

# IDLO Evaluation Brief

## EVALUATION OF THE IDLO-IMPLEMENTED “JUSTICE TRAINING TRANSITION PROGRAM (JTTP) FOLLOW ON”

October 2018

### 1. Background

Political instability and a precarious security situation in Afghanistan make state-building an enormous challenge. Access to justice is complicated due to the existence of a dual justice structure which comprises an informal system, a mix of tribal traditions and local understandings of Islam and Sharia, and a formal, state-driven system reflecting international rule of law standards. Large segments of the Afghan population rely on informal justice, a situation having its roots in decades of a weak state authority and a prevalence of community-based concepts of justice. Nevertheless, as Afghanistan continues to develop and modernize, the formal justice system is expected to take an increasingly important role, a responsibility for which the country must be prepared.

Within this context, the Bureau of International Narcotics and Law (U.S. Department of State) funded, and IDLO implemented, a project titled “Justice Training Transition Program – Follow On” (JTTP FO). It was conceived as an independent continuation of the previously implemented project JTTP<sup>1</sup>. Building on the achievements of the JTTP, this follow-on phase aimed at increasing competence and effectiveness of the formal justice apparatus in line with rule of law principles and, consequently, building trust in the Afghan justice system institutions.

In concrete terms, the project strived to strengthen the emerging Continuing Professional Development (CPD) scheme within the Attorney’s General Office (AGO), the Ministry of the Interior (Mol), the Ministry of Justice (MoJ) and the Supreme Court (SC).

The “strategic” project component pursued the creation of CPD-enabling conditions by establishing/assisting the Professional Training Departments (PTD) in the targeted institutions. This particularly meant supporting the PTDs’ staffing and financing to carry out

the CPD. The “operational” component attempted to enhance the technical capacity of PTDs to implement and manage the CDP.

The program, which started in April 2016 and was planned to end in November 2017 with a budget of US \$ 7,041,182, received a 20 month no-cost extension to be completed at the beginning of February 2018.

This Evaluation Brief presents the summary of the independent evaluation of the project.

### 2. Evaluation Purpose and Methodology

The purpose of the evaluation was to: (i) assess the extent to which the expected program’s results were achieved; and (ii) identify lessons learned with a view to inform the design and implementation of similar interventions in future. When assessing the results of the JTTP FO, it was remarked that the JTTP context had to be taken into consideration as the JTTP FO had been created to finalize certain objectives that had been left unachieved in the previous program.

The evaluation was conducted using a ‘theory-based’ approach, where the reconstruction of the project’s theory of change led to the establishment of a causal link between activities, outputs, outcomes and impacts. The reconstructed ToC served as the key reference point to formulate a set of 6 Evaluation Questions (EQ) and corresponding indicators. The EQ formulation was guided by the five OECD/DAC evaluation criteria (relevance, efficiency, effectiveness, impact and sustainability)<sup>2</sup>. Evidence for this evaluation study was collected through interviews with key informants and a review of relevant documentation such as program reports, program’s results monitoring database, evaluations of other related projects and available research on the justice sector. It included external evaluation team’s field visit to Kabul from late September to October 2017.

<sup>1</sup> The “Justice Training Transition Program”(JTTP) took place from January 2013 to March 2016. It supported the Supreme Court (SC), the Attorney General’s Office (AGO), the Ministry of Interior (Mol) and the Ministry of Justice (MoJ) in putting in place conditions to sustainably manage the

continuing professional development (CPD) needs of legal personnel within these institutions.

<sup>2</sup> In terms of Impact and Sustainability IDLO focused on their “prospects”. A sixth IDLO-specific evaluation criterion – i.e. IDLO value added - was deleted due to lack of data.

### 3. Findings

#### Project's Relevance and Design

The project was based on the Afghan National Justice and Judicial Reform Plan (NJGRP) 2017-21 prioritizing CPD and the need for creating a CPD-conducive environment in justice institutions. JTTP FO's thematic scope was also aligned with the Government of the Islamic Republic of Afghanistan (GIROA) sector plans and policies such as the National Justice Sector Strategy (NJSS) focused on justice sector reform and capacity building.

