foundation. Other delays have been more internal, such as the time required to finalise the communications plan.

### **Output 5: Lao PDR’s further integration into regional and international communities enabled through adoption, implementation, enforcement, monitoring, and reporting of international legal instruments**

This output is important for several reasons:

* Lao PDR is the Chair of the ASEAN in 2016, and regional and international integration issues are likely to be extremely topical throughout the year.
* The output provides a way for Government to lead discussions on sensitive topics such as human rights, through Government to Government dialogue and consultations, and to provide a mechanism which Government can also use to consult with civil society.
* The output marks a continuation of UNDP’s support to the international legal role of the Ministry of Foreign Affairs. This support was previously provided under a stand-alone project. However, it’s inclusion within the SPLSMP provides an opportunity for activities with MoFA to be more integrated with other support (albeit at a lower level of funding than was previously available).

Under this output, the project has supported the following indicative activities:

* Providing support to the ratification of new international treaties and conventions – in 2015, the project supported the process to ratify the Minamata Convention on Mercury, which was selected based on public health and environmental priorities.
* Supporting consultations on the draft Law on Treaty Making, to formalise the treaty making process and the standing of international legal obligations in relation to the domestic legal framework.
* Training provided by MoFA to other Government Ministries on human rights and international legal obligations. This approach has had more credibility with Government stakeholders, since the messages are delivered by other members of the Government.
* Supporting the data collation and reporting process on the International Covenant on Civil and Political Rights (ICCPR).
* Promoted the engagement of civil society in the UPR process, including the identification and reporting on human rights issues, and participation in national forums.
* Supporting the implementation of agreed recommendations from the Universal Periodic Review (UPR) process, and attempting to shift from a ‘ratify and report’ approach towards encouraging understanding and implementation of treaty obligations, even where domestic laws have not yet been enacted.
* Supporting the development of the UPR National Action Plan (currently in draft format) to track the recommendations, how they will be implemented, the responsible authority, resource implications etc.
* Convening a two day workshop on human rights to mark International Human Rights Day in December 2015. Human rights remain a very sensitive topic in Lao PDR. The fact that the project was able to convene a workshop on this issue is a considerable achievement, as it was the first of the kind. It is a testament to the persistent engagement and advocacy by the project. The event was also successful in that it was seen as Government led with the project’s support, rather than an event which was imposed by external actors. The end result was that space was created for dialogue on human rights issues between the Government, development partners and civil society.

The project’s strategy of supporting intra-Government dialogue and encouraging Government to lead on providing a space for civil society to engage on human rights issues has been successful, given the context of Lao PDR where civil society is relatively nascent and has limited capacity. As civil society develops further, ideally greater space would be available to ensure that civil society can continue to participate in important mechanisms like the UPR. The previous UPR process was the first time that Lao PDR had organised activities with stakeholders, and led to a combined UPR submission on behalf of the Government and stakeholders.

As UNDP’s support was previously funded under a stand-alone project, the level of funding available to MoFA was also much greater. One issue under the SPLSMP has been adjusting and prioritising activities to match the new level of available funds.

### **Output 6: Enhanced capacity of the Secretariat for more effective coordination in the legal sector and implementation of the LSMP.**

This output relates to the coordination and administrative support functions of the Secretariat. The Secretariat arranges for regular project meetings, including monthly and quarterly project board meetings, Output meetings and thematic workshops around legal sector issues (such as the workshop on the public justice survey and the law making manual consultations).

The Secretariat also provides administrative support to Output leads in the implementation of project activities, including assisting with managing activities, procurement, reporting and accounting for activities and expenses, etc.

The role of the Secretariat is discussed in further detail below. In brief, one issue is the scope of the Secretariat role – whether the Secretariat exists to coordinate all LSMP activities, or only the LSMP activities which are supported under the SPLSMP. At present, the Secretariat is effective in coordinating the activities implemented under the SPLSMP, but the Secretariat has not taken on the broader role of supporting all LSMP activities.

The Secretariat could also have an enhanced role in coordinating the monitoring and reporting on high level justice sector indicators under the LSMP. At the time of the evaluation, the idea of indicators under the LSMP was under discussion. In other countries, a body similar to the SPLSMP Secretariat has been given responsibility for tracking and reporting on sectoral level indicators. These indicators are ideally high level, and selected to collectively form a holistic and objective view of the justice sector. Examples from other countries have included indicators on:

* the proportion of the public who are aware of certain legal rights (measured through public perception surveys).
* the number of people waiting in pre-trial detention longer than an agreed period (eg 6 months).
* the availability of lawyers – eg the ratio of lawyers per 10,000 population.
* the number of complaints received about justice staff.
* etc

The Secretariat could collect and report on a simple dashboard of indicators like this, which are simpler for stakeholders to interpret than a large number of activity level indicators.

#### What are the gaps that haven’t been filled by this phase of the SPLSMP? What are general indications for the direction that should be considered in moving forward this Project given the achievement or non-achievement of the intended outputs?

The SPLSMP is closely aligned with the LSMP, and the project design focuses predominantly on strengthening the legal architecture of the state, and building institutional capacities. It is not possible to fulfil every justice need through a single project, and so the project has understandably chosen to prioritise certain areas. However, there is the concept that the justice chain is only as strong as its weakest link, and on that basis it may be useful to note the justice areas which the project was not designed to address, or which have not progressed as far under the project. Some of these comments may be of most relevance for any successor programme, rather than mid-course project adjustments.

* Law enforcement – The activities to train law enforcement officers have not yet proceeded, due to difficulties in the procedural requirements to spend US funding on training of these personnel. The project will continue the activity using alternate sources of funding, however law enforcement still receives a relatively low emphasis within the project portfolio.
* Detention – the project has done admirable work in supporting the review of the Penal Code. However, the Prison Service does not benefit from the project to the same extent that other institutions do – there are no activities to strengthen the capacities of prison personnel, for example. There are also no activities to support people in detention – for example, the project’s capacity building work does not support prison oversight institutions, the project’s legal aid work is difficult for people to access if they are already in detention, etc. (Notably, there may be limited opportunities to implement some of this work at present, due to the sensitivities involved, but it still may be useful to flag the gap for consideration in future programming).
* Limited project impact to date on front line service delivery for citizens – the project plan is to conduct a range of activities to improve front-line service delivery. Some of these have been delayed due to external factors, such as the hold on the VMU work while waiting for the Prime Minister’s decree. Other activities have been delayed through due to internal reasons – for example, delays in finalising and implementing the communication strategy. Some activities, such as the legal information kiosk, have potential to improve service delivery for citizens, however this had only recently commenced in December 2015 and more time would be required to assess the impact of this activity. While the focus on institutional capacity building and creating the legal architecture is worthwhile, the ultimate value of this work is in translating it to improved services and justice outcomes for citizens. This is likely a much longer term programme, and would also likely require a narrowing of the project’s focus to more streamlined activities.
* Reportedly, most disputes in Lao PDR are handled by VMU and informal mechanisms. The formal justice system remains important, as it handles the most serious of criminal and civil cases. However, when the conditions permit, it is very important for the project to implement its planned activities to strengthen VMU. The project is planning activities in conjunction with The Asia Foundation, which has expertise in this area based on its work in other countries in the region. UNDP also has global expertise in working on informal justice systems, and in bringing the formal justice system to the people (for example, UNDP’s thematic work on strengthening mobile courts, which may be particularly useful in Lao PDR given that some of the lower level courts were closed).
* Given the relatively low number of qualified lawyers, the comparatively lower use of the formal justice system, and the geographic barriers which hinder access to justice in remote areas, future justice programming should consider models of paralegal service delivery and whether this would be a feasible mechanism to help address some of the access to justice barriers experienced in Lao PDR. This issue may be more appropriate for a successor project, however the current project could undertake consultations to determine whether the strategy may be appropriate for the future, and any conditions that would need to be fulfilled (eg close collaboration with the LBA).

In terms of general direction or mid-term correction, the following comments are made:

* It may not be feasible to address all the gaps highlighted, as some are beyond the control of the project (such as political decision making related to the VMUs) and it may not be feasible for UNDP or other actors to work on some topics in Lao PDR at this time (eg detention related issues). The EU’s planned civil society strengthening project, to be implemented with GIZ, will provide a useful barometer on the feasibility of large-scale civil society orientated programming in the current country environment.
* It is not clear whether all of the project activities have been selected because they are the most strategic and important to support Lao PDR to become a Rule of Law State, or whether some activities have been selected on another basis. The LSMP is sufficiently broad as to cover many activities, which would far exceed the scope of the project, so it is important to have a mechanism to objectively select activities. Some stakeholders spoke in terms of ‘dividing the pie’ to ensure that each Ministry and Department received a ‘fair share’ of support from the project. This may be a pragmatic approach in a political environment, but it may not yield the most strategic selection of project activities. It is important to ensure that the impact of the project is not diluted by taking on too many simultaneous activities.
* Ensure that there is sufficient political will and stakeholder commitment to continue with the activities under Output 3 to support the NJI. The project, in collaboration with the ENM and ASF-F has made significant investment in providing technical support to the NIJ, which has had limited impact to date. Instead, the NJI has sought more tangible and financial support, some of which may be beyond the scope of the project to support.
* The project made use of study tours during the initial stages of the project. Study tours can be an effective way of demonstrating comparable legal systems, identifying common issues which all legal systems face, and building international and regional networks between justice institutions and personnel. However, it is important to ensure that the study tours are linked to concrete activities and that there are direct benefits as a result of undertaking the study tours. It may also be preferable to spread out some study tours during the life of the project, to help promote ongoing collaboration and to minimise expenditure on study tours for activities which are not going to proceed.
* Identify existing activities with potential for scale up, eg the legal aid approach, legal outreach and information kiosks, judgement execution database etc. Explicitly treat these activities as pilot activities and rigorously consider which approaches are the most successful, so the most successful activities may be scaled up or rolled out to other areas, under future programmes or with support from other donors.
* Look for opportunities to enhance the project’s support in areas which will improve frontline service delivery to citizens – through translating the project’s policy development work into practice
* Prepare contingency plans for the potential reallocation of funding currently allocated to the VMU work, in case it is not possible to implement this work during the life of the project due to external political factors. Ideally this funding should still be directed towards village level activities.

