

Document of
The World Bank

Report No: ICR00002421

IMPLEMENTATION COMPLETION AND RESULTS REPORT

ON A
GRANT
IN THE AMOUNT OF USD 27.75 MILLION
TO THE
ISLAMIC REPUBLIC OF AFGHANISTAN
FOR A
JUSTICE SECTOR REFORM PROJECT

June 28, 2012

Governance and Public Sector Unit
Afghanistan
South Asia Region

CURRENCY EQUIVALENTS

(Exchange Rate Effective June 28, 2012)

Currency Unit = Afghani (Afn)

US\$ 1.00 = AFN 51.70

FISCAL YEAR: March 20-March 21

ABBREVIATIONS AND ACRONYMS

AGO	Attorney General's Office	MTR	Mid-Term Review
ARTF	Afghanistan Reconstruction Trust Fund	NJP	National Justice Program
CBR	Capacity Building for Results Facility	NJSS	National Justice Sector Strategy
CSMD	Civil Services Management Directorate	PAD	Project Appraisal Document
CSRP	Civil Service Reform Project	PAR	Public Administration Reform
FM	Financial Management	PARD	Public Administration Reform Department
GoA	Government of the Islamic Republic of Afghanistan		
HRMD	Human Resource Management Directorate	P&G	Pay and Grading
I-ANDS	Interim Afghanistan National Development Strategy	PDOs	Project Development Objectives
IARCS	Independent Administrative Reform and Civil Service Commission	PSU	Project Support Unit
IAB	Independent Appointments Board	PU	Project Unit
ICR	Implementation Completion and Results Report	PRR	Priority Reform and Restructuring
IDA	International Development Association		
ITA	International Technical Assistants	RIMU	Reform Implementation and Management Unit
M&E	Monitoring and Evaluation	POC	Project Oversight Committee
MCP	Management Capacity Program	SC	Supreme Court
MoJ	Ministry of Justice	TA	Technical Assistance
MoF	Ministry of Finance		

Vice President:	Isabel M. Guerrero
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Afghanistan

Justice Sector Reform Program

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A. Basic Information			
Country:	Afghanistan	Project Name:	Afghanistan Judicial Reform Project
Project ID:	P107372	L/C/TF Number(s):	TF-92160
ICR Date:	06/28/2012	ICR Type:	Core ICR
Lending Instrument:	TAL	Grantee:	MINISTRY OF FINANCE
Original Total Commitment:	USD 27.75M	Disbursed Amount:	USD 17.71M
Revised Amount:	USD 20.75M		
Environmental Category: C			
Implementing Agencies:			
Ministry of Justice			
MoJ, AGO and Supreme Court			
Cofinanciers and Other External Partners:			

B. Key Dates				
Process	Date	Process	Original Date	Revised / Actual Date(s)
Concept Review:		Effectiveness:		
Appraisal:	01/30/2008	Restructuring(s):		
Approval:	05/19/2008	Mid-term Review:		
		Closing:	06/01/2017	06/01/2017

C. Ratings Summary	
C.1 Performance Rating by ICR	
Outcomes:	Moderately Satisfactory

Risk to Development Outcome:	High
Bank Performance:	Moderately Satisfactory
Grantee Performance:	Moderately Unsatisfactory

C.2 Detailed Ratings of Bank and Borrower Performance (by ICR)			
Bank	Ratings	Borrower	Ratings
Quality at Entry:	Moderately Unsatisfactory	Government:	Moderately Satisfactory
Quality of Supervision:	Moderately Satisfactory	Implementing Agency/Agencies:	Moderately Unsatisfactory
Overall Bank Performance:	Moderately Satisfactory	Overall Borrower Performance:	Moderately Unsatisfactory

C.3 Quality at Entry and Implementation Performance Indicators			
Implementation Performance	Indicators	QAG Assessments (if any)	Rating
Potential Problem Project at any time (Yes/No):	Yes	Quality at Entry (QEA):	None
Problem Project at any time (Yes/No):	Yes	Quality of Supervision (QSA):	None
DO rating before Closing/Inactive status:	Moderately Satisfactory		

D. Sector and Theme Codes		
	Original	Actual
Sector Code (as % of total Bank financing)		
Law and justice	100	100

Theme Code (as % of total Bank financing)		
Judicial and other dispute resolution mechanisms	33	33
Legal institutions for a market economy	67	67

E. Bank Staff		
Positions	At ICR	At Approval
Vice President:	Isabel M. Guerrero	Praful C. Patel
Country Director:	Robert J. Saum	Alastair J. McKechnie
Sector Manager:	Antonius Verheijen	Anthony G. Toft
Project Team Leader:	Satyendra Prasad	Lubomira Zimanova Beardsley
ICR Team Leader:	Satyendra Prasad	
ICR Primary Author:	Satyendra Prasad	

F. Results Framework Analysis

Project Development Objectives (from Project Appraisal Document)

In line with the Afghan National Development Strategy and the National Justice Sector Strategy, the project's development objective is to strengthen a centralized state justice system and to increase access to justice for the Afghan people. The project's immediate objective is to enhance the capacity of the justice sector institutions to deliver legal services.

Revised Project Development Objectives (as approved by original approving authority)

N/A

(a) PDO Indicator(s)

Indicator	Baseline Value	Original Target Values (from approval documents)	Formally Revised Target Values	Actual Value Achieved at Completion or Target Years
Indicator 1 :	An independent Council responsible for judges operational			
Value (quantitative or Qualitative)	None	A short, and mid-term HR strategy navigating the transformation of the Court workforce; The HRM institutional system more independent and capable (Judicial Council); the reward system for judges.		NA
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	A High Judicial Council supported by the HR department is responsible for HRM. The Council is composed by the judges of the SC only. The SC has resisted reforms targeting HJC or judges.			
Indicator 2 :	Skills of sitting judges and prosecutors reviewed and gaps partially filled			
Value (quantitative or Qualitative)	N/A	Skills of legal professionals and other staff increased		Partially Achieved
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	MOJ training complete; AGO and SC training still at proposal stage			
Indicator 3 :	Training policies and management capacity improved.			
Value	N/A	HRM capacity to organize and/or		Partially completed

quantitative or Qualitative)		provide training in justice institutions improved		
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	Training assessment for MOJ staff partially completed. Training management unit is operational. SC has made progress in implementing this activity. The AGO has began the preparation of training map and developing a database of skill and training needs.			
Indicator 4 :	Legal libraries in MoJ, SC and AGO and their regional offices are operational			
Value quantitative or Qualitative)	N/A	Central library in MoJ and SC and local libraries in courts (6), MoJ offices (6) and AGO offices operational		28 provincial libraries and 3 central libraries established 20 librarians hired 100,000 books purchased
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	Libraries will become operational after training of librarians takes place			
Indicator 5 :	International conference and local gathering of judges and prosecutors are organized			
Value quantitative or Qualitative)	No Baseline	N/A		2 local gatherings of Judges and prosecutors. 1 International/national conference.
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	Partially successful. National gathering of 350 prosecutors organized.			
Indicator 6 :	Review of design of 28 courts and/or judge's residences; 6 MoJ regional offices and 3 AGO regional offices completed			
Value quantitative or	No Baseline	The designs of at least 15 construction projects in the provinces prepared		24 designs of courts and offices completed. Water and power utilities

