

## IDLO EVALUATION BRIEF

### END-OF-PROJECT EVALUATION OF THE “IMPLEMENTATION OF A COMMERCIAL LAW JUDICIAL TRAINING PROGRAM IN TAJIKISTAN”

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#### 1. INTRODUCTION AND BACKGROUND

This Evaluation Brief presents the findings of the end-of-project evaluation of the “Commercial Law Judicial Training Program in Tajikistan” (CLJTP), implemented by IDLO on behalf of the Judicial Training Centre (JTC) between October 2011 and October 2014. The project was funded by the European Bank for Reconstruction and Development (EBRD), for the amount of € 833,513.

The CLJTP was the result of a year-long policy dialogue between the EBRD, the Judicial Training Centre (JTC) and the Council of Justice of Tajikistan (COJ). The dialogue ended in an official request for EBRD assistance to design a commercial law judicial training program for Tajik judges. In October 2011 the EBRD awarded the contract for the implementation of the Commercial Law Judicial Training Program to IDLO, following a competitive tendering process.

The overall goal of the CLJTP was to contribute to the longer-term improvement of the investment climate in Tajikistan. The purpose of the Project was to assist Tajikistan in building stronger and better functioning courts and legal institutions responsible for the commercial law sector and to increase business confidence in the judiciary.

The project had two components: 1) A 10-module training course, including support for an apprenticeship program targeting young judges with leadership potential, to enable Tajik Judges to deal more effectively with commercial law matters; and 2) Support to the JTC to help deliver judicial training more effectively.

#### 2. EVALUATION PURPOSE, PROCESS AND METHODOLOGY

The design of this evaluation was based on the reconstruction and analysis of the project’s theory of change (ToC), i.e., the relationships between its activities, outputs, outcomes, and different levels of expected impacts. The reconstructed ToC served as a key reference point for formulating a set of 6 evaluation questions and corresponding indicators. Four out of the five standard OECD / DAC evaluation criteria and a sixth IDLO-specific evaluation criterion<sup>1</sup> guided the formulation of these questions.

Data for the evaluation was collected in the form of a desk study of available project documents and monitoring data. The analysis was complemented by a 5-day visit to Tajikistan to conduct key-informant interviews with project staff, officials from the JTC, the Judiciary and development partners, as well as focus groups with judges who had participated in language and substantive trainings.

#### 3. FINDINGS

##### Adequacy of project resources & systems for results (efficiency)

The project provided a relatively comprehensive and detailed design for training-related activities. The design for the remaining project components however, was less detailed and comprehensive. In the absence of a risks analysis, the CLJTP team did not fully anticipate and prepare for some of the significant JTC capacity bottlenecks that subsequently would affect project implementation. The project team flexibly adapted its work to several unforeseen circumstances. However, the absence of

<sup>1</sup> I.e. Efficiency, Effectiveness, Impact, Sustainability and IDLO Value Added.

an advance risk assessment precluded the possibility of a more comprehensive and longer-term adjustment of the project strategy and implementation approach.

### **JTC Institutional Capacity (Effectiveness, Sustainability, IDLO Value Added)**

Beyond training, the CLJTP initiated very few tangible institutional strengthening initiatives capable of tackling the substantial capacity bottlenecks of the JTC. With the bulk of capacity development support of the program delivered in the form of two short-term technical assistance missions in 2012 and 2014, the project team had only few opportunities to engage with the JTC in a continuous manner. Most of the capacity bottlenecks that the EBRD had identified in its 2010 needs assessment of JTC support still remained at the end of the project. This included constraints that potentially reduced the lasting effects of the training-related support of the CLJTP, such as the absence of an appropriate M&E system to assess the performance of JTC trainers.

### **Knowledge and teaching skills among JTC trainers (Effectiveness, Sustainability, IDLO Value Added)**

The CLJTP successfully increased the knowledge and skills of individual JTC trainers in commercial law and helped set-up a corps of approximately 20 trainers who by and large were able and contractually committed to deliver future workshops for the JTC in the subject area. Members of the new JTC corps felt that the IDLO approach to judicial training had prepared them well for this role, by providing them with needed substantive knowledge and teaching appropriate methodology for adult education. A set of training handbooks for the different commercial law modules that the JTC trainers developed in cooperation with international experts over the course of the project served as key resources for subsequent trainings and were also highly valued by the judges, who, after attending these trainings, used them as reference materials in their daily work.