## Relevance/Appropriateness

**Overall, the project is highly relevant and appropriate for the context. The project provides support to the implementation of the Government’s Legal Sector Master Plan, which is the Government’s vision for becoming a Rule of Law State. The outputs and the activities are closely aligned to the LSMP – indeed, the first four project outputs correspond to the LSMP pillars.**

**One challenge for the project has been in prioritising the high level initiatives included under the LSMP and sequencing those activities in a structured and coherent way. The demands for support under the project have exceeded the available project resources (in terms of financial and also managerial resources), and it has been necessary for the project and partners to prioritise the activities. Through this prioritisation process, greater emphasis has been placed upon central institutional capacity building activities and the development of legal architecture. Comparatively fewer activities have been implemented to directly address field level justice service delivery issues.**

#### As the first comprehensive support for implementation of the Legal Sector Master Plan since its adoption in 2009, to what extent was this support to the legal sector of Lao PDR thus far based on clearly identifiable development needs as outlined in the government’s strategies including the Legal Sector Master Plan and the National Socio-Economic Development Plan, international obligations and others?

The project is closely aligned with the rule of law development needs as identified by the Government through its own planning documents (LSMP, NSEDP, NGPES etc), and also the priorities identified by the UN in its Lao PDR country programming framework (the UNDAF).

The project was designed to support the ambitious Legal Sector Master Plan (LSMP), which is the roadmap of Lao PDR to become a Rule of Law State by 2020. The project structure and activity selection is very closely aligned to the LSMP. The initial four outputs of the project match those of the LSMP. Two additional outputs have been added to cover:

* 1. work on the integration of international legal instruments, as an integrated successor programme to UNDP’s previously dedicated support to the Ministry of Foreign Affairs under the ‘International Law Project’
	2. Enhanced capacity of the Secretariat to coordinate the implementation of the LSMP.

The project is also aligned with the Government’s National Socio-Economic Development Plans (NSEDP)

‘(4) Increase enforcement and effectiveness of public administration, reform democratic state in the direction of rule of law, ensure equality and justice in society, fight corruption, increase savings, and reduce extravagance. Pay attention to address social challenges in a timely manner…

And

‘(5) Ensure national defence and security across the country in order to maintain political stability, and social order. Improve mechanisms and enforce rules and regulations regarding migration, and respect the rule of law.’ [[5]](#footnote-6)

The five year National Growth and Poverty Eradication Strategy (NGPES) contains a very strong pro-poor approach to improving access to justice for vulnerable and disadvantaged people, which is consistent with the SPLSMP’s objectives.

‘The Government is committed to ensuring that all people are equally treated before the law, and that all laws reflect the real needs and priorities of the Lao people . The Government recognises that not all people in the society have equal access to and knowledge of their legal rights and responsibilities. Further, some people need to be given special consideration. Accordingly, top priority with respect to the legal framework is to ensure justice for the remote and disadvantaged peoples, especially in the poorest areas of the country. Special attention is being given to justice for children, young people and women’ [[6]](#footnote-7)

The priority actions under the NGPES ‘to improve the legal sector in favour of the poor’ are also consistent with the outputs of the LSMP and the SPLSMP.

The project is also aligned with the UN country programme priorities, as set out in the UNDAF 2015 Outcome 2:

“By 2015, the poor and vulnerable benefit from the improved delivery of public services, an effective protection of their rights and greater participation in transparent decision making.” [[7]](#footnote-8)

And UNDAF Action Plan Output 2.4

“The Legal Sector Master Plan is effectively implemented advancing the Rule of Law and accelerated realization and protection of human rights.”

#### During the evaluation period, what economic, social or political changes have taken place that affected this Project?

During the evaluation, stakeholders described several broad trends and changes which were ongoing:

* Lao PDR has a strategy to graduate from being a Least Developed Country by 2020. The LSMP is seen as a core component of this strategy, as the development of the legal framework and the operation of the justice sector is seen as essential for the functioning of a smooth market economy with a socialist orientation, a safe community. For example, the operation of a Rule of Law state supports the effective operation of the economy, since disputes can be peacefully handled through the courts or other quality dispute resolution procedures. The LSMP promotes the development of the legal architecture, including laws for the mechanisms of the State operation and laws to regulate the interactions between citizens and citizen / State interactions.
* Lao PDR is the chair of ASEAN during 2016. This creates opportunities to encourage project performance – some project activities may be very visible during the ASEAN dialogues. It may also have consequences for project implementation – it may be difficult for high level decisions to be made when counterparts are distracted by ASEAN preparations, and there may be a series of requests for the project to support urgent unforeseen activities as part of the ASEAN preparations. The SPLSMP could also play a role in helping the Government to draw upon expertise relating to legal aspects of the preparation for accession, drawing upon UNDP’s own in-house technical expertise as well as acting as a broker to source support from other international actors. (while noting that ADB and the USAID LUNA II project does already provide some trade related technical assistance to the accession process).
* Some stakeholders reported that there is some greater space for human rights than before. While the issue remains very sensitive, human rights do feature with the LSMP document, and the MoFA and other counterparts have championed the integration of international and regional commitments into Lao PDR’s legal framework.
* As Lao PDR increases regional integration, there is a risk of potential exploitation of Lao PDR’s resources – including risk of exploitation of land and natural resources, through industries which degrade the environment (eg some forms of agriculture) or more hazardous exploitation (such as contamination associated with some industrial processes). Workers are also potentially at risk of financial exploitation, or occupational health and safety concerns. While land use and management issues remain a sensitive topic,
* While civil society remains in a relatively nascent state, some stakeholders reported that there is now greater space for civil society than before. Civil society actors emphasised that it was still essential to ensure that the Government was leading activities, and that civil society was assisting the Government to implement its activities, rather than acting independently of the Government. The Government has also increasingly emphasised the importance of participation of citizens. The upcoming launch of the EU’s civil society fund may create new opportunities for State / civil society confidence building and engagement. The injection of a substantial amount of funds for civil society may also change the landscape of justice sector actors.
* There is some political and social emphasis on the use of mediation to resolve disputes within villages and communities, rather than escalating disputes to the formal justice system. While this may be appropriate for minor disputes, it is important to ensure that the emphasis on ‘problem free communities’ does not prevent people from obtaining access to the formal justice in serious cases where this is required to protect their rights.
* From an economic perspective, while the Government has been able to contribute to the project significantly by allocating personnel and premises, the Government has not made significant cost sharing contributions towards the project budget and the financial cost of implementing activities.

#### What opportunities are there to better align the support to the changed context and the needs of the beneficiaries?

There are a number of opportunities to re-align to provide support to the changing context. It is unlikely to be possible to accommodate most of these issues within the existing project approach, and so these issues may be more appropriate for consideration in the context of programming for any successor project to the SPLSMP.

* The project emphasis has been predominantly on the legal architecture, policy making and institutional capacity building. While these approaches are important, have the benefits of these activities ‘trickled down’ to users of the justice system? Which approaches are necessary to support the implementation of these policies in districts and communities? Is there capacity to do this? (within Government? Civil society? The UN system?)

. Lao PDR will face a range of challenges with greater regional integration, including commercial law, labour law, human rights and environmental law issues. The project has provided some assistance – eg The Project’s work on law making will benefit the integration process., and the project also provide technical assistance to the ratification process for the Minamata Convention on Mercury. The Project’s activities to support the development of a national action plan on the UPR would be constructive. However, the SPLSMP could likely do more to focus more explicitly on the thematic issues which could be challenging for Lao PDR through the integration process = for example, the Government has requested technical assistance on the implementation of preparations for the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Some of this support may be provided by ADB and other actors, while there may be other gaps in preparation where the project could assist.

* The project could be aligned to have greater focus on frontline service delivery and access to justice issues. The project has planned work in this area, but several of the activities have been delayed or only recently commenced. The SPLSMP is testing an approach to Legal aid, and supporting the preparation of a Legal Aid Act. Is state delivered legal aid likely to be a feasible approach, given the financial resources involved and the limited number of lawyers in Lao PDR? How will the impact and value for money of the pilot legal aid activities be assessed? Other approaches such as paralegals may be more cost-effective and more sustainable, so any exploration of access to justice issues should also consider the expanded use of paralegals as an option.
* There is a risk that the project could be perceived as an extra-budgetary resource to support ad-hoc activities of the Ministries. It is important to ensure that the activities chosen will solve real problems, rather than building abstract capacities which are not utilised. It may be better for the project to work less broadly and more deeply on some issues. This could also involve less emphasis on UNDP directly implementing activities, and more emphasis on the Secretariat’s coordination role – drawing expertise from other actors as required. There has been value in the many activities which the project has supported, but this value is maximised when the activities are rigorously reviewed and only the most successful activities are scaled-up.

#### How does the SPLSMP’s work link to other development initiatives implemented by the UN, other Development Partners, Civil Society Organisations or government agencies?

This is discussed below under ‘Partnerships and Collaboration’.

## Effectiveness

**Overall: The project is now generally on track to fulfil the activities in the project workplan. The project commenced slowly due, due to a range of start-up issues including recruitment and ambitious planning. However, great progress has been made since that point.**

**It will require a robust effort to complete the project activities within the lifespan of the project. As Lao PDR is the Chair of ASEAN in 2016, there is potential for activities requiring high level engagement to be crowded out by the ASEAN arrangements.**

**The project management team should ensure that there is sufficient political engagement to continue with technical advisory activities under Output 3. There is a risk of further delays in some activities under Output 4, and contingency plans should be put in place in case it is not possible to resolve these issues and implement the activities prior to the end of the project.**

#### What factors have contributed to achieving or not achieving intended outputs? Is any corrective action required for the second half of the project implementation?

The project is now generally on track to achieve its intended outputs. The project commenced slowly, due to a combination of start-up issues including recruitment of key technical, Secretariat and support positions, procurement processes, and the need to orientate and induct team members in NIM implementation policies and procedures. Given the broad nature of the LSMP, and the range of institutions involved, the process to prioritise and agree on project activities was also time consuming.

It appears that the project was perhaps overly ambitious in the early stage, as a broad range of activities commenced in response to the Government’s priorities. In particular, although the project identified implementation delays as a key risk, it appears that the project still underestimated the time required to implement activities. The project may have been easier to manage and perhaps also have achieved more impact if the project sought to work more deeply on fewer issues, rather than working more generally on many issues simultaneously. UNDP’s NIM modality has the same (or almost identical) project management and financial management requirements to implement an activity to train 30 people as to train 300 people, so the project has experienced additional workload as a result of implementing many small activities simultaneously. The effective implementation of NIM requires experienced Output component leads and support staff. However, the SPLMSP staff did not generally have prior experience working with NIM, and have developed this experience through training and ‘on the job’ through the implementation of activities.