Qualitative)		for implementation		built for AGD HQ.
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	Implementation successful though no new construction project has been implemented.			
Indicator 7 :	Five courts, MoJ and AGO offices repaired.			
Value quantitative or Qualitative)	No Baseline	N/A		N/A
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)				
Indicator 8 :	Investment funds for covering maintenance costs of facilities and cars operational			
Value quantitative or Qualitative)	N/A	Improved maintenance of current assets		N/A
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	23 court houses,offices refurbished.Investment funds for maintenance of facilities spent in the SC,AGO.Investment funds for cars were used to secure their titles;maintenance costs been financed by the regular budget			
Indicator 9 :	Vehicles delivered to users and used			
Value quantitative or Qualitative)	N/A	Mobility and safety of legal professionals and staff (168 vehicles).		About 200 vehicles procured and distributed
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	40 courts equipped and furnished			

achievement)				
Indicator 10 :	40 courts equipped and furnished			
Value quantitative or Qualitative)	No Baseline	About 40 offices/courts equipped/furnish- ed.		Completed
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)				
Indicator 11 :	Asset management capacity in the SC, MoJ and AGO strengthened			
Value quantitative or Qualitative)	No Baseline	Construction priorities clear. Construction projects prioritized and coordinated. Courts built in compliance with security and other standards.		NA
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	Court Design Standards completed. Capital investment plan cancelled.			
Indicator 12 :	ICT assessments in the SC, MoJ and AGO completed.			
Value quantitative or Qualitative)	IT assessment reports prepared by donors.	Understanding of IT needs in the Justice sector.		NA
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	Partially successful. IT assessment for the AGO and MoJ under preparation.			
Indicator 13 :	Emergency hardware installed in HQs.			

Value quantitative or Qualitative)	IT assessment reports prepared by donors.	HQs of all JIs meet their urgent IT needs		NA
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	The AGO and MOJ emergency packages procured and delivered by July 2009; SC package procured & delivered in October 2009.			
Indicator 14 :	Networks in MoJ and AGO installed			
Value quantitative or Qualitative)	N/A	Networks in MoJ and AGO installed		IT assessment reports prepared by donors and Bank consultant.
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	MoJ completed. AGO will install its network upon completion of the assessment.			
Indicator 15 :	Baseline assessment and methodology for M&E of legal aid developed.			
Value quantitative or Qualitative)	NGO and donor reports on delivery of legal aid.	A basic reporting system for measuring costs and quality of legal aid provided to prison population developed and relevant data collected and made accessible		N/A
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	Under preparation (M&E system will be introduced based on the evaluation report in cooperation with ILF)			
Indicator 16 :	Legal aid offices operational in at least 5 provinces			

Value quantitative or Qualitative)	No Baseline	5 legal aid provincial offices operational		6 legal aid offices operational; 20 lawyers hired.
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	Offices operational. MOJ subcontracting ILF's 13 offices for delivery of legal aid.			
Indicator 17 :	Lawyers and paralegals trained			
Value quantitative or Qualitative)	No Baseline	Public defenders' and paralegals' legal skill and quality of service improved		N/A
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	ILF to train legal aid providers and paralegals by November 2011.			
Indicator 18 :	Number of cases resolved with/by legal aid increased.			
Value quantitative or Qualitative)	MOJ survey of legal needs/priorities	Legal aid offices operational		N/A
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	Statistics unavailable.			
Indicator 19 :	Legal information disseminated and broadcasted			
Value quantitative or Qualitative)	MOJ reports on legal outreach activities. MOJ survey of legal needs/priorities.	Three provincial legal outreach offices in Kunduz, Nanghar and Balkh and the MOJ Media Support Unit operational; About		N/A

		40 materials prepared and disseminated; 5 TV/radio shows		
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	Offices operational, materials developed and under review.			
Indicator 20 :	Communities and their leaders educated in substance and in accessing legal information.			
Value quantitative or Qualitative)	N/A	NA		N/A
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	Has not been implemented.			
Indicator 21 :	Central and provincial legal libraries operational			
Value quantitative or Qualitative)	N/A	N/A		N/A
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)				

(b) Intermediate Outcome Indicator(s)

Indicator	Baseline Value	Original Target Values (from approval documents)	Formally Revised Target Values	Actual Value Achieved at Completion or Target Years
Indicator 1 :	Agreement on functions and composition for Council of Judges reached and action plan for its creation prepared.			
Value (quantitative or Qualitative)	N/A	NA		N/A
Date achieved	05/17/2008	12/30/2011		12/30/2011
Comments (incl. % achievement)	Has not been achieved.			

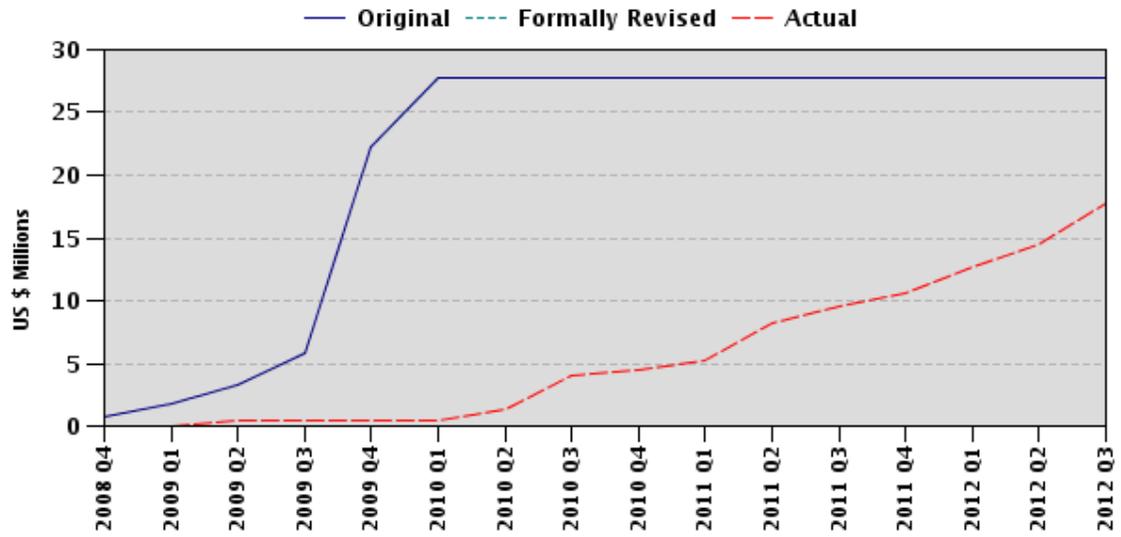
G. Ratings of Project Performance in ISRs

No.	Date ISR Archived	DO	IP	Actual Disbursements (USD millions)
1	12/31/2008	Satisfactory	Satisfactory	0.40
2	06/29/2009	Moderately Satisfactory	Satisfactory	0.41
3	12/30/2009	Moderately Satisfactory	Moderately Satisfactory	1.35
4	11/23/2010	Moderately Unsatisfactory	Moderately Unsatisfactory	6.16
5	06/26/2011	Moderately Satisfactory	Moderately Satisfactory	9.71

H. Restructuring (if any)

Not Applicable

I. Disbursement Profile



1. Project Context, Development Objectives and Design

1.1. Context at Appraisal

By 2002, years of conflict had eroded Afghanistan's public sector and its justice institutions. Although an administrative structure still existed in many parts of the country, only few senior staff remained in Kabul to manage relations with the provinces. Decades of neglect meant that delivery of services had virtually collapsed by this time.