### **Professional capacity in commercial law (Effectiveness, Sustainability)**

The CLJTP helped increase the knowledge and skills of judges in commercial law, albeit with some variation across topics. Overall, the high relevance of the trainings made it reasonable to expect that graduates of the project would apply training content in their daily work. In this regard, the training handbooks represent a valuable resource for the

trainees. The project also increased access to knowledge resources at JTC, at least in the short term. However, important prerequisites for the appropriate, longer-term management of the newly acquired materials by the JTC were not in place. The original approach of the project had overestimated the organizational capacity of the JTC in this regard. The establishment of a database of commercial decisions - foreseen for a follow-up project of the CLJTP - could help ensure easier access to at least part of much needed materials.

### **Capacity and functionality of Tajik courts in commercial matters (Impact, Sustainability)**

The CLJTP has raised the profile and status of the JTC, as the trained judges apply their newly acquired skills in their daily work and colleagues in the judiciary and beyond (i.e. among practicing lawyers) take note of their enhanced skills and of the role that the JTC has played in the trainings. The intensified knowledge exchange and networking among JTC trainees can also help institutionalize acquired skills in the judiciary, with the potential to bolster the demand for quality professional trainings. CLJTP had not been designed to comprehensively address the broader systemic organizational bottlenecks in the JTC related to staffing and financing. In the absence of sustained capacity improvements in the JTC, the CLJTP had limited effects in helping to establish lasting processes and systems to support continuous improvements in capacity and functionality of Tajik courts and legal institutions in commercial law.

### **Improvements in Investment Climate through better functioning courts (Impact, Sustainability)**

The CLJTP had the overall potential to positively affect the investment climate in Tajikistan, as judges trained by the project would have access to knowledge and resources to apply commercial law and regulations more uniformly than before. However, without a functioning national institution for continuing legal education in commercial law and the corresponding capacity to update trainings and materials, it is likely that positive effects will be short-lived. The Tajik judiciary is still facing numerous challenges in relation to the application of commercial law. These represent fundamental obstacles to the sustained improvements of the investment climate in Tajikistan.

## **4. CONCLUSIONS**

- The CLJTP helped to improve the access of the JTC to qualified trainers in commercial law. In

connection with the subsequent training of Tajik judges, this helped raise the organizational profile of the JTC to a certain degree, at least in the short-term.

- By training approximately 200 Tajik judges, the CLJTP helped build up the human capacity of the Tajik judiciary in commercial law. This can serve as a building block for longer-term improvements of the investment climate in Tajikistan. However, the immediate effects of the project in this regard are likely to remain short-termed and limited to the specific courts and positions of graduates of the training, as many shortcomings still affect the commercial law sector in Tajikistan.
- IDLO's experience and tested approach in adult judicial education allowed the program to respond appropriately and comprehensively to the training-related requirements of the EBRD, and to carry out the trainings in a flexible and effective manner.
- The design of the CLJTP and key aspects of project implementation did not appropriately address the wider capacity-related bottlenecks of the JTC, such as staff retention and quality, budget stability and adequacy, knowledge management and performance monitoring of the trainer corps. This reduced the likelihood of long-term positive effects of the program on the visibility and profile of the JTC, as well as on the overall capacity of the Tajik judiciary.
- During CLJTP implementation, the project team reacted flexibly to unforeseen bottlenecks in JTC capacity. However, not conducting a detailed risk analysis at the onset of the project limited the opportunities of the project team to take into account the likely challenges ahead of implementation and to prepare an appropriate risk management strategy.

## 5. RECOMMENDATIONS

### Continuation of training

The EBRD should consider a continuation of training of judicial officials, combined with the development and strengthening of the JTC trainer corps, to consolidate the achievements of this project.

### Long-term strategy, approach and budget for JTC organizational capacity development

The EBRD should develop a long-term strategy of engagement with the JTC, with an aim to strengthen the overall organizational capacity of the JTC. Any follow-up project should include the provision of a budget for institutional strengthening in that is commensurate with the requirements for continuous engagement with the JTC and the CoJ.

### Expansion of the inception phase

IDLO and EBRD should consider the expansion of the inception phase in any follow-up interventions, to give the project team the opportunity to more comprehensively expand on the initial sketches of implementation design and arrangements prepared during the tendering phase.

### Need for detailed risk analysis

In recognition of the complexities and associated risks of capacity development interventions, IDLO should conduct detailed risks analyses. These may be built on assessments done by the donor during the development of the ToR, or conducted directly by IDLO as part of the project.