As discussed above, given the limitations (including funding availability, institutional absorptive capacity, management capacity to implement simultaneous projects and internal political decision making processes), it is not feasible or realistic to anticipate that the SPLSMP can support the full implementation of a programme as broad and ambitious in time and scope as the LSMP. However, the SPLSMP has provided support to the areas which the Government and Secretariat have prioritised, via the Project Board through the Annual Workplan process.

There has been some confusion at points over which activities the SPLSMP will fund, and which activities cannot be funded by the project. Some stakeholders expressed concerns that delays in completing the training needs assessment and rolling out training to personnel was delaying the opportunities for promotion for these personnel, who had to complete in-service / professional development training before they were eligible for promotion. However, the project team members advised that the training they will support is not the courses which are required for promotion, but rather, new courses which will be specifically customised based on the results of the training needs assessments.

At this point, SPLSMP project reports note that most activities are on track. The 2015 Project Annual report notes that 23 of the 25 project targets have either been achieved or are on track for completion. However, some of the activities which are in progress are also delayed – including: English language training, training on the law making manual, training for MPS personnel on investigations, finalisation of the communications strategy, implementation of the communications strategy, printing of NIJ textbooks, activities to support the VMU (capacity assessment or VMU monitoring which were still pending the approval of the VMU decree at the time of the evaluation), finalisation of the legal aid survey, gap analysis of the ICCPR, training for Government justice personnel on international obligations.

It should be feasible for the project to complete pending training activities in the remaining time period of the project. Policy related activities may be more problematic, particularly as preparations for the ASEAN summit(s) are likely to consume a lot of the time and attention of senior officials. While ASEAN is a significant advocacy opportunity for the project, it will be important to be realistic about the opportunities to progress activities, especially policy initiatives, during this period.

Two Outputs which warrant close attention are Output 3 (Establishment of the NIJ) and Output 4 (Increased public understanding and participation of legal rights).

Under Output 3, in collaboration with the French Embassy, the project provides technical assistance to support the establishment of the NIJ / Unified Training Centre. This technical assistance is coordinated with inputs from the École Nationale de la Magistrature (ENM – the French National School for the Judiciary). It appears that there are some frustrations on the part of the Unified Training Centre, Project staff and donors with the current status of implementation. The initial formulation stage of the UTC proceeded smoothly, with the support of the project. Following this, there appears to be some mismatch between the support requested by the NIJ and the support offered by the project and donors. As a new institution, the NIJ has requested more tangible support, including payment of expenses such as lecturers’ fees, internship supervision and monitoring stipends etc. However, while some support has been provided, development projects generally minimise expenditure on recurrent expenses to promote sustainable approaches, and so the project and donor priorities have predominantly focused on technical contributions. While aspects of the technical support such as the study tour to France were well received by the NIJ, other aspects have been more complicated – for example, there were difficulties in obtaining copies of curriculum to be reviewed by ENM, and the second round of training has commenced without implementing the recommendations suggested by ENM during their review.

It is urgent for the project to assess whether there is sufficient political will to continue with the activities under this Output. If recommendations arising from technical assistance are not implemented, then the recommendations won’t have an impact. It was not clear at the time of the evaluation whether the issues were temporary (ie, the NIJ had the intention of implementing the recommendations, but had been unable to implement them in the rush to commence the new course) or whether the NIJ had technical objections to the recommendations and was not interested in implementing them.

An alternate model of providing technical assistance to the NIJ would be to embed the technical adviser within the NIJ. In theory, when the technical adviser is on-site, it is easier for the technical adviser to maintain relationships, make informal observations, and be available to provide ad-hoc assistance as required. Whether technical assistance is provided on-site or continues to be based out of the Project Office, more formalised arrangements should be made to provide language assistance to the technical adviser. Unfortunately the current technical adviser has been required to draw upon available support staff on an ad-hoc basis each time oral or written translation was required. When considering the investment in a full-time technical adviser, the additional investment of language assistance is not generally such a significant amount, and it can significantly improve entry points and workflow. The NIJ may not wish the technical assistance to continue, as they were strongly prioritising material assistance at the time of the evaluation. This is an issue for the Project management to address urgently.

Under Output 4, a number of activities have been delayed. Some of these delays are due to internal reasons (eg delays in finalising the communications strategy), and others have been due to external circumstances (such as the political process to implement the Village Mediation Unit Decree or Decision). Some activities, such as the legal aid assistance at provincial level, have been recently established through the Ministry of Justice. It may not be easy for the Government to implement legal aid service delivery in the provinces for a range of reasons (including geographic access, difficulties in undertaking outreach to communities, lack of trust and confidence by communities, lack of community networks, etc). The performance of the activities under Output 4 should be closely monitored, so activities which are successful can be expanded and those which are not successful can be stopped.

#### How far has the Legal Sector Master Plan Secretariat mechanism, its objective, set-up and rules and procedures been effective in fulfilling the intended objectives and needs of the users? How has its effectiveness compared with that of other funding modalities?

The LSMP has been very effective at coordinating the activities under the SPLSMP, and in promoting intra-Government dialogue on justice issues. It has also been effective in

The UNDP NIM implementation modality does have a steep learning curve associated with it, due to the policies and procedures which are required to maintain financial due diligence. However, similar organisations and the Government of Lao PDR itself also have similar financial management and procurement management systems, which require a comparable amount of process to manage activities.

The project and Secretariat have been most effective in working on the activities and issues which are seen as the highest priorities. Issues with a strong champion are most likely to be converted into activities and funded. It is possible for activities which are more politically sensitive, or which are not championed by a strong department, to be ‘crowded out’ by the volume of other work the project is performing. In particular, while the project has been very successful at implementing central level and policy level institutional capacity building activities, it has been less successful in implementing field level work which directly affects justice users, and in engaging civil society to deliver services. (The project has engaged civil society on policy issues successfully, and has undertaken some work which will directly affect justice users – eg outreach, legal aid provision and legal information kiosks – however the work of legal aid provision, VMUs etc has come relatively late in the project lifespan).

In relation to the structure of the Secretariat and other funding modalities, two other modalities may be briefly mentioned.

One alternate project approach would be to use Project Implementation Units within each Ministry to coordinate and implement activities. At present, the project support functions are separate from the Ministries, and based out of the Project office. The Ministry staff working on the SPLSMP, such as the Output Leads, are responsible for their day to day work, in addition to managing project implementation. In the case of Output 2, the Output lead is technically responsible for activities which are implemented by other Ministries, although in practice he may not have sufficient information or time to be heavily engaged in these activities.

With Project Implementation Units, a team of dedicated staff are established within each Ministry to manage activities, including activity and financial reporting. The dedicated team has more time to implement activities, and they also become more experienced in NIM requirements since they are working on the activities full time. However, the disadvantages of this approach are that it reduces collaboration across different Ministries (as each Ministry has its own separate Project Implementation Unit), and it is also seen as less sustainable since a new unit is established which draws implementation work away from the responsible line department. Also, it may be difficult to attract senior level personnel to work full-time in the unit, since this would mean leaving their other function and regular career path.

Another modality is on-budget support. During the evaluation consultations, some Government stakeholders expressed a preference for support to be provided on-budget, rather than through a Secretariat mechanism. This request was particularly made for two reasons:

* As the NIM mechanisms can be weighty (as presumably would the Government of Lao PDR financial management mechanisms), and
* Due to the SPLSMP’s methodical approach, there were some delays in implementing activities which the Government saw as priorities (eg where training had not yet taken place because the project commenced with a training needs assessment, then training design to be followed by training of trainers). On-budget support was seen as a way of giving more flexible funding sources to the Ministries to allow them to prioritise their own needs.

There is some balance to be made during project implementation between quick impact type immediate activities, and longer term activities which are more structured and methodical. The project has provided a range of quick impact activities, but it is beyond the capacity of this project to meet all justice sector needs.

## Efficiency

**Overall: The project overall appears to be efficient, especially taking into consideration the complexity of the project in terms of multiple Government counterparts, broad scope of project activities, and some activities implemented remotely in a pilot province.**

**The project is implemented according to UNDP’s NIM modality, which provides rigorous procedural safeguards for procurement and the disbursement of funds. There has been some ‘learning curve’ involved as project counterparts have become familiar with NIM processes, with some concerns expressed by Government counterparts about the ‘heaviness’ of financial management and reporting procedures, especially when implementing smaller activities or cross-institutional activities (eg under Output 2).The operating context of Lao PDR also impacts project implementation efficiency – including highly centralised (and sometimes protracted) Government decision making, limited continuous presence of UNDP and other donors outside of Vientiane and a nascent civil society (and associated sensitivities) which limit options for potential implementing partners.**

**The project management team has perhaps been over-ambitious at times in estimating the timeframes required to implement some project activities. Care should be taken in this, particularly when activities are sequenced and delays in one activity will impede the implementation of subsequent activities, potentially leading to re-allocation of funds. The LSMP is by its nature an ambitious document in terms of scope and timeframe, and it is not possible to meet all of the LSMP priorities under this project. Care must be taken to ensure that the support provided under the project is feasible within the constraints of time, budget and implementation capacity.**

**How cost-effective and time-efficient was the implementation by this Project of its activities and outputs during the evaluation period? What measures were taken to ensure competitiveness?**

In relation to cost-effectiveness, the SPLSMP implements UNDP’s NIM modality, which has rigorous financial and procurement controls to promote competition and ensure cost-effectiveness. Where possible, the project has sought to minimise costs – eg by working with national rather than international consultants.

To give two examples, the project has been able to implement two IT projects on very limited budgets (the project to establish the MOJ website and a second project to establish the Judgement Execution database). Both of these projects had recently been completed at the time of the evaluation – the MOJ website was still being populated with information, and the data entry was ongoing to establish the judgement execution database. For this reason, it is premature to review the impact of these activities, so it is not possible to offer an opinion on the value for money of the projects at this stage – however, the budgets for both projects were very financially prudent.

As discussed under partnerships, the Project has also been able to limit expenditure on international consultants by drawing upon existing in-house expertise of UNDP and other donors – including the expertise of UNDP, UNICEF, JICA, UNODC, WHO and UNWOMEN which was made available to the Government through the Penal Code Task Force, and bringing OHCHR experts from Bangkok to advise on the UPR.

The project is managing the implementation of many activities simultaneously, in partnership with a range of counterparts. After an initial slow start, particularly during the first year and project start-up, the pace of project implementation has increased significantly. Due to a significant catch up effort by the project team and UNDP programme management, the majority of project activities are now on track for implementation. The 2015 Project Annual report notes that 23 of the 25 project targets have either been achieved or are on track for completion.