In the last decade, Afghanistan has been re-building the state, improving the overall institutional infrastructure, and improving the functionality of the state and its bodies. The international community has provided significant assistance during the process of recovery.

However, recovery in the justice sector has been critically lagging. Informal and formal institutions have coexisted through numerous changes in regime and periods of conflict, with varying levels of strength and stability. The impact on state justice sector institutions of the Taliban Government was particularly adverse. The challenges in rebuilding the sector have been particularly complex given the need to reconcile traditional and customary Afghan law, Sharia law, and the state legal systems.

In addition, citizens themselves have little confidence in the formal justice institutions and regard them as slow, ineffective and often corrupt¹. Although access to courts and legal assistance are rights enshrined in the Afghan constitution, for the majority of Afghans, particularly women, these rights are hardly exercised. High illiteracy rate, particularly among the 85% of the population living in rural areas means that public awareness of legal rights is very low. Legal information is very difficult to access, and the majority of people cannot afford court fees or the transportation costs for attending court.

Prevailing cultural practices also often prohibit women especially from seeking access to formal legal institutions. Reports suggest that corruption remains rife, particularly in the institutions associated with delivering security and justice². While the Constitution guarantees legal representation and legal aid, the majority of citizens are unaware of their rights, and the state is ill-equipped to inform citizens of their rights and reach. Citizens, therefore, tend to turn to informal and local institutions (*shuras*, *jirgas*, *maliks*) for legal matters, and the legitimacy of state institutions remains low.

As with other public institutions in Afghanistan, the institutional structures lack the human, financial and physical resources to perform at the desired level. Staff in the justice sector often lack access to the basic facilities, transportation, legal texts and office space required to fulfil their roles. Donor interest to support institution building and reforms in this complex sector also lagged behind other areas.

¹ Transparency International: http://www.transparency.org/policy_research/surveys_indices/cpi/2010. In 2005, Afghanistan ranked 117 out of 159 countries covered in Transparency International's Corruption Perception Index; a ranking that deteriorated further in subsequent years to 176 out of 178 countries.

² A 2010 UNODC survey shows that judicial and criminal justice officials were those most frequently reported to have taken a bribe.

1.2. International Assistance and Government's Justice Agenda

Various activities have been supported to strengthen the Justice Sector by the international community. However, this has not always been delivered in a coherent and coordinated manner. In the last few years a significant number of judges (at different levels), prosecutors, *Hogooq* officers and other officials have received legal training and been given opportunities to improve their legal and general knowledge. Judicial facilities have been renovated and built in many areas, and work has been undertaken to improve basic case management systems and develop legal practices. The US Government through USAID has supported the improvement and reform of the court administration and case management, as well as legal drafting. Italy, Germany and again the US have supported legal education and training, especially for judges and prosecutors, and other judicial officials. The UN Office on Drugs and Crime (UNODC) has provided training on juvenile justice, and European Commission has supported implementation of the Priority Reform and Restructuring Programme (PRR) and other basic HRM reforms across the JI institutions. There were also a number of small scale and largely ad hoc donor financed initiatives to support the office management, computers and database management improvement. While these activities have contributed to improving the quality and quantity of services delivered, the efforts have been undertaken on a piecemeal basis, leading to additional burden upon the Justice Institutions (JI) to coordinate these activities, and limited the degree to which synergies can be sought between these numerous interventions. The NPP process is a mechanism to improve coordination across the sector institutions and across donors through the development of an overall strategy and action plan; however this process has been lagging and is yet to be finalised.

1.3. Rationale for Bank Involvement in the Justice Sector

A well-functioning justice sector is necessary for the rebuilding of the state, and above all in order to strengthen the trust of the population in state institutions, and the ability of the state to provide justice and security. The central message of the 2011 World Development Report on 'Conflict, Security and Development', "is that strengthening legitimate institutions and governance to provide citizen security, justice and jobs is crucial to breaking the cycle of violence" (2011, 2). The Bank had already supported programs in related areas, such as public administration, and state reform through sector programs. An engagement in the justice sector could be seen as complimentary to these efforts, and one that was critical to the overall stability of the state.

Also significant was the overall reconstruction environment in Afghanistan. The project was funded by the Afghanistan Reconstruction Trust Fund (ARTF) which is managed by the Bank. The Bank had been subject to sustained requests by ARTF donors to take the lead on operational engagement in the justice sector because it was better placed to improve coherence in external support to the sector and viewed as being more capable of demonstrating quick impacts especially in the lead up to the first Presidential and Parliamentary elections. The first justice sector intervention was clearly developed within this reconstruction context.

1.4. Original Project Development Objectives (PDOs) and Key Indicators

The PDO for the project was *'to strengthen the centralised state justice system in Afghanistan and increase access to justice for the Afghan people'*.

The key indicators for progress in meeting the PDO included the following:

- 1) The number of improved justice facilities;
- 2) The number of people who receive legal services;
- 3) The number of qualified and properly trained justice professionals;
- 4) The number of legal professionals with increased access to adequate legal reference materials;
- 5) The extent of legal advice and representation provided by the state's legal aid programme;
- 6) The number of community leaders and other Afghan people reached through the legal awareness initiative;
- 7) Improved capacity of legal institutions to manage their human resources and assets, and
- 8) Progress in human resource reforms to lay the foundation for increasing salaries.

1.5. Project Revision/Restructuring

The project was extended in December 2009 when the Government of Afghanistan requested an extension of the closing date by 1.5 years. Through a further extension in June 2011, the project was extended for a further 6 month to December 2011. At that point, US \$7 million of the outstanding grant amount was also cancelled for the works that were assessed as unlikely to be completed within the project timeframe, and a new implementation schedule was developed in line with an Action Plan developed by the Government of Afghanistan. The challenges of this period included a deteriorating security environment and the subsequent difficulty in attracting the interest of international experts and firms for project activities, as well as the withdrawal of assistance of some international partners.

However, the original project development objective as well as the results/indicators, the components, safeguards, institutional arrangements, financial or procurement related aspects of the project remained unchanged (Tier II Restructuring).

The initial extension of project had been expected from the time that the original project was developed; the project closing date was scheduled to be extended in line with the closing date of the ARTF. Although the project was designed as a two year program, it was initially intended to be closed on December 30, 2009. This shortened timeframe for the project was selected in order to align the project with the closing date of the parent ARTF (TF 50576) of June 30, 2010. A 6 month extension was anticipated from the outset. When the extension was

eventually granted, however, it was extended for an additional 18 months, bringing the project life to 3 years.

The subsequent extension undertaken in June 2011 was intended to provide an additional 6 months to complete on-going activities. The June 2011 ISR recognised that three years was too ambitious a timeframe for the execution of the project. It also allowed more time to the team to bridge the gap between the current operation and the follow on project.

1.6. Project Beneficiaries

The main beneficiary of the project was expected to be the Government of Afghanistan through its three justice institutions (JIs): the Ministry of Justice (MoJ), Supreme Court (SC) and the Attorney General's Office (AGO).

These institutions were expected to benefit through increased capacity to deliver their services. In particular, MoJ was concerned with achieving better court administration and reducing the back-log of legal cases.