The project generally responded well to INL's justice sector assistance principles<sup>3</sup> and was found answerable to IDLO's strategic priorities. However, it did not completely follow INL's and IDLO's strategies in terms of addressing the issue of *informal justice*, a theme emphasized by both organizations.

It is worthy to mention that during the project design stage, partner institutions were consulted and contributed to the content of programming documents.

#### The Role of Professional Training Departments (PTD)

IDLO facilitated development of CPD visions and strategies within the PTDs of concerned institutions, in consistency with the NJGRP. Relevant posts were established, curricula were developed, and training guides and procedures put in place. The role of the PTDs was understood and accepted across the partner institutions.

The extent to which the PTDs were formalized varied. Although the GIROA generally recognized the importance of established facilities for professional training within the country's judiciary, opinions about the GIROA's ownership of the CPD concept differed across the concerned institutions.

#### Staffing, Database and Implementation of Trainings

IDLO-provided support contributed decisively to improved abilities of partner institutions to manage CPD. PTD staff was recruited systematically, based on well-defined job descriptions matching the ToR requirements. However, some institutions, such as the AGO, reported problems regarding retaining qualified trainers. The main causes were (i) the widespread practice of transferring personnel between posts within government agencies and (ii) inadequate salaries.

IDLO-developed training databases for both the JTTP Phase 1 and the JTTP FO proved to be a highly valuable resource for partner institutions which have soundly taken

over the duty of registering information in such databases, outperforming on program's information coverage goals.

Training facilities were successfully refurbished with support from IDLO and institutions' capacity to deliver training courses grew greatly. By October 2017, the SC, Mol and MoJ delivered all planned sessions and AGO delivered 89%. In all cases, this meant overachieving the established targets. The quality of the trainings was assessed via "real-time monitoring" and "quality assurance mechanism for trainers" and was found satisfactory.

#### The Financial Stability of PTDs

Partner institutions demonstrated increased capacity, ownership of and commitment to the CDP. IDLO made substantial efforts to keep up this momentum. For instance, it provided guidance for the preparation of training budgets with an aim to contribute to better execution of trainings and, consequently, improve the basis for budgetary negotiations with the Ministry of Finance.

However, although the financial competence of the PTDs was formally strengthened, the actual funding from the GIROA remained unstable due to factors outside the PTDs' span of control. This caused justified concerns about the availability of financial coverage for continuous training implementation. For instance, in both the Mol and the MoJ, financing difficulties were reported.

#### CPD Management and Management Tools

Afghanistan's challenging socio-political context slowed down the programs' implementation pace and to a certain degree limited the extent of the achievements. Especially the security concerns, one of the prominent challenges, negatively affected the recruitment of international staff and on many occasions delayed/impeded work.

In addition, there have been frequent strategic and managerial changes within the partner institutions which, occasionally, inhibited program's progress. To manage and/or mitigate these situations, IDLO facilitated discussions with the concerned institutions (mainly the Mol and the AGO) on safeguarding training accomplishments, facilities and databases.

The implemented methodology for "institutional learning needs assessments" and the "quality assurance mechanism for trainers" functioned well and informed training design. The developed monitoring system helped to ensure storage of information despite high staff

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<sup>3</sup> Among the guiding principles of INL's justice sector assistance are: "ownership", "contextual and responsive assistance", "national justice strategies and plans of action" and "whole of system approach".

turnover and facilitated overall reporting and follow-up. However, it was observed that a reporting, which was frequent, was mainly towards the donor and not so much towards partner institutions.

The slow “burn rate” of funds indicated that the allocation of financial resources was sufficient but planning for alternative use in case of implementation difficulties could have been improved.

## 4. Conclusions

### Relevance

JTTP FO was largely aligned with partner institutions’ concerns, along with GIROA’s NJRP priority for legal professional training. The program also widely followed the ‘principles for assistance’ outlined in INL’s 2013 Guide for Justice Sector Assistance. Furthermore, the program was generally in line with IDLO strategy for 2013-16, which clearly supported capacity development and emphasized confidence-building in the justice sector.

However, the IDLO strategy, as well as relevant INL documents, ask for caution in terms of reform projects focusing only on the formal justice system and not addressing informal justice issues. This concern has not been well reflected within the project design. The evaluation team assumed that this limitation could reduce the relevance of the JTTP FO’s.