The project management team has perhaps been over-ambitious at times in estimating the timeframes required to implement some project activities. Sources of delay have included a range of factors, such as:

* Where a number of activities are occurring simultaneously and exceed the management capacity and support capacity of the Secretariat and support team.
* Where a number of activities are occurring simultaneously within a partner institution and the institution has limited management or absorptive capacity to manage the simultaneous work streams.
* Where approvals and implementation must be negotiated internally between Departments within the relevant Ministry, or between different Ministries which are involved in the same activity.
* Where pre-conditions have not yet been met, such as waiting for the Prime Minister’s decree on the Village Mediation Units.
* Recruitment and procurement processes, including delays in the recruitment of key positions such as the international Chief Technical Adviser which remained vacant for a protracted period, the prolonged initial recruitment for office start up, and the collaborative selection process to engage consultants.
* The Output focal points within each institution also have their regular duties, and they are not assigned to work full time on the project. Balancing project needs and regular work requirements may be an additional source of delays.
* Rotation of counterpart personnel to new roles.
* Challenges associated with implementing project activities in remote locations, such as provincial based activities of legal aid and legal awareness raising.
* The procedural requirements to provide reports on project activities, satisfy financial management and procurement guidelines (eg through quotation processes) can be a source of delay. This is partly a training and familiarity issue, and partly due to the thoroughness of NIM procedures (noting also that the Lao PDR Government would have similar financial management procedures in place to manage funds disbursed by the MoF.

On a project of this complexity, it is natural that there will be delays. Some of these delays are within the control of the project, and other delays are beyond the project. The Project Risk log has effectively identified many of the risks which have resulted in project delays – however, it is not necessarily a simple matter to mitigate these risks. The project has improved the timeliness of implementation as it has progressed.

**How efficient did the project support prove to be in the period?**

The project support team within the Secretariat has played an important role in supporting Output Leads within the Ministries to plan, implement and report on project activities. The support team has been the link between UNDP and the Ministries which has assisted Output Leads to navigate the procedural requirements of the NIM modality. This work is inherently challenging, since the procedures themselves require due process to ensure that the fiduciary duties of each party are met. It appears that as the project support team and counterparts have developed more familiarity with the procedural requirements, it is now easier for activities to progress than it was at the start of the project.

#### To what extent are the planned funding and timeframe sufficient to achieve the intended outputs?

 The project funding and timeframe are insufficient to fully achieve the intended outputs in a profound way. The LSMP is an ambitious document, and the SPLSMP is similarly ambitious in breadth, yet with a shorter timeframe. While the project activities will contribute towards improving the outputs, the high level way in which the outputs are written mean that the full achievement of the outputs is quite ambitious. For example, the project will make some progress towards achieving Output 2 of ‘Institutional capacity, structure and arrangements further improved at legal and judicial institutions for more effective and responsive judicial process’ – but

Achieving the project outputs would require a much more comprehensive project, with longer timeframes, larger budgets and additional high level support from the Government of Lao PDR which was dedicated to project implementation, rather than sharing responsibilities with other work duties. The project has adopted a problem solving approach, and many of the initiatives are admirably creative – for example, working with the NIJ to approach university students, to encourage enrolment at the NIJ, to increase the availability of lawyers and the quality of legal professionals, leading to increased participation in the legal system. However, there are a number of assumptions at each stage in this chain, and it is not yet clear whether some of these activities will have the desired impact or whether intervening circumstances (including established power structures) will mitigate the results.

#### How efficient has the coordination mechanism become in the legal sector (role and function of the LSMP Secretariat)?

As discussed below under Partnerships and Coordination, the LSMP Secretariat has been efficient in the coordination of UNDP supported activities under the LSMP. Additionally, there has been good operational coordination between the SPLSMP and development actors – for example, collaboration with TAF on the legal aid survey and VMU activities, with UNODC and JICA on the Penal Code Task Force, and with USAID – LUNA II on the Ministry of Justice website and e-gazette website.

However, the Secretariat has not been in a position to effectively coordinate the work of other Development Partners under the LSMP. These projects have typically been negotiated bilaterally with the relevant line Ministry. At the time of the evaluation, there exists uncertainty within the LSMP Secretariat and Development Partners as to whether the Secretariat should also coordinate non-UNDP funded projects or not. This is discussed in further detail below under Partnerships and Coordination.

## Partnerships and Coordination

**Overall: The project is the main sources of development support to the justice sector, and the SPLSMP has played a key role in sectoral coordination. The project Secretariat supports formal coordination mechanisms, as the Secretariat provides significant inputs into the Legal and Institutional Oversight sub-sector Working Group, which is one of two working groups under the Governance Sector Working Group. The project also cooperates with a range of development partners to implement justice related programme activities, including UN agencies, JICA, The Asia Foundation and others.**

**One significant issue to address is the role of the SPLSMP Secretariat – and whether the Secretariat should coordinate all activities under the LSMP, or only coordinate the activities of the SPLSMP. If the Secretariat should coordinate all LSMP or justice sector activities, donors also have some obligation to ensure that bilateral projects are still coordinated and reported on within the mechanism. This is not to automatically suggest that all funding should go through the UNDP and the Secretariat, but if the Secretariat is to have a coordination role then it should be empowered to implement this role effectively.**

**SPLSMP has promoted the engagement of civil society through participatory processes, such as involvement in the penal code review and UPR follow up. While acknowledging the relatively nascent state of civil society development and the sensitivities, there may be other areas where the project could have strengthened its engagement with civil society, particularly around frontline justice service delivery issues.**

#### How well does the Project coordinate and harmonise its work with other actors in the sector? How well does the LSMP Secretariat coordinate with all key stakeholders under the Governance Sector Working Group and Legal and Institutional Oversight Sub-sector Working Group?

The project’s work is well coordinated with that of other actors in the sector. The project is the main source of sectoral support to the justice sector in Lao PDR, and development partners look to the SPLSMP to provide technical expertise, project management support and financial resources to support the priority needs of the justice sector.

There are formal mechanisms in place for coordination. The work of the Secretariat informs the work of the Legal and Institutional Oversight Subsector Working Group. This working group is established under the Governance Sector Working Group, along with the Public Service Improvement Sub-sector Working Group, which coordinates UN and donor support to the Governance sector.

There are also informal coordination mechanisms in place – for example, the informal coordination that the project has undertaken with JICA on the civil law review, and with The Asia Foundation on support to strengthening Village Mediation Units.

One important issue for the Secretariat is reaching consensus on the purpose and utility of the Secretariat. The Secretariat has been established with a number of technical and support staff, and is a significant investment in human resources capacity. During the evaluation consultations, some Secretariat members and Development Partners said that the role of the Secretariat was to coordinate all activities under the LSMP. This approach would be consistent with the present level of Secretariat staffing.

However, other Secretariat members and Development Partners said that the role of the Secretariat was only to coordinate UNDP supported initiatives under the LSMP. Initiatives supported by other donors would be negotiated with the relevant Ministry and implemented directly with the relevant Department, rather than through the Secretariat. This was thought to be more practical and efficient. Informal coordination may then take place between the Development Partner and the Secretariat, depending on the activity and the Development Partner. The reporting of the Secretariat has primarily concerned the implementation of UNDP supported activities, rather than justice sector actors. This may change if the Secretariat takes on a monitoring and reporting role for LSMP sectoral indicators.

The important issue is to reach consensus with the Government, Development Partners and UNDP on what should be the role of the Secretariat. If the Secretariat is to coordinate all activities under the LSMP, the Secretariat needs to commit itself to providing a forum for these other activities and overseeing them. Line Ministries would also need to commit themselves to managing activities through the Secretariat structure, rather than bilateral arrangements on a case by case basis.

It should be noted that this discussion is about management arrangements for the scoping, coordination and implementation of activities under the LSMP. We are not necessarily discussing the financial flow of funds. Development Partners could still fund activities under the LSMP bilaterally which were coordinated under the Secretariat - this coordination does not imply the need for a basket-fund type mechanism, nor that this fund would be managed by UNDP.

There may be a place for more thematic working groups, in areas such as support to the Village Mediation Units and the development of legal aid policy. While effective informal coordination has taken place so far, a more formal working group approach may be another strategy to assist in engaging with civil society actors, building capacity and building confidence between the Government and civil society.

#### How appropriate and effective has the UNDP partnership strategy been? What factors contributed to this effectiveness or ineffectiveness?

UNDP’s partnership strategy with the Government has been very successful. The project is perceived as Government owned and implemented, and the project has also fostered closer collaboration between the different (and occasionally competing) Government Ministries in the justice sector. One exception to this has been the Ministry of Public Security, where the project has been less successful in engaging the Ministry. This may also be due to the additional complications of working with the institution on sensitive justice and security related issues.

The partnership strategy with donors has generally been successful. UNDP is the lead technical agency working to support justice issues in Lao PDR, and so there are high expectations. There are also challenges in managing the coordination of other activities under the LSMP, and determining whether these should coordinated bilaterally or under the SPLSMP Secretariat.

The partnership strategy with civil society has had some successes. The project has promoted the engagement of civil society through consultation mechanisms such as the work relating to the UPR process and the penal code review. The project has also had some engagement with civil society on community outreach (eg community theatre). The confidence building approach that the project has taken has been appropriate, given the relatively nascent state of civil society. However, there may now be opportunities to increase the project’s engagement with civil society, while also being sensitive to maintain Government ownership over the project.

#### How is policy dialogue being used to effectively influence Government and development partners and support the outputs? How could the approach to policy dialogue be strengthened and made more impactful?

The project is contributing strongly to policy development. As discussed above, the project has played a convening role in bringing together stakeholders for the review of the Penal Code, and encouraging participation in the law making process through the development of the Law on Law Making. The project has also take some steps to support the expansion of space for the nascent civil society and to promote dialogue and confidence between the Government and Civil Society partners – for example, the support to the UPR and follow up process with civil society participation, and the 2015 Human Rights Day workshop.

The project has also undertaken research and studies which will contribute to policy development – for example, the work underway with the legal aid survey and supporting the drafting of the Legal Aid Draft decree, and the project’s work in supporting the development of the draft Village Mediation decree.

The SPLSMP has the opportunity to formally contribute to sectoral policy making through the Governance mechanisms which exist – through the Secretariat’s support to the Legal and Institutional Oversight Sub-Sector Working Group, which also informs the work of the Governance Sector Working Group.