In addition, communities were expected to benefit from the project, most directly through its second component, 'Empowering the People'. Citizens and legal professionals in a few targeted provinces were to benefit from legal libraries, easier and better access to legal information, and better representation before the courts.

1.7. Original Components (as approved in the Original Proposal and Restructured Project)

The Project was originally planned to focus on three components: Enhancing Capacity of the Justice Sector; Empowering the People, and Strengthening Implementation Capacity.

(i) *Enhancing Capacity of Justice Sector (US\$23.6 million)*

The objective of the component was to strengthen the institutional operational capacity of the justice institutions through targeting of judges, prosecutors and other justice officials in Afghanistan focussing on (a) human capital; (b) physical infrastructure; and (c) information and communication technology.

(a) *Human Capital.*

- i) Creation of independent decision-making bodies responsible for personnel management
- ii) Review of the selection and appointment policies and regulations for judges and prosecutors.
- iii) Evaluation of the skills of "sitting" judges and prosecutors. The purpose of the evaluation is to design and implement a requalification program.
- iv) Implementation of the second phase of the Priority Reform and Restructuring (PRR) program which the SC and the AGO began in 2008.

Strengthening training management capacity

- v) *Providing training*
- vi) *Creating legal libraries*
- vii) *Dissemination of Laws*

(b) *Physical Infrastructure.* The Government of Afghanistan was expected to develop a Capital Investment Plan (CIP), which would provide a comprehensive listing of all the buildings that were to be renovated and/or built. This included court design standards; designs for constructions projects (e.g HQ of MoJ and SC); and rehabilitation and construction of offices and courts; procurement of cars and equipment

(c) *Information and Communication Technology.* Under this sub-component the project supported the development of ICT in the beneficiary institutions, including ICT assessments in MOJ and AGO.

(ii) *Empowering People (US\$2.4 million)*

The objective of this sub-component was to empower the Afghan people through legal aid and education. In order to be better managed the component was broken into two sub-components: (a) Legal Aid and (b) Legal Awareness.

(a) *Legal Aid.* Under this sub-component the creation and financing of Legal Aid offices in the selected provinces took place. The network of Legal Aid Offices was not only to provide legal advice and representation, if required, but also to collect data information on the services provided to the public. This was planned as a pilot activity for Phase 1, which would be continued and expanded in Phase 2 if successful.

(b) *Legal Awareness.* Legal awareness was supposed to provide information to communities regarding their legal rights and obligations under the civil, commercial and criminal law. The focus here was three pilot provinces and a media office in Kabul. The activities were (i) the creation and staffing of a small office of two to four people which will be supported by local consultants (legal professionals); (ii) organizing initial consultations with local community leaders and legal professionals to identify existing legal awareness initiatives and to define the priority themes for the trust-building and training activities; and (iii) developing trust-building and training materials (both material which had been developed under existing projects, as well as new materials).

(iii) *Strengthening Implementation Capacity (US\$1.75 mil.)*

The objective of the third component was to build implementation capacity within the justice institutions (MoJ, SC and AGO), so they would, in time, be able to implement reforms and other activities without as much reliance on international support.

1.8. Revised Components

The two extensions to the project life did not involve any change to either the PDO or project components. The final extension also involved the cancellation of the some of the outstanding grant amount (total USD 7 million). The grant cancellation affected a number of procurement

packages across the project components that were unlikely to be implemented within the remaining timeframe, such as the HR reform for judges and Capital Investment Plan.

2. Key factors affecting implementation and outcomes

2.1. Project Preparation, Design and Quality at Entry

The project identified reasonable goals and targets at the design stage, but the ambition to disburse US\$27.5 million within a short two-year time frame was unrealistic. It is clear that the project design overestimated the available capacity in the implementing agencies, as well as the time it would take to source capacity (and the availability of such staff) from outside. Consequently, the design underestimated the time required to implement the project. For example, the original project envisaged that the Project Support Unit (PSU) would be established by November 2008 (within three months of implementation), whereas in practice it took more than a year to reach a basic level of capacity.

The task team were under intense pressure to deliver this project on an emergency basis, and to move forward without a project concept note (PCN). A concept note may have presented the opportunity to evaluate the feasibility of the proposal and the timeframes, and gain feedback from peers and others. The Bank was responding to the demands of donors for an emergency intervention in this sector, and it was seen as imperative to begin the project well in advance of the national elections. The political context placed the task team in a difficult position. The trend of slow-starting implementation, however, was evident from the experiences in other ARTF projects that engaged in new sectors. A longer time frame for implementation than the initial two years should have been allowed for, especially given that the project had a significant infrastructure component.

The project appraisal document (PAD) contained a brief but sound assessment of the social context, with an appropriate recognition of the complexity of the Afghan legal sector. Given the paucity of data in the sector and limited experience in the sector even by other donors, the project had little to draw upon but demonstrated a strong understanding of the available information. A major and complex challenge in the effort to build the Afghan legal system is the need to reconcile state, customary and sharia law (and regulations), in order to create a system that is compatible with the Islamic legal standards, respectful of human rights and appreciative of Afghan legal traditions. The quality of analysis of the justice sector was high, outlining the major constraints to service delivery in the sector. Due to the project's focus on the 'centralised institutions', the document does not discuss in detail informal justice service delivery, such as through *jirgas*, *shuras* and *maliks*. While a brief comparative discussion on the informal institutions that citizens turn to for justice services may have added depth to the analysis, the particular focus of the project and the paucity of data available means this would certainly have been a challenging task under the short preparation timeline. A brief factual description of the three JI is followed by a general discussion of 'Human Capital', 'Physical Infrastructure and ICT', and 'Access to Justice and Legal Awareness', demonstrating sound research into the formal sector context and identifying relevant challenges. The project

document demonstrated clear recognition of and coherence with the broader National Justice Sector Strategy, and the objectives selected for the project reinforce the Government's stated goals.

Bilateral donors have largely focused on legal education and improvement of the professional competencies of judges, mainly in the narrow area of human rights. The Bank's intervention went beyond this, by supporting the improvement of infrastructure, legal awareness and provision of assistance to the users of the justice system (sector) through the legal aid offices. The project supported the Government's obligation to provide appropriate legal representation to those who could not afford professional legal assistance/representation, and sought to connect both donors and the three JIs together. The project can therefore be described as the first attempt to create a program of linked interventions across the justice sector.

Employing the ARTF as the funding mechanism contributed to the coherence and harmonisation that this approach could offer. The JIs themselves showed an appreciation for this element of the project design, stating that it was valuable to have a project that linked the JIs together. This approach ensured that key ARTF donors took a greater interest in the project and undertook specific measures to coordinate their support. This element of increased cooperation between donors reflected a step change in donor behaviour in this sector.

Focusing on three clearly defined components: 1) Enhancing Capacity of Justice Sector Institutions; 2) Empowering the People and 3) Strengthening Implementation Capacity was an appropriate design in order to maintain a focussed approach. The first and second components have three and two sub-components, respectively. The aim of structuring the project in this manner was to facilitate more effective management of these complex activities, and the simplicity of the component structure contributed to this.