### Effectiveness

The JTTP FO was able to consolidate the results generated during the JTTP Phase 1 and contributed to improved professional training at the four partner institutions. Its main accomplishments were (i) improved technical capacity of trainers, (ii) development of materials and curricula by PTDs and (iii) the fact that the trainings were almost exclusively delivered by the PTDs. This enhanced ownership is demonstrated by a documented trainer’s / senior staff’s appreciation of IDLO’s approach to training.

However, it is still too early to confirm that the CDP is firmly anchored within the Afghan judicial sector. The results have been in place only for the first year and recruitment problems are still evident in some institutions. Despite enhanced technical capacity of PTDs, IDLO coaching support is still needed.

### Efficiency

The difficult security and political situation in Afghanistan hampered the overall efficiency of the program. There have been implementation delays and high costs related to hiring qualified and motivated international staff and

ensuring adequate security measures. Still, the budget “burn rate” slowed down towards the end of the program leaving part of the allocated funds unspent. This reflects that planning may not have included alternative spending options or yielded sufficient flexibility.

Hands-on management tools, such as the “institutional learning needs assessments”, the “quality assurance mechanism for trainers” and the logframe-linked monitoring database, were very valuable for the program. However, the evaluation team found the frequency of reporting between the donor INL and IDLO to be unusually high. This invites the question whether the efficiency could have been higher with less of a reporting burden.

Despite the outlined challenges, IDLO implemented the program in a satisfactory manner, successfully tapping into the vast experience it has from operating in fragile environments.

### Sustainability Prospects

The PTDs were established and/or strengthened in the four institutions and the establishment of posts to be filled (tashkil) are existent. The qualifications of trainers were significantly improved through provided capacity building efforts. This might allow for the continuation of program benefits. Also, the positive attitude towards the PTDs across the concerned organizations and the overall ownership of the CPD concept are contributing factors in terms of sustainability. To maintain/exceed this level, the “institutional needs assessments” and “the quality assurance mechanism for trainers”, which helped in keeping the project focused, need to be carried out with sufficient vigor and skill also in the future.

In a broader sense, there are concerns regarding lack of domestic funding which may affect negatively the sustainability of the CPD concept. The GIROA is not expected to generate enough revenue to be able to fully fund the on-going efforts at the present level. Therefore, the continuation of program benefits depends on donors’ contributions to GIROA’s funding. This situation, however, should not cause a decrease in outreach efforts from the project towards the government. Communicating the program achievements to the Ministry of Finance and other bodies of the government can facilitate GIROA’s financing.

### Impact Prospects

The most tangible mid-term impact is that the program succeeded in helping to institutionally anchor the CPD concept within the partner institutions. This resulted in an enhanced knowledge of laws and improved skills among the targeted judicial staff. In turn, this situation has a

potential to contribute to improved legal system in Afghanistan, based on respect for international rule of law standards.

For a long-term impact, the judicial assistance to Afghanistan should be considered holistically. This means that it should also target traditional justice mechanisms and clarify/define the roles of formal and informal legal systems. The contemporary international development aid approaches in the judicial sector put an emphasis on reflecting upon traditional legal practices while ensuring their compliance with human rights-based standards.

## 5. Key Recommendations

- Consider an additional phase of the program, focusing on the continuation of two important factors for the JTTP FO success: The “institutional learning needs assessments” and the “quality assurance mechanism for trainers”.
- Consider developing an Afghanistan-specific strategy which reflects IDLO’s position towards informal justice mechanisms in the country. IDLO’s planning documents should explicitly consider implications of specific interventions in relation to both the formal and informal judicial systems.
- To foster ownership and effectiveness, negotiate with the Afghan government an establishment of a coordinating body or committee for capacity development support to the justice sector.
- Analyse ways in which the Afghan staff in JTTP FO have contributed to the establishment of an “institutional memory” for IDLO in Afghanistan. This would be an important source of information for future operations in the country.
- Introduce contingency plans specifying alternative ways of using allocated funds, this would prevent having unspent capital at the end of the program.
- To attract and retain the most competent trainers in the partner institutions, it is advisable to develop an incentive scheme.