During the evaluation consultations, stakeholders suggested two potential ways that the approach to policy dialogue could be strengthened. The first is for the project to make greater use of political consultations, including soliciting high level representations from the UN system and donors where required). While the project has excellent technical level working relationships, the project could leverage political relationships more effectively, by drawing on high level support. It is difficult for the project to understand which issues are currently ‘sensitive’, and which issues have become less sensitive and where there may be new opportunities.

The second suggestion was that UNDP and the SPLMSP could be more proactive in the way it engages with civil society. During the evaluation, stakeholders offered differing views on this issue. Some stakeholders suggested that there now existed more space for civil society, and the project (and UNDP) should be more adventurous in the ways that it attempts to build civil society capacity and work with civil society on issues including community outreach, paralegal development and legal assistance, and participation in dialogue on justice issues. While these stakeholders acknowledge the progress which has been made under the UPR process, they believed there was a greater role for civil society to play, and a greater role for the project and UNDP to play in fostering this. Other stakeholders (including some civil society organisations) believed that the environment was still challenging, and that the successes of the SPLSMP were due to the fact that the project was strongly Government led and owned, and that the project had not attempted to push too far into more sensitive areas which might jeopardise the support of the Government. The EU is commencing a civil society capacity development programme, which may fill some of these perceived gaps.

## Sustainability

**Overall: The project has sought to work in a sustainable way, by supporting Government ministries to implement their priority activities under the LSMP. The project has focused heavily on building legal architecture and developing institutional and personnel capacity, which will have a lasting benefit beyond the life of the project.**

**The project has also sought to ensure that all activities are strategic. However, since the scope of the LSMP is broad, it is possible than many activities could fall under this umbrella. There is some tension between viewing the project as a strategic instrument, versus the desire of some counterparts that the project be an extra-budgetary resource to provide supplementary funding. Strategic activities are an investment with benefits for the future, whereas supporting recurrent expenses has limited lasting impact.**

**One issue for stakeholders to consider is what role the Secretariat should have – should it be limited to the SPLSMP project, or should it have a sectoral role which supports the LSMP and goes beyond the life of the SPLSMP. It may be difficult to sustain the cost of the Secretariat following the SPLSMP, unless additional funds are available. The possibility of Government co-funding of the Secretariat and activities under the LSMP should also be further discussed.**

#### To what extent has the Implementing Partner increased its ownership during the period in question? What impact has this had on external support?

The project is implemented by the Ministry of Justice, as the national implementing partner under the NIM modality. During the evaluation consultation meetings, the Ministry of Justice and other Ministries spoke positively about the role of the project, and the support which the project had provided to both their Ministries and also the implementation of the LSMP.

At the time of the evaluation, the MOJ had also relatively recently appointed a new Project Director, which has potential to assist in expediting some of the internal and inter-Ministerial consultations required for smooth project implementation. However, the Project Director has retained his full time position within the Ministry, so it is also necessary to balance the work of the project together with his routine Ministry responsibilities.

The political support to the project has enabled the project to consolidate funding from the European Union, French Government, US State Department Bureau of International Narcotics and Law Enforcement, and UNDP. One issue for future programming is co-funding. While the Government has provided significant human resources and office contributions to the SPLSMP, the issue of whether the Government is in a position to contribute towards the programme costs should be explored as part of future programme development, particularly as the project activities are designed to so closely match the Government’s own priorities.

#### Has there been any mechanism built into the project to enable sustainability for its interventions?

The project has been designed and implemented in a sustainable way, in that the work has been implemented through existing Government structures of the Ministries and Departments. An alternate approach of channelling project activities through dedicated project implementation units inside each Ministry may have yielded greater project impacts, as this would centralise decision making authority and support functions within each Ministry. However, this approach would be less sustainable, in both financial terms (how would the project implementation unit be funded once the project has finished?) and in terms of structures (as a new structure would be introduced to coordinate activities).

Rather, the SPLSMP has taken a mixed approach, where coordination and support is located within the Secretariat, and output leads responsible for each component work within each institution to coordinate activities. In practice, the Secretariat support staff also engage with the relevant directorate, to help ensure that the activity is implemented as planned and budgeted.

The project aims to establish capacities within the counterpart institutions which will remain at the conclusion of the project. By strengthening the legal institutional architecture, supporting the establishment of the NIJ, building the capacities of staff through targeted training based on training needs assessments – these activities are designed to result in long term impacts, beyond the life of the project.

The Secretariat itself may exist beyond the life of this project, although that would require reaching consensus on the purpose and utility of the Secretariat, as discussed above under Partnerships and Coordination.

The SPLSMP has sought to only fund ‘one off’ project type expenses, and to minimise recurrent expenses such as salaries for activities which may be unsustainable in the long term.

#### Determining the success of ‘pilot’ activities for potential future scale up

In addition to implementing a range of support activities, a key objective of the SPLSMP should be to rigorously review the initiatives which have been supported, and determine which activities are suitable for scaling up. The project logframe includes very detailed indicators, which allow the project to determine whether the activity has been implemented as agreed, and ensure that there is responsible oversight of the funds. This is admirable and appropriate financial stewardship. However, the logframe indicators provide less guidance on how to determine whether an activity is successful and appropriate for replication or scale up, which would guide future programming decisions.

For example, the Project aims to support legal outreach through a range of innovative measures, including the new Ministry of Justice website, information kiosks, radio broadcasts, community information sessions etc. Which of these mechanisms will be the most effective in reaching people? Which of these mechanisms will be the most cost-effective? Which of these mechanisms are suitable for roll out in remote provinces? The Public Justice baseline survey 2014 provides a benchmark for the state of knowledge of Lao citizens, and future follow-up surveys could inform decisions about which outreach approaches have been the most effective.

Similarly, the project has commenced supporting the delivery of legal aid in conjunction with the MoJ. Is this the most effective model of legal aid for Lao PDR? How would the decision be made on whether this approach is effective or another approach should be piloted? What impacts are we expecting to see from the legal aid service delivery work? How many cases per adviser per month are we targeting? Must the person giving the advice be a lawyer?

The SPLSMP is working very broadly across so many initiatives that it would not be realistic to expect every activity to be successful to the same degree. So, an important component of this project is determining which activities are having the most impact and are the priorities for scaling up. This requires a robust dialogue between project partners, the Secretariat, UNDP and donors. It also requires a slightly different approach to M&E, with more emphasis on quality (What would ‘good’ look like?) rather than on verifying the implementation of the activity (number of people trained, number of website visitors, number of compliant laws drafted, etc.

## Monitoring and Evaluation and Risk Management

**Overall: The project has a very rigorous and detailed approach to monitoring and evaluation, which is particularly strong from an activity compliance perspective. The additional of extra higher level indicators to help assess the project’s impact could also be beneficial. The Secretariat could also play a further role in monitoring and reporting on agreed sectoral level indicators under the LSMP.**

**The project has effectively identified the risks which it faced through the risk log, including the risk of delays, of complicated approval and political processes, and the potential for ad-hoc or disjointed activities. While the project has correctly and appropriately identified these risks, managing these risks has been a more challenging prospect.**

**To what extent is the monitoring and evaluation system generating credible information that can be used for programme improvement, learning and accountability**

The information generated by the Monitoring and evaluation system appears to be credible. There is a comprehensive logframe in place, with extensive indicators. The strength of the monitoring and evaluation approach is from a compliance perspective – the strongest elements of the logframe and associated reporting arrangements demonstrate whether an activity took place or not. There is less emphasis on impact and quality indicators, which are also more difficult to define, monitor and report on. Several of the designated higher level impact indicators (such as citizen confidence in the justice system) had not begun to take effect yet, as the project’s planned activities targeting those indicators had experienced delays in implementation.

During the evaluation, some donors advised that it could be difficult to receive the precise data they sought from the project in a timely way. This may be because of difficulties in collecting the data (particularly data coming from districts and provinces). It may also be because the project is not collecting the data in the format which the donor would like. Donors may also have their own specific reporting requirements and visibility requirements. It would be useful for donors and the project team to further discuss this issue, and to identify constraints and solutions.

**To what extent is the monitoring and evaluation system generating credible information that can be used for programme improvement, learning and accountability**

It is important from a fiduciary perspective to include rigorous activity level indicators in project’s M&E approach. The project does this very successfully. However, as the project is a sectoral project, there would be benefits in adding additional higher level indicators to the project. This would to help to further assess the project’s impact. Under the project, the Secretariat could also have a role in collating and reporting on the sectoral LSMP indicators, and so assist in improving the quality of available information and informing assessments about the progress of the justice sector overall.

Three aspects of this are discussed as follows – impact measures, sectoral level indicators and assessing pilot activities.

#### Impact measures

As the project has a significant focus on training and capacity development, one area where the M&E system could be strengthened is on assessing the impact of training. The Kirkpatrick model [[8]](#footnote-9) provides a theoretical framework for the evaluation of training. This model moves beyond the immediate feedback provided by participants at the conclusion of the course (on course satisfaction and knowledge gained) and conducts post training follow up to assess whether the training results in changes in behaviour (ie, how does the trainee apply the course learning) and impact (ie, does the change in behaviour and the application of the course information lead to any real-world results.

This is represented graphically as follows:



**Kirkpatrick – Phillips Model for Measuring Learning Results**

At present, the logframe generally focuses on the lower levels of the pyramid – assuming the training took place, were the trainees satisfied with the training course and do they indicate increased understanding of the topic they were trained on (eg as assessed through pre-tests and post-tests).

Given the importance of training and capacity building within the project, the SPLSMP should implement some follow up monitoring to assess the impact of the training courses at higher levels (ie, to assess examples of changes of behaviour as a result of the training and the results of this behavioural change). It is not necessary to complete this for every training course, but it would provide a useful indication of whether the training is having any impact and delivering the anticipated results.

#### Sectoral level indicators

As discussed above, at the time of the evaluation there were discussions about the development of indicators for the LSMP. The SPLSMP and Secretariat could perform an extremely valuable role in collating and reporting on high level justice sector indicators under the LSMP. The possibility of sharing this data through a dashboard on the MOJ website was also raised.

In other countries, a body similar to the SPLSMP Secretariat has been given responsibility for tracking and reporting on sectoral level indicators. These indicators are ideally high level, and selected to collectively form a holistic and objective view of the justice sector. Examples from other countries have included indicators on:

* the proportion of the public who are aware of certain legal rights (measured through public perception surveys)
* the number of people waiting in pre-trial detention longer than an agreed period (eg 6 months)
* the availability of lawyers – eg the ratio of lawyers per 10,000 population
* the number of complaints received about justice staff
* etc

The intention is to move beyond activity level indicators (how many people were trained?) and to identify the indicators which are most relevant to Lao PDR, and which indicators would best show the progress which is being made in the justice sector. Focusing on high level indicators of this nature could also help provide a useful touchstone when considering which activities are the highest priority and should be funded under the SPLSMP – ie, which of the competing priorities are mostly likely to have the greatest impact on the sectoral indicators which the Government and development partners are aiming to improve?