The Project's governance mechanism was well designed. Interactions between counterparts and project team in the development stages of the project were frequent, however it seems that certain elements of the project design, such as HR reform, were still either poorly understood or weakly supported by the implementing agencies, as is often the case in other sectors in Afghanistan. Counterparts to the project have indicated more discussion could have been undertaken to ensure all parts of the project were understood and agreed, which may be due to the highly concentrated timeline of the project preparation. As a result certain elements, such as the joint Centre for Excellence that was planned under the project, could not be implemented and were eventually cancelled.

The risk assessment undertaken through the ORAF at the preparation phase was adequate. It is worth noting that the risk assessment framework rightly cited the risk to implementation of the reforms, such as in HR, as *high*. There was little appetite to implement this part of the project. The mitigating measures noted against this risk, however, were too optimistic, by suggesting that packaging tangible activities such as infrastructure development with these more complex reforms under the same project might incentivise

support for the whole package. Without any financial link between the implementation of one set of activities and another, it is evident that the design allowed for more complex activities such as HR reforms to be sidelined by the implementing agencies, in favour of the ‘quick impact’ and ‘high visibility’ activities such as the procurement of vehicles and construction.

Noteworthy also is that the assessment of risk to the project due to Institutional Capacity was only rated as *substantial* rather than *high*. It is clear in retrospect that this was an underestimation of the risk, since capacity constraints meant that results were slower than hoped for over the initial two year timeframe for the project. The related risk of weak capacity in implementation of Bank procurement and FM processes, however, was recognised as *high*. The project noted that the ARDS would be a source of assistance to the PSU and PUs until capacity within the institutions was developed, and indeed, while there were delays to these processes, the ARDS did provide a critical source of procurement assistance for the initial years of the project.

The project was successful in linking the project and its outcomes to other related projects at the design stage. The link to the now closed Civil Service Reform (IDA H-2970) was especially relevant. Through the CSRP, human resources departments were established and the implementation of pay and grading reforms was initiated in justice institutions. The CSRP activities both reinforced and gained momentum from activities under JSRP, for example through the establishment of Reform Implementation Management Units (RIMUs).

In addition the project sought complementary support via the Management Capacity Program (MCP). The MCP program supported the recruitment of 2 senior staff at enhanced rates of pay. The JI’s inability to utilize the MCP program to recruit larger numbers of qualified Afghans into technical and managerial positions reflected continuing weaknesses in its HR capabilities.

Therefore, the design stage would have benefitted from closer analysis of the stated risks to the project, a clearer understanding of available implementation capacity, and accounted for this through stronger mitigation measures and a longer timeframe over which to show results.

While the overall risk to the project was identified as *Substantial*, it is clear that the risks to the project were in fact *High*, particularly given the relative inexperience of both the Bank in this sector in Afghanistan, and the JIs in working with the Bank. Consequently, the design could have requested stronger supervision arrangements especially on the operational side, which may have enabled the obstacles to implementation to have been addressed earlier in project execution.

2.2. Implementation

Despite difficulties of the context that have been noted, significant progress has been made to improve the delivery of legal aid services, improve legal awareness, build capacity of personnel, address some of the core infrastructure needs and establish a coordinated engagement in the sector over the life of the project. The project implementation was slower than anticipated at the outset, but did eventually lead to the

delivery of many tangible outputs in the sector. Given the recognised challenges of operating in this sector, and the critical importance of the sector (WDR 2011), the incremental pace of change was recognised as understandable and worthy of a continued engagement, both through the extension of the implementation period to a total of 3.5 years, and through a follow up engagement.

Financial disbursement was very low, particularly in the first year of implementation.

Between effectiveness and the MTR in October 2009, only US\$0.26 million had been disbursed, with an additional US\$6 million committed to contracts and US\$2 million under negotiation. While actual disbursement was very low, the team had at this point developed sufficient capacity to negotiate and finalise contracts and implement the project components. By end June 2011, disbursement levels had risen to 48% of the original grant amount, and at the close of the project (December 2011), over US\$ 18.2 million was disbursed or committed. It is clear that the low disbursement rates are partly due to the fairly ambitious timeframe for the undertaking. Regular reviews have noted problems with the procurement capacity, recruitment of PSU staff and lack of direct engagement of the JIs (MoJ, SC and AGO). The project document's capacity assessments noted that the JIs had experience only in procurement of small items. The project team was also initially unfamiliar with Bank procurement methods, but benefitted from training delivered by the Bank team in this regard. The project implementation partners also benefitted from cooperation and assistance from the MOE's ARDS unit in completing larger contracts.

Over most of the lifetime of the project the overall rating of the project was 'moderately unsatisfactory'. The elections, held in August 2009, led to a slow-down in implementation as counterparts shifted and a new Minister arrived in MoJ. This rating improved in 2010 after the PSU became operational, and once counterparts became more familiar with the project and Bank procedures.

Cooperation between JIs:

While bringing the JIs together under one project generated benefits in coordination, cooperation between the JIs was often weak.

The Project Units and JIs were slow implementing the project activities initially due to the unfamiliarity of World Bank processes, but subsequently also faced problems in generating the requisite commitment to operational processes across all three institutions at the same time. Coordination was needed to finalise TORs, set bid opening dates and establish review committees, which did result in some delays to implementation. While the project team should be recognised for linking the three institutions together in a cooperative and coordinated manner, this also created challenges. However, supervision and support from the Bank team meant that the adverse impacts on the project were limited. While there were issues at the operational level, the POC, comprising the Chief Justice, Minister of Justice, and the Attorney General, also met regularly through the life of the project, demonstrating a significant high level commitment to the project objectives. After the second project extension, the decision to have the POC receive monthly updates on progress against the specified Action Plan was a catalyst for JI-led activity on the project. Technical, procurement and financial management capacity developed slowly across

the three institutions throughout the life of the project, but remained moderately unsatisfactory in the final ISR of the project.

PSU Staffing and Capacity

Delays in the appointment of PSU/PU staff were a significant cause of the initial delays to project implementation. It was more than 10 months into the project before the three coordinators for the JIs were in place, and delays in finding appropriate management staff and office space were noted in the ISR of late 2010: at this point, the project implementation capacity component was rated *highly unsatisfactory*. The PSU Director that was hired early on in the project did not perform satisfactorily, and the search for a replacement was not effective, due in large part to the lack of strong candidates in the market. An existing member of the team was selected to move into the role, and has been able to learn quickly and provide good leadership to the team. Once in place, the heads of the PUs and PSU Director coordinated well with the ARDS and POC to move the project forward, and in subsequent reviews the rating for this component jumped to *moderately satisfactory*. It is important to note that the Project Oversight Committee (POC) was established and became operational quickly after project approval. It was charged with managing the project in the absence of the PSU, but capacity to initiate recruitment processes compliant with Bank policies was weak in the JIs, and both procurement and recruitment stalled in the first year of the project. The AGO also underwent significant leadership changes in the early stages of the project, resulting in a lack of clarity regarding the focal point and responsibilities of the institution under the project.

Low capacity in the JIs has been a key constraint in the project, however there was some flexibility in the design of the project and the outcome indicators were modest, demonstrating an understanding of these limitations. The JI counterparts admit that their inexperience of Bank processes and requirements initially slowed the implementation, but this has improved significantly over the course of the project. As capacity has improved, so has the relationship and the cooperation between the Bank team and the JIs, and the results that the project can demonstrate. To this end, the project met its objectives of laying the foundation for a more ambitious follow-on engagement, as these three years of mutual learning have developed a strong working relationship and implementation capacity that did not previously exist.

TA and Supervision

The limited capacity of counterpart institutions added additional requirements for the Bank's implementation support. Given the complexity of the project, the inexperience of the counterparts and the fragility of the context, Bank supported efforts could have been strengthened at the initial stages of the project. While the team worked well with the available resources, the presence of a broader team to engage on technical issues such as infrastructure and IT could have further strengthened the supervision team. However, there are notable constraints to the size of supervision teams in Afghanistan which must also be acknowledged, including budget limitations, a lack of qualified, available consultants as well as limitations on movement, security restrictions and housing space for visiting missions.

Exogenous and Security Constraints

Through the duration of the project the security situation in Afghanistan was deteriorating. The MOJ itself was a target of some attacks (one of which resulted in over a dozen fatalities), and the situation in the provinces was also deteriorating. However, despite these setbacks, many of the targeted results have been achieved. The project was also successful in reaching out to citizens in the provinces, through the establishment of legal libraries, improvements to court buildings and the provision of professional legal aid.

Project implementation suffered again after the Mid-term Review (MTR) in October 2009, as elections in Afghanistan (August 2009) led to changes in the leadership of the JIs. In this period, disbursement remained slow and the project rating fell from Moderately Satisfactory to Moderately Unsatisfactory. However, this rating rebounded again following the completion of the elections.

2.3. Monitoring and Evaluation (M&E): Design, Implementation and Utilisation

The results framework given the short 2 year life of the project was appropriate and it focused on specific outputs. However, the framework was weak in capturing progress of its more qualitative components, such as access to justice. The target values for such indicators were broadly defined. Insufficient capacity hindered the Project from identifying and capturing more nuanced outcomes such as service improvements arising from training and capacity building investments. Baseline data collection was meant to take place under the project, but was not executed- due in part to the scope of the task and the low capacity to source and manage such a large consultancy, and also due to the limited availability of consultants for such work in Afghanistan.

Activities relating to infrastructure were monitored much better. It was less clear whether the improvements to infrastructure had a subsequent impact on improving access to and the delivery of services. However, improvements in physical and ICT infrastructure have provided an important platform for improved legal outreach in Phase 2 of the project.

Moreover, the M&E framework was weak with respect to access to justice elements. The indicators capturing access to justice such as “Number of cases resolved with/by legal aid” and “Communities and their leaders educated in substance and in accessing legal information” were not maintained over the project life. According to the last ISR from June 2011, progress on these indicators was not recorded.

Learning from this experience, the follow-on project has instituted clearer and smarter targets that are in large part supported by baseline information. Critically, it also provides support to the JIs to develop their monitoring and evaluation capabilities during the initial phase of the project.

2.4. Safeguard and Fiduciary Compliance

Despite poor public perceptions of corruption levels in JI noted above, no such irregularities have been noted in the project. While capacity and internal audit

arrangements could have been strengthened, supervision and project management arrangements have proven robust.

The project operated under the steadily improving Project Financial Management reforms under implementation by the Government of Afghanistan with World Bank assistance. Under these reforms, proper records of grants received and disbursements through the designated account were maintained by the Ministry of Finance, Special Disbursement Unit (SDU) which was initially manual, and later migrated to Afghanistan Financial Management Information System (AFMIS). The funds flow to the project was timely.

Proper records of eligible expenditures for various components and activities were maintained by the implementing agencies – Ministry of Justice, Supreme Court and the Attorney General’s Office through a dedicated project support unit (PSU). The internal controls were adequate; however the internal audit arrangements were not satisfactory under the project. Regular IFRs (Interim Financial Reports) in the agreed format were submitted during the life of the project.

Annual audited financial statements were submitted regularly though there was delay in the first year of project audit. The audit opinion of the Control and Audit Office of Afghanistan was unqualified (clean) for all the three years. The audit observations for prior years have been resolved. There were unsubstantiated expenditures of US\$37,961 reported in the SY1389 audit report; responses to the audit observations are awaited.

The Project closed in December 2011 and there is a grace period up to June 30, 2012. The status of project disbursements up to June 28, 2012 is detailed below. This includes all payments under the grant and no further payments are envisaged.

Components	Disbursements (in eq USD)
1 - Enhancing Capacity of Justice Sector Institutions	13,822,311
2 - Empowering People	2,546,944
3 - Strengthening Implementation Capacity	1,785,979
SUB TOTAL	18,155,234
Less: Return of funds from provinces	(116,256)
TOTAL	18,038,977

2.5. Post-completion Operation/Next Phase

The project has been successful in establishing an implementation structure and generating the necessary government interest to prepare a second phase. The project was designed from the outset with the intention of *‘preparing a foundation for a subsequent more robust and longer term ARTF-supported project (Phase 2)’*. The development of the Phase 2 project has been undertaken in close collaboration with the JIs and the project was approved by the Management Committee of the ARTF in May. The decision to design this as two projects rather than to seek additional financing for Phase 1 was largely driven by the step change in scale of ambition and objectives of the second phase. The implementation structures of Phase 1 have been sustained through a Project Preparation Grant (PPG) in order to avoid delays in making the project operational, and in order to retain the capacity and knowledge built under the first project.

It is evident that the second phase project will benefit from the well staffed PSU and PUs as well as the positive relationship with the JIs established during the first phase. The JIs have also demonstrated increased capacity to engage with the Bank on project development, and expressed a strong commitment to the improved implementation of a second phase. It is clear that the lessons of the Phase 1 project (some of which are noted below) have been reflected upon by the implementing agencies, and that there is now greater awareness of the actions required to ensure proper implementation. The project will also benefit from an existing network of legal outreach offices that can be built upon, and designs/ design standards for JI buildings which can be taken forward to construction.

Additionally, the JIs now have a much clearer understanding of Bank’s requirements and of the government’s procurement and financial management processes. Improving the JI’s understanding of these processes and developing their capabilities to use Government systems was an important achievement of phase 1. In this way, the project successfully helped to establish the foundations for a deeper and longer term engagement in the sector by the World Bank.

The Phase 2 draws upon the increased capacity and commitment to implementation in order to propose a more ambitious program of activities (US \$85.5 million), over a longer and more realistic timeframe of 5 years. The transition to a 5 year project life overcomes an important constraint identified in this ICR to the successful implementation of phase 1. The second phase goes a step further by preparing the key procurement packages during project preparation. The project altogether targets more complex set of tasks such as HR reform and the completion of a CIP, but links these to clear benchmarks and associated financial incentives to meet these targets. Consequently, under the second phase, a failure to execute these critical reform tasks will result in a reduction of the overall fund allocation for the project, particularly for more tangible items such as infrastructure and vehicles.

3. Assessment Outcomes

3.1. Relevance of Objectives, Design and Implementation

The project objectives, while ambitious, were relevant and appropriate for the context. The design and implementation, however, needed to be better planned given the complexity of the context and wider capacity constraints.

In the context of fragmented and limited donor interventions in the Afghanistan justice sector, the project approach of working through the ARTF, across the three JIs and in multiple areas was appropriate. The objectives of increasing state capacity and access of citizens was also relevant in a context where the Government suffers from a distinct lack of legitimacy in the eyes of citizens, due to the lack of accessible legal services. Justice is a particularly critical area in which raising the profile of state service delivery can have a substantial impact in the way the state is perceived.