Some additional M&E human resource capacity would likely be required within the Secretariat if the Secretariat were to take on this role of sectoral M&E monitoring and reporting.

#### Assessment of pilot initiatives

As discussed above, some of the activities implemented under this project could be best treated as pilot activities, as they are innovative within the context and they may have potential to scale up for replication in other geographic areas (eg legal aid models of service delivery), or for repetition using different themes (eg outreach campaigns on particular topics).

The current logframe gives a good perspective of whether the activities have been implemented as planned. However, it is less helpful in determining whether the activities have been successful, and which activities (if any?) of the piloted activities should be expanded – or conversely, whether an initiative is having relatively limited impact and should be discontinued as it is not returning value for money. The criteria which would make these pilot activities ‘successful’ are not clearly found in the logframe. It may be useful to have dialogue with stakeholders around how success would be determined.

#### How accurate was the risk assessment undertaken? How effectively were the risks managed?

The project has accurately assessed and documented the relevant project risks. These are contained in the ATLAS risk log and issues log. While the risks have been documented, it has been more challenging for the project to manage the risks.

Some of these risks are beyond the control of the project, and depend on external factors such as political decision making processes. For example, although the project undertook extensive consultations and support for the development of the Village Mediation Decree, the outcome of this is still a political process which is beyond the level of the project to influence.

In other areas, issues were identified, but the resolution of the issue involved a lengthy managerial process – for example, addressing the issue of the proposed use of US funding to train security personnel. The process for this is a Congressional requirement and applies for training of security personnel from all countries, so the project had no realistic prospects of negotiating an exemption to this process. The MPS has limited participation under the SPLSMP project, and while alternative arrangements have now been made to fund the training from a different source, the protracted arrangements for this training have likely not eased the challenges of engaging in a sensitive area like state security. Other risks, such as the risks of limited absorptive capacity of counterpart institutions and counterpart focal points have been identified (particularly as the focal points also manage their day to day responsibilities). However, these issues have not yet been fully addressed, which has resulted in some further delays in project implementation.

# **Annex 1: Terms of Reference**





*f111r<u.,'rt'11,,,.,*

/1'd\_,/,«n/ ll1Jl•L";n1

Terms of Reference

Mid-Term Evaluation for Support Project for Implementation of Legal Sector Master Plan *(International Consultant)*

Title : International Evaluator for Support Project for Implementation of Legal Sector Master Plan (SPLSMP)

Reporting to

Duty Station

Duration

 Contract Type

: Assistant Resident Representative and Head of Governance Unit at UNDP Lao PDR

:Vientiane, Lao PDR

 20 Working Days from November 15 2015 to March 31 2016 (output based consultancy)

: Individual Contract (IC)

Background Information:

In September 2009, the Legal Sector Master Plan was officially adopted by the Government of Lao PDR. The Master Plan lays out a framework for the country's first broad-ranging legal reform in order to achieve its ultimate goal of establishing a rule of law state by 2020. It is a comprehensive and candid statement of the current needs of the legal system as well as a series of guiding principles for developing a rule of law state and action plan to achieve this goal. The Plan represents an effort at coordinated legal system development consistent with the guidance of the political report of the 9th Party Congress.

In order to support the implementation of the Master Plan, UNDP, together with other donors, launched a new project ("Support Project for Implementation of the Legal Sector Master Plan") in January 2014. As the first attempt towards a programme­ based approach in the legal sector of Lao PDR, the SPLSMP is expected to deliver the following 6 key outputs:

1. Enhanced capacity, procedures, and standards for legislative development and implementation in Lao PDR
2. Improved capacity, structure, and arrangements further improved at legal and judicial institutions for more effective and responsive judicial process
3. More systematic development of legal and judicial professionals enabled through the establishment of a unified judicial training institute
4. Increased public understanding of legal rights and information, and increased participation in the legal system towards full realisation of their rights
5. Lao PDR's further integration into regional and international communities enabled through adoption, implementation, enforcement, monitoring, and reporting of international legal instruments
6. Enhanced capacity of the Secretariat for more effective coordination in the legal sector and implementation of the LSMP

As the Project duration goes from January 2014 to December 2016, this consultancy serves as a mid-term evaluation to assess the Project in such areas as efficiency, effectiveness, and relevance at the output level.

**Objective**

The objectives are (1) to assess the Project's relevance, effectiveness and efficiency and how much progress has been made in achieving the abovementioned outputs during the first 18 months of the project implementation and also (2) to provide evidence-based and forward looking recommendations that are useful for UNDP and stakeholders in adjusting the second half of the Project and for conceptualizing a direction and key elements of the next phase.

**Use and Management Response**

UNDP evaluation policy, approved by its Executive Board in 2009, requires all independent evaluations to have a management response. According to the policy, UNDP management, in close consultation with Ministry of Justice, SPLSMP, and other stakeholders, will prepare a management response to the recommendations and follow up action points.1 This plan will note the responsible parties for each follow-up activity, as well as the timeframe by quarter, to allow for clear tracking of progress on the corporate public website, Evaluation Resource Center (erc.undp.org).

**Evaluation Ethics**

The evaluation must be undertaken in accordance with the UNEG Ethical Guidelines for Evaluation, which are available here:

[http://www.](http://www/) uneva Iuation. org/document/download/548

**Scope of Work**

UNDP Lao PDR invites applications from qualified consultants in order to perform the mid-term evaluation of the SPLSMP. This evaluation should assess relevance, effectiveness and efficiency of the project. It should assess what works and does not work and why, highlight intended and unintended progress and/or results, and provide strategic lessons to guide decision-makers and inform stakeholders.

The consultant is expected to hold meetings and discussions with government ministries and agencies' concerned departments and committees as well as other relevant stakeholders in the execution of the mission.

1 The template for a management response can be seen on page 1 6 of UNDP's Evaluation Policy, available here:

In relation to the above-mentioned aspect, the Evaluator will review, analyze and provide conclusions and recommendations on the following evaluation criteria:

* Effectiveness (e.g. the degree to which the project activities listed in the Project Document and capturing government priorities have been successfully implemented and desired outputs are being achieved);
* Efficiency (e.g. the approach to project management, including the role of stakeholders and coordination with other development projects in the same area);
* Relevance of the Project activities, results and design in view of (1) justice sector development in Lao PDR, and (2) enabling environment for citizens and civil society organizations' participation/engagement in decision-making process;
* Data collection and methods should include evaluating the stakeholders' satisfaction level with the Project's results/ progress thus far.
* Identifying and evaluating recommendations and lessons learned from the first

18 months implementation for corrective action to further enhance results supported from this project

* Evaluating changes made to the project to meet the priorities of the justice sector vis a vis the original planned activities
* Identifying and evaluating the level of national ownership catalyzed by the project
* Evaluating partnership and coordination built by project interventions
* Evaluating the sustainability basis built into ongoing and planned project interventions and make recommendations if course alteration is needed
* Evaluating M&E and risk management framework
* Providing specific recommendations for further improvement in addressing cross-cutting elements such as gender and human rights dimensions within the project intervention;

**Team Composition**

This evaluation will be conducted by an international evaluator who will report to the UNDP Assistant Resident Representative under the overall guidance of UNDP Deputy Resident Representative and UNDP Resident Representative. With the support from the Implementing Partner (Ministry of Justice), SPLSMP team, UNDP, and other stakeholders, the international evaluator will be responsible for developing a methodology for the assignment that reflects best practices and encourages the use of participatory and consultative approach as well as delivering the required outputs to meet the objective of the assignment and will work under the overall guidance and supervision of the SPLSMP National Project Director and under the direct supervision of the Head of Governance Unit at UNDP Lao PDR.

**Evaluation Questions**

Although these are to be finalized by the international consultant after the scoping phase, the evaluation should address the following questions among others:

**Overall Results and Achievements:**

What has been the progress made towards achievement of the intended outputs (and that these remain aligned to appropriate outcomes)? What are the results achieved? What are the reasons for the achievement or non­ achievement? What are the recommendations in this regard to take corrective actions for the second half of the implementation of the SPLSMP?

What are the gaps that haven't been filled by this phase of the SPLSMP? What are general indications for the direction that should be considered in moving forward for this Project given the achievement or non-achievement of the intended outputs?

**Relevance:**

As the first comprehensive support for implementation of the Legal Sector Master Plan since its adoption in 2009, to what extent was this support to the legal sector of Lao PDR thus far based on clearly identifiable development needs as outlined in the government's strategies including the Legal Sector Master Plan and National Socio-Economic Development Plan, international obligations and others?

During the evaluation period, what economic, social or political changes have taken place that affected this Project?

What opportunities are there to better align the support to the changed context and the needs of the beneficiaries?

How does the SPLSMP's work link to other development initiatives, implemented by the UN, other Development Partners, Civil Society Organizations, or government agencies?

**Effectiveness:**

What factors have contributed to achieving or not achieving intended outputs? Any corrective action required for the second half of the project implementation?

How far has the Legal Sector Master Plan Secretariat mechanism, its objective, set-up and rules and procedures been effective in fulfilling the intended objectives and needs of the users? How has its effectiveness compared with that of other funding modalities?

**Efficiency:**

How cost-effective and time-efficient has the implementation by this Project of '1ts activities and outputs been during the evaluation period? What measures were taken to ensure competitiveness?

How efficient did the project support prove to be in the period?

To what extent are the planned funding and timeframe sufficient to achieve the intended outputs?

How efficient has the coordination mechanism become in the legal sector (role and function of the LSMP Secretariat)?

**Partnership and Coordination:**

How well does the Project coordinate and harmonize its work with other actors in the sector?

How well does the LSMP Secretariat coordinate with all key stakeholders under the Governance Sector Working Group and Legal and Institutional Oversight Sub-Sector Working Group?

How appropriate and effective has the UNDP partnership strategy been? What factors contributed to this effectiveness or ineffectiveness?

How is policy dialogue being used to effectively influence government and development partners and support the outputs?

How could the approach to policy dialogue be strengthened and made more impactful?

**Sustainability**

To what extent has the Implementing Partner increased its ownership during the period in question? What impact has this had on external support?

Has there been any mechanism built in the project to enable sustainability for its interventions?