The overall objectives of this project were *‘to strengthen a centralised state justice system and to increase access to justice for the Afghan people’*. An immediate objective was to enhance the capacity of the justice sector intuitions to deliver legal services. The project intended to do so by better human capital management, development and better management of physical infrastructure, and by increasing the skills of the justice sector employees.

The project document also stated that: *The aim of this first project (Phase 1) is to implement a set of quick impact sub-projects, visible to the Afghan people’*.

Capacity building remains a critical obstacle to such service delivery. While judges, prosecutors and other service delivery employees of the state are scarcely paid a living wage, and have little investment in terms of training, donors and NGOs circumnavigate these struggling establishments in order to provide legal services through parallel systems. The rationale recognized the disconnect between state and citizen, as well as the low capacity starting point for the project, in the goal of achieving quick impact and high visibility gains through this initial engagement. This would also be critical to building the relationships and experience needed to attempt a more ambitious Phase 2.

A focus on basic infrastructure and concrete, tangible outputs was also justified due to the extremely poor working conditions of many justice sector employees, and the real impediment to delivery of services that lack of access to vehicles, buildings and other basic materials pose.

With regard to design, it is clear that the goals could not be achieved within the short initial (2 year) time frame of the project, but stronger results were demonstrated over the total project period. In terms of implementation, while access to justice may have increased over the period of active project implementation it is unclear that such increased access could have been sustained in the absence of costly project interventions, such as the arrangement with the Non-Governmental Organization, International Legal Foundation-Afghanistan, to help deliver legal aid services.

3.2. Achievement of the Project Development Objectives

The overarching project objectives were “*to strengthen a centralised state justice system and to increase access to justice for the Afghan people. The project’s immediate objective is to enhance the capacity of the justice sector institutions to deliver legal services. This will be achieved primarily through more strategic human capital and physical infrastructure management, increasing skills of justice sector professionals and enhancing the physical infrastructure used to deliver legal services.*”

The overarching project objectives were broad in scope and the project resources appear modest against them. However, the PDO level indicators for the project limited this scope more clearly and were framed appropriately.

The project faced challenges to the achievement of capacity building elements of the PDO. Implementation capacity was successfully built, and judges and prosecutors benefitted from conferences and trainings that also built capacity. In this way, the project made important progress in this area. However, some of the longer term activities for asset and HR management could not be implemented. The Capital Investment Plan (CIP), HR reforms for judges and prosecutors, among others, were cancelled. In each case, important external factors such as the increase in judges pay before the reforms were begun, and the lack of appropriate consultants for the CIP, contributed to the cancellation of these activities. In addition, HR reforms enjoyed only weak support from implementing agencies. These would have made the most critical contribution to improving human resource and asset management systems in the JIs.

On the other hand, significant visible improvements were made to infrastructure, facilities and outreach activities of the JIs. With 38 JI buildings being rehabilitated, legal aid offices established, critically needed vehicles purchased enabling JI staff to undertake their work, and legal documents and information being made more readily available to professionals and citizens, the project did make significant progress towards its objectives despite the difficulties of the context.

Furthermore, the Project was designed with the view that a follow-on Phase 2 engagement would be required. Phase 1 therefore focussed on a set of high and quick impact sub-projects, which would be visible to the Afghan people, and which would provide a basis for a deeper follow-on engagement. Seen in this light, the project has made important headway in creating the necessary space for reform in the sector, and a platform through which donors, agencies and government can engage in a more coordinated manner. The Bank has approved a follow-on engagement that deepens activities towards the objective of improving services and access. The selected financing instrument of the ARTF allows for predictable medium term donor financing. This takes account of the overall context in which reforms are going to be slow and will require engagements over a longer term.

Component 1: Enhancing Capacity of Justice Sector Institutions

Given that the project focused on building the initial capacity of the Afghan judicial institutions to absorb more assistance, the first component of the project was by far the largest

(85.5 per cent of the total). It comprised three sub-components: Human Capital, Physical Infrastructure and Information and Communication Technology (ICT).

(i) Human Capital

The Capacity Building component has seen some success in achieving the planned outputs, but a number of activities under the component were not undertaken, and eventually cancelled under the restructuring in June 2011.

The government's approach to developing capacity among civil servants across the JIs was the implementation of the Priority Reform and Restructuring (PRR) Program that was implemented across the Afghan Civil Service. This reform enabled some key departments in the JI's to recruit and retain staff through modest salary inducements. From 2007, the Government began to implement the new civil service pay and grading framework. This would define the structures of all institutions; confirm the new civil service staffing needs, and set in place a procedure for recruitment of permanent staff into posts at the new salary levels.

However, the application of PRR and P&G to prosecutors and judges has been an area of wide debate, since they have been granted independent status under the current Civil Servant's Law.

While the project had hoped to forge a link between reforms in HRM for judges and pay increases, the Government took the decision to increase Judge's salary independent of any reform program in 2008. Thus, the momentum for reform was to a large extent lost, and the complexity of the task of how to manage judges and prosecutors was a further cause for delays in addressing the matter. For the civil service staff within the SC, the P&G reform was completed by the end of the (restructured) project. Progress in the AGO progress has been slower, where only slightly over 50 per cent of P&G review was completed by the completion of the (restructured) Phase 1 of the project.

Although the results of these HR reforms- the establishment of two Reform Implementation Units (RIMUs), progress in P&G reform- have been modest and limited, some stability at the lower levels of the civil service has been achieved. Individual posts and their responsibilities are better defined but critical shortages of professional and technical staff remains.

Other investments in human capital development included a 6 week training program for 90 judges at the Judicial Training Academy in Egypt. 220 MoJ employees from across the provinces received training in core areas such as English, IT and procurement. A National Conference of Prosecutors was supported. These activities were described as very positive and valuable outputs by the JIs. The conferences also attracted other stakeholders in the justice sector and provided an important platform for dialogue on justice sector issues.

Through the *Physical infrastructure* sub-component (investment and reconstruction of buildings), there have been significant tangible outputs. 35 JI buildings have been rehabilitated both in the centre and the provinces. The Capital Investment Plan (CIP) was not contracted under Phase 1 of the project, due to a lack of interest from appropriate

international consultants. This work will now be completed early in the follow on project. After some apparent confusion about the concept and objectives of the activity, as well as problems with the joint procurement of buildings, the work on the 'Centres of Excellence' was also cancelled from Phase 1 (US\$ 0.2 million). The SC successfully prepared design standards for court and administrative buildings. The design standards are a contribution that may make a sustained impact, since the institution now has standard guidance with which to ensure that buildings meet international safety and quality standards. The project has provided critically needed transportation (vehicles) for the senior judiciary officials.

The designs for an MOJ HQ and an SC HQ were completed, and the MOJ building will be constructed under the follow on project. The designs for 6 provincial MOJ buildings were also drawn up. The designs for 5 provincial AGO buildings were drawn up, but no construction was undertaken. However, a new AGO office was provided with utilities and furnished, and this now also contains operational library facilities for all AGO staff. In total 28 libraries have been established across Afghanistan and thus improved access to legal texts. The 6 legal aid offices and 3 legal awareness offices were established, and advice provided has covered issues as diverse as adultery, theft and traffic cases.