**Monitoring & Evaluation and Risk Management:**

To what extent is the Monitoring and Evaluation system generating credible information that can be used for program improvement, learning and accountability?

To what extent did the results framework allow for relevant monitoring of progress and impact of interventions? How could this be improved, with particular reference to the findings regarding relevance?

How accurate was the risk assessment undertaken? How effectively were the risks managed?

**Methodology**

The final design of the evaluation methodology will result from consultations among the evaluation team, UNDP, and key stakeholders. The methodology may include but is not limited to:

Desk Review

* Desk Review of project documentation, monitoring records and progress and other relevant reports

Data Collection

* Discussions (focus group discussions and/or individual interviews) with key staff involved, development partners, and project beneficiaries to assess project's relevance and effectiveness of project implementation take note of their perceptions of accomplishments and potentials for further development and provide suggestions for management response to evaluation findings. Objectively verifiable data should be collected whenever available, to supplement evidences obtained through interviews and focus group discussions;
* Schedule of interviews will be coordinated with UNDP and SPLSMP project team;

Field Visits

* Field visits to selected areas will be planned to organize focus group discussions and/or interviews with relevant stakeholders

Data Analysis

* Application of triangulation of both quantitative and qualitative methods of analysis to the results of the above data-gathering exercises for data consistency and accuracy
* Presentation of initial analysis to stakeholders as a means of refinement and quality review

The evaluation should be undertaken with the guidance of the 2009 UNOP Handbook on Planning, Monitoring and Evaluating for Development Results, available here;

http : /web. undp.o rg/evaluation/hand boo k/documents/engIishlpme-handbook. pdf

**Duties and Responsibilities**

* + Lead the evaluation mission in planning, execution and reporting
	+ Provide a global perspective and insights about the legal sector reform;
	+ Document, review and frame approach and questions for the evaluation;
	+ Ensure use of best practice methodologies in conducting the mission;
	+ Hold consultations and interviews with relevant stakeholders and strategic partners
	+ Data collection and data analysis;
	+ Identify possible capacity development/enhancement issues;
	+ Identify and analyze the SPLSMP results, achievements and constraints;
	+ Facilitate an internal workshop or focus group discussion about the lessons learned and on the future concept development
	+ Lead the national debriefing for programme stakeholders in Lao PDR;
	+ Lead the drafting and finalization/quality control of the evaluation report

**Desk Review**

A following set of information sources about the project will be made available to the Evaluators

* Project document;
* Progress reports;
* Annual Review Meeting minute;
* Key materials produced by the project

**Expected Deliverables**

It is expected that the evaluation deliverables will be completed within 20 working days between November 2015 and March 2016.

1. Desk Review and Inception Report (Day 3)

It should contain the description of the assessment methodology, data analysis methods, key informants, issues to be evaluated, and work plan. The inception report shall outline the proposed division of labor between the international and national evaluators, ensuring that it reflects the scope of each TOR. Note that the methodological approach will be devised by the international consultant as a stand-alone document which will set out the approach and design for the evaluation in line with the UNEG/G (2010)12 .

1. Draft Evaluation Report (Day 15)

After compiling all relevant data, a draft evaluation report shall be produced, capturing preliminary findings and recommendations. In addition to the meetings and consultations held with all stakeholders, the international consultant is expected to analyze all relevant information sources including the annual progress report, project document, and key materials produced by the project amongst others.

Please note that the Implementing Partner (Ministry of Justice), SPLSMP learn, UNDP, and other relevant stakeholders reserve the right to provide comments on the draft report prior to approval.

1. Debriefing Workshop/Presentation Material (Day 16)

At the end of the in-country mission, it is expected that the international consultant organizes a debriefing workshop to present preliminary finding and recommendations.

1. Final Evaluation Report (Day 20)

Upon receiving comments from all stakeholders, the international consultant will finalize the deliverables with inputs from the national consultant.

**2 Un1ted Nation Evaluation Group Quality Checklist for Evaluation Terms of Reference & Inception Repor ts**

7

Please note that the Implementing Partner (Ministry of Justice), SPLSMP team, UNDP, and other relevant stakeholders reserve the right to provide comments on the draft report prior to approval.

**Indicative Timeline**

|  |  |  |  |
| --- | --- | --- | --- |
| **Expected Deliverables** | **Responsible Party** | **Estimated Time Frame** | **Place** |
| Inception report including work plan and evaluation matrix | International Consultant | Day 3: December10(3 days) | Home based |
| In-Country Mission: Vientiane Lao PDR | International Consultant | January 5, 2016 -January 16, 2016(10 days) | Lao PDR |
|  |
| Facilitate an internal workshop or focus group discussion about the lessons learned & future direction.Lead the national debriefing for programme stakeholders *I* presentation of the initial findings to gather feedback from stakeholders | International Consultant | Day 13: January 16(1 day) | Lao PDR |
|  |
| Draft Evaluation Report | International Consultant | Day 15: January 19-20, 2016(2 days) | Lao PDR |
| Review of Draft Evaluation Report | MOJ, SPLSMP,UNDP, and others | January 21 -January 31, 2016 | ::Concurrent action |
| Final Evaluation Report, including the executive summary | International Consultant | Day 20: February 1- 5(5 days) | Home based |

**Evaluation Report Criteria**

The criteria of utility, credibility, and relevance/appropriateness will be used for assessing the quality of the evaluation report:

* The report has to be written in clear and proficient language (English);
* The Executive Summary should be an extremely short chapter, highlighting the evaluation mandate, approach, key findings, conclusions and recommendations;
* The information in the report has to be complete, well-structured and well presented;
* The information in the report has to be reliable i.e. well documented and supported findings;
* The information in the report has to addresses priority or strategic information needs;
* Recommendations have to be concrete. realistic and implementable; and
* Gender equality and ethnicity diversity perspective should be taken into account.

In developing its Evaluation Report, the Evaluator must attempt as far as possible to incorporate all inputs received during the stakeholder engagement process. It must highlight areas that require attention and make concrete recommendations on the steps that are required to address the issues. The evaluation has to be conducted in accordance with the principles outlined in the Ethical Guidelines for Evaluation.

**Skills and Competencies**

* Excellent analytical skills;
* Demonstrated strong knowledge about judicial development;
* Displays ability to synthesize research and reach empirically based conclusions on related subject;
* Strong writing skills;
* Proven capacity to produce reports;
* Displays capacity to provide experienced advice on best practices;
* Possesses knowledge of inter-disciplinary development issues;
* Focuses on result for the client and responds positively to feedback;
* Good application of Results-Based Management;
* Good communication, coordination and facilitation skills;
* Consistently ensures timeliness and quality of work;
* Treats all people fairly without favoritism;
* Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability;
* Demonstrates integrity by modeling ethical standards;
* Ability to deliver when working under pressure and within changing circumstances;
* Consistently approaches work with energy and a positive, constructive attitude

; and

* Excellent interpersonal skills.

**Qualifications and Experience**

The below stated criteria shall apply to an International Evaluator.

***Education:***

* Masters or equivalent in relevant field of political science, law or another relevant field.

***Work Experience:***

* At least 7 years of professional experience in evaluating and monitoring technical cooperation and development activities and projects, especially in South East Asia
* Relevant professional experience at the national or international level in providing consultancy work related to judicial development preferred;

***Knowledge:***

* Strong knowledge of justice sector *I* development would be an asset;
* Familiarity with the UN(DP) evaluation policy, norms and standards; and
* Knowledge in the use of computers and office software packages and handling of web based monitoring systems.

***Language:***

* Excellent knowledge of written and spoken English. Knowledge of Lao PDR would be an asset.

***Application Procedure:***

The following are steps for on-line application:

Submit the application **in one document** (as listed below) via UNDP web site [www.](http://www/) lao.undp. org under the heading "Work with us Vacancies":

The application should contain:

1. Technical Proposal:
2. Cover Letter - Explaining why they are the most suitable for the work; and
3. Provide a brief methodology on the approach to the work and how it will be conducted (maximum 1000 words).
4. Financial proposal;
5. Personal CV in the form of P11 that includes past experience in similar projects and e-mail contacts of three referees (section 26 & 29 in P11).

The above information should be included in the following documents:

* + Offeror's Letter to UNDP confirming Interest and availability for the Individual Contractor (IC) Assignment. Document can be downloaded from the following: <http://www.lao.undp.org/download/ic/Confirmation.docx> (only PDF will be accepted); and
	+ Updated and signed P11, in PDF format, containing e-mail contacts of three referees (section 26 & 29). P11 can be downloaded from the following: [http://www.](http://www/) lao.undp. org/download/ic/P11.doc.

Additional Information:

* + Individual Contract (IC) will be applicable for individual consultants applying in their own capacity. If the applicant is employed by any legal entity, IC would be issued upon submission of Consent letter from the employer acknowledging the

engagement with UNDP. Template of General Conditions on IC could be found on:

[http://www](http://www/) .undp.org. lao/download/ General%20Conditi ons%201C.docx;

* Reimbursable Loan Agreement (RLA) will be applicable for applicants employed by any legal entity;
* In the case of engagement of Civil servants under IC contract modality a no­ objection letter should be provided by the Government entity. The 'no-objection' letter must also state that the employer formally certifies that their employees are allowed to receive short-term consultancy assignment from another entity without being on "leave-without-pay" status (if applicable), and include any conditions and restrictions on granting such permission, if any. If the previous is not applicable 'leave-without -pay' confirmation should be submitt ed.

This TOR was approved by:

|  |  |
| --- | --- |
| Ministry of Justice/SPLSMP | UNDP |
| 1 |  |

# **Annex 2: List of documents consulted**

* 2013 SPLSMP Project Document
* Revised 2015 SPLSMP Project document
* Final translation of LSMP September 2009
* LSMP Summary booklet
* SPLSMP Project newsletter and factsheet
* SPLSMP Project reports (quarterly and annual reports)
* SPLSMP Monitoring reports, ATLAS issues log, ATLAS risks log
* SPLSMP Annual Workplans
* 7th National Socio-Economic Development Plan and Strategic Plan on Governance
* UNDAF Action Plan 2012 – 2015 Lao PDR
* Terminal reports from related projects (International Law Project, LSMP Transitory Project)
* UNDP Lao PDR Governance project briefs
* Customary Law and Practice in Lao PDR
* The Lao PDR in the Universal Periodic Review (UPR)
* Project products
	+ The Law Making Process in Lao PDR 2015
	+ Evaluation of the National Justice Institute 2015 (in conjunction with ENM and ASF-F)
	+ People’s Perspective on Access to Justice Survey in four Provinces of Lao PDR 2011

# **Annex 3: Meeting schedule**

|  |  |  |  |
| --- | --- | --- | --- |
| 11 Jan | Kaz Fukuda | Programme Specialist | UNDP |
| 11 Jan | Dr Chomkham Bouphalivanh | Director General  | MOJ National Judicial Institute |
| Ms Latsamy Sisamouth | Director of Personnel and Building Division | MOJ / National Judicial Institute |
| Ms Phetsamai Xay |  | MOJ / National Judicial Institute |
| 11 Jan | Mr. Khoun Pasouk  | Judge and PSC / LSMP Secretariat Focal Point  | PSC |
| Mr. Phoutthabandith (Pele) Warinthrasak  | Project Coordinator | SPLSMP team |
| Ms. Phongsy Panyanouvong  | Project Assistant | SPLSMP team |
| Mr. Phetvanxay Khousakoun | Project team | SPLSMP team |
| 12 Jan | Mr Bounxuong Thavisack  | DG Law Dissemination Department / Head of LSMP Output 4 | MOJ |
| Ms Sisouda | Deputy DG Law Dissemination Department | MOJ |
| 12 Jan  | Mr Vikone and colleagues | Deputy Director General, Judicial Administration System Department | MOJ |
| 12 | Ms. Fanny Gazagne | Cooperation Attaché | French Embassy |
|  | Marie-Clare | Technical Adviser | Output 3, SPLSMP |
| 13 Jan | Kimberly Buckley |  | INL US State Dept |
| 13 Jan | Shameena Rassoola | Technical Adviser | SPLSMP |
| 13 Jan | Mr Inthapanya Khieovongphachanh | Deputy Director General, Law Department | MoJ |
|  | Reiko Tanahashi | Project Expert  | JICA |
|  | Mr. Hiroshi Suda  | Chief Technical Advisor | JICA |
|  | Mr. Hitoshi Kawamura | Project Coordinator | JICA |
| 14 Jan |  Mr. Sisounthorn Sorphabmixay and colleagues | Head of Pillar 2, Chief of Cabinet | Office of Supreme People’s Prosecutor |
| 14 Jan | Justice Khampha Sengdara | Vice President | People’s Supreme Court  |
|  | Mr Bounkhang Thavysack | Chief of Cabinet | People’s Supreme Court |
|  | Justice Khoun | Output 2  | People’s Supreme Court |
|  | Ms Audrey MAILLOT | Attache Cooperation | European Union |
| 14 Jan | Mr Khamsay Soulinthone | President | Lao Bar Association |
|  | Ms. Lamngeun Khatsavang | Vice President  | Lao Bar Association |
|  | Mr Pasith Bouphapaseuth | Board Committee, Financial Services | Lao Bar Association |
|  | Vincent Prosper | Coordinator | Advocats Sans Frontiers – France |
| 15 Jan | Khamphone Sipasert | Director General  | Judgement Enforcement Dept, Ministry of Justice |
|  | Marie Clare | Technical Adviser, Output 3 | SPLSMP |
|  | Ms Nancy Kim | Country Coordinator | The Asia Foundation |
|  | Inthana Bouphasavanh | Director | Association for Development of Women and Legal Education |
|  | Sudha Gooty | Head of Governance Unit | UNDP |
|  | Mr. Phoukhong Sisoulath | Director General, Department of Treaties and LawOutput 5 Head of Pillar | Ministry of Foreign Affairs |
| 18 Jan | Mr Kaz Fukuda | Progamme Specialist | UNDP |
|  |  | Website consultant | SPLSMP |
| 19 Jan | Mr Tongsong and colleague | President of Provincial Court, Xiengkhoang Province | PSC |
|  | Mr Bounpheng Sinavongphone | Director, Justice Department Vientiane Capital  | MOJ |
| 20 Jan | Ms Kirsten Di Martino | Chief of Child Protection | UNICEF |
|  | Ms Khamsay Iemsouthi | Child Protection Specialist | UNICEF |
|  | Mr Montee Siudom | Dep.Director XKH Justice Dept | MOJ |
|  | Ms Thipphasone Loua-a-phay | Legal Officer | Village Focus International  |
|  | Mr Brandon Scovil | Communication Adviser | Village Focus International |
|  | Ms. Sengdeaun Phomavongsa | National Programme Officer | UNODC |

# Annex 4: Evaluation matrix

|  | **Issue**  | **Means of Verification** | **Data collection method** |
| --- | --- | --- | --- |
| **Results and Achievements** |
| **1** | What has been the progress made towards achievement of the intended outputs (and that these remain aligned to appropriate outcomes)? What are the reasons for this achievement or non-achievement? What are the recommendations to take corrective actions for the second half of the implementation of the SPLSMP? | Project progress reportsMonitoring framework Stakeholder feedback | Document reviewKey informant interviews |
| **2** | What are the gaps that haven’t been filled by this phase of the SPLSMP? What are the general indications for the direction that should be considered in moving forward for this Project given the achievement or non-achievement of the intended outputs? | Project document and logframeLSMP, NSEDP reviewStakeholder feedback | Document reviewKey informant interviews |
| **Relevance** |
| **3** | To what extent was this support to the legal sector of Lao PDR based on clearly identifiable development needs as outlined in the Government’s strategies including the LSMP and National Socio-Economic Development Plan, international obligations and others?  | Evidence of programme development based on Government and UN policy framework documents, international obligations and needs assessments | Document reviewKey informant interviews |
| **4** | During the evaluation period, what economic, social or political changes have taken place that affected this Project?  | Stakeholder feedback using Most Significant Change approach | Key informant interviews |
| **5** | What opportunities are there to better align the support to the changed context and the needs of the beneficiaries? | Needs assessmentsStakeholder feedback | Document reviewKey informant interviews |
| **6** | How does the SPLSMP’s work link to other development initiatives implemented by the UN, other Development Partners, Civil Society Organisations or government agencies?  | Annual workplan reviewStakeholder feedback | Document reviewKey informant interviews |
| **Effectiveness** |
| **7** | What factors have contributed to achieving or not achieving the intended outputs? Any corrective action required for the second half of the project implementation?  | Progress report reviewProject risks and issues logsMonitoring matrixStakeholder feedback | Document reviewKey informant interviews |
| **8** | How far has the LSMP secretariat mechanism, its objective, set up and rules and procedures been effective in fulfilling the intended objectives and needs of the users? How has its effectiveness compared with that of other funding modalities? | Project document reviewStakeholder feedback | Document reviewKey informant interviews |
| **Efficiency** |
| **9** | How cost-effective and time-efficient has the implementation of this Project, its activities and outputs been during the evaluation period? What measures were taken to ensure competitiveness?  | Stakeholder feedback | Key informant interviews |
| **10** | How efficient did the project support prove to be in the period?  | Stakeholder feedback | Key informant interviews |
| **11** | To what extent are the planned funding and timeframe sufficient to achieve the intended outputs? | Project document reviewAnnual workplan reviewStakeholder feedback | Document reviewKey informant interviews |
| **12** | How efficient has the coordination mechanisms become in the legal sector (role and function of the LSMP secretariat) | Stakeholder feedback | Key informant interviews |
| **Partnership and Coordination**  |
| **13** | How well does the Project Coordinate and harmonise its work with other actors in the sector?  | Stakeholder feedback | Key informant interviews |
| **14** | How well does the LSMP secretariat coordinate with all key stakeholders under the Governance Sector Working Group and Legal and Institutional Oversight Sub-sector working group? | Evidence of LSMP secretariat contributing to the GSWG and LIOSSWG  | Document reviewKey informant interviews |
| **15** | How appropriate and effective has the UNDP Partnership strategy been? What factors contributed to this effectiveness or ineffectiveness?  | Stakeholder feedback | Document reviewKey informant interviews |
| **16** | How is policy dialogue being used to effectively influence Government and development partners and support the outputs?  | Evidence of project contributions to supporting and influencing policy dialogue and outcomes.  | Key informant interviews |
| **17** | How could the approach to policy dialogue be strengthened and made more impactful?  | Stakeholder feedback | Key informant interviews |
| **Sustainability** |
| **18** | To what extent has the Implementing Partner increased its ownership during the period in question? What impact has this had on external support? | Evidence of increased investment in the project overtime, whether financial, human resources or operational | Document reviewKey informant interviews |
| **19** | Has there been any mechanism built into the project to enable sustainability for its interventions? | Evidence of succession planning of project activities, including the Secretariat | Document reviewKey informant interviews |
| **Monitoring and Evaluation and Risk Management**  |
| **20** | To what extent is the monitoring and evaluation system generating credible information that can be used for programme improvement, learning and accountability? | Review of the monitoring and evaluation system.Evidence of corrective actions based on M&E, risks and issues logs, if any. | Document reviewKey informant interviews |
| **21** | To what extent did the results framework allow for relevant monitoring of progress and impact of interventions? How could this be improved, with particular reference to the findings regarding relevance?  | Review of the monitoring and evaluation system, including reporting matrix, ATLAS risks and issues logsEvidence of corrective actions based on M&E, risks and issues logs, if any. | Document reviewKey informant interviews |
| **22** | How accurate was the risk assessment undertaken? How effectively were the risks managed? | Review of the monitoring and evaluation system, including reporting matrix, ATLAS risks and issues logsStakeholder feedback | Document reviewKey informant interviews |

# Annex 5: Evaluator biography

Mark Aiken is a lawyer by background, with 20 years’ professional experience. For the past ten years, he has worked on international justice and human rights assignments in the Middle East, Africa and Asia-Pacific. He has worked on projects for the United Nations, European Union, DFID and international NGOs.

He specialises in access to justice projects, and he has managed evaluations on legal rights projects in Afghanistan, Jordan, Sierra Leone, South Sudan and Thailand.

Mark holds a Masters of Law and degrees in Economics and Law.

1. National Growth and Poverty Eradication Strategy page 49 [↑](#footnote-ref-2)
2. UNDAF Action Plan for Lao PDR (2012-2015) [↑](#footnote-ref-3)
3. SPLSMP Annual Report 2015 [↑](#footnote-ref-4)
4. SPLSMP Annual Report 2015 [↑](#footnote-ref-5)
5. Seventh National Socio-Economic Development Plan (2011-2015) page 13 [↑](#footnote-ref-6)
6. National Growth and Poverty Eradication Strategy page 49 [↑](#footnote-ref-7)
7. UNDAF Action Plan for Lao PDR (2012-2015) [↑](#footnote-ref-8)
8. Kirkpatrick, Evaluating Training Programmes, 1994 [↑](#footnote-ref-9)