In terms of outcomes, the project has improved the infrastructure for the provision of legal services and helped to improve access to justice.

The Information and Communication Technology (ICT) sub-component financed the development of the major ICT needs assessments for the JIs, including the requirements of the provincial justice institutions and networking for both levels. Counterparts raised concerns about insufficient attention being given to progress on IT systems and networking facilities. However, it was also clear during implementation that, while the AGO made repeated requests to donor projects for additional IT software and hardware, there was no mechanism for maintenance and support for these products. Hence, many items remained unused or unmaintained.

Component 2: Empowering People

This component was comprised of two sub-components, legal aid and legal awareness. The target groups for this sub-component were community leaders and legal service providers. The publication of legal texts helped to indirectly increase legal literacy.

The *Legal Aid* sub-component focused on the establishment of legal aid offices, through both physical investments and staffing capacity. The project planned for 5 to 10 legal aid offices to be established and 6 were eventually set up. At least 2000 applicants (out of which 1500 are representations and 500 are advice cases) received legal aid. An additional 2600 cases were processed under the subcontracting arrangement with ILF-A and private lawyers. Less was achieved in terms of data collection than on the supply of legal aid, but the project has nonetheless improved the information collection and flow in support of better decision-making.

The project succeeded in mobilising the MoJ to produce and disseminate Afghan laws, making them more accessible to the population. Although it was not the objective of the project, legal advice has also improved the knowledge of those clients who may have decided to represent themselves before court. MoJ has also contracted the International Legal Foundation-Afghanistan (ILF-A), an NGO to provide legal aid and advisory services in 13 provinces, which has had an immediate impact on the level of citizen access to legal services.

The *Legal Awareness* sub-component focused on supporting public confidence in the state justice system and on the promotion of knowledge and understanding of legal rights and obligations under civil, commercial and criminal law. Particular attention was paid to the family law, in support of women as a vulnerable section of the population. This sub-component was primarily delivered in collaboration with MoJ, in the provinces of Nangahar, Balkh and Kunduz as well as a media office in Kabul. This was a pilot project that has proven successful. Three legal awareness centres have been established. In addition to development of legal libraries this has proven to be an appropriate approach in promotion of trust in state legal/judiciary system and strengthening of socio-legal aspects of legal system (legislation).

Component 3: Strengthening Implementation Capacity

The Strengthening Implementation Capacity component focused on building the implementation capacity within the target justice institutions, so that they over time can implement the reforms and further development without outside assistance. The component supported further implementation of the National Justice Sector Strategy (NJSS), National Justice Programme (NJP) and the Project itself. With the support of the project the beneficiary institutions (i.e. the Government of Afghanistan) established NJP management infrastructure, as well as the Project’s governance and management bodies. The links to the NPP implementation structures could have been strengthened, however this process has suffered due to the delays to the NPP process itself, and to decisions about how implementation of the NPP can be undertaken. As noted above, there were considerable delays in commencing work on this component because of delays in recruitment of key project staff.

Training in international procurement and Bank project management was given to several local consultants in order to support the project implementation. There was a large time lag between the project approval and the recruitment of an international procurement advisor, and the development of FM and procurement manuals was also severely delayed.

The table below summarizes the achievements against the PDO indicators.

<i>Indicator</i>	<i>Attainment</i>
The number of improved justice sector facilities	Overall, 38 courts and buildings rehabilitated SC: 16 buildings

	<p><i>AGO</i>: 17 provincial and 3 central offices</p> <p><i>MOJ</i>: HQ building and the Juvenile Detention Center</p>
<p>The number of people who received legal services</p>	<p>At least 2000 applicants (out of which 1500 are representations and 500 are advice cases) received legal aid. An additional 2600 cases were processed under the subcontracting arrangement with ILF-A and private lawyers</p>

<p>The number of qualified and properly trained judges</p>	<p><i>SC:</i> A training program (6 week intensive course) for 90 judges by the Egyptian Judiciary was completed.</p> <p><i>MOJ:</i> 220 MOJ employees across the provinces were trained in FM, Procurement, IT and English</p> <p><i>AGO:</i> 20 AGO employees received IT training</p>
<p>The number of legal professionals with increased access to adequate legal reference materials</p>	<p>A network of 28 provincial and 3 central libraries have been created.</p> <p><i>SC:</i> 10 new libraries established and functional. The Central Judicial Library is functional and more than twenty professionals visit this library daily.</p> <p><i>AGO:</i> 11 libraries are fully operational. The total number of users is estimated at 1600 professionals annually.</p> <p><i>MOJ:</i> Central Library and 6 Provincial Libraries operational. 20-30 legal professionals and MoJ staff utilize MoJ central library each day. Between 5 and 10 provincial staff utilize each of the MoJ's 6 provincial libraries each day.</p>
<p>The extent of legal advice and representation provided by the recipient's legal aid program</p>	<p>Legal representation & advice has involved broad range of cases e.g. murder, terrorism, kidnapping, forgery and counterfeit, narcotics, theft, drinking and intoxication, violence against women, and traffic cases. The most frequent cases are traffic cases, theft, and adultery. See also indicator 2 for quantitative summary.</p>
<p>The number of community leaders and others reached through legal awareness initiative</p>	<p><i>Nangarhar:</i> Around 700 brochures and 5 different handouts distributed.</p> <p><i>Kundoz:</i> 1200 posters, 6000 brochures, 400 stickers, 1840 volumes of books, 300 issues of legal bimonthly have been made available by the Huqooq Department of MoJ</p> <p><i>Balkh:</i> 57 radio conferences, 35 workshops with elders, university students, youths in custody and others held; 700 brochures and 1221 posters distributed. Meetings with around 230 village representatives and 260 tribal elders held; training for 250 schools completed.</p>
<p>Improved capacity of legal institutions to manage their human resources and assets</p>	<p><i>1. Infrastructure:</i> 3 engineers supporting the infrastructure departments in each of the JIs; their responsibilities include: evaluation of offers; preparation of bid documents; engineering designs & estimation of projects; developing a facilities database; monitoring of construction projects</p> <p><i>SC:</i> developed standards for designs and prototypes for every type of building such as urban court, appeal court, primary court, and residential facilities etc for cold and warm climates.</p> <p><i>AGO:</i>A comprehensive IT assessment has been prepared</p> <p><i>2. Human Capital:</i> AGO and SC's RIMUs have assisted in capacity building for HRM; this includes creation HR databases, management of HRM staff, and assistance in P&G processes.</p> <p><i>SC:</i> Review of judges competencies conducted and HRM databases developed</p>

	<p><i>MOJ</i>: training needs assessment completed</p> <p><i>SC and AGO</i>: organized nationwide gathering of judges and prosecutors</p>
<p>Progress in HR reforms to lay the foundations for increasing salaries</p>	<p><i>SC</i>: HR reform for Judges: in 2008 the MOF increased salaries for judges. In 2009 the SC reviewed performance of sitting judges and developed an HR database.</p> <p>The HR reform process for civil servants is in progress. The RIMU was established and began work. The eligibility review of SC departments was completed. The HR department was staffed and trained; positions for the rest of department were advertised. Critically, the P&G reform of the SC was completed</p> <p><i>AGO</i>: now that AGO HRD was staffed and trained, and an eligibility review of AGO prosecutors has been conducted. 50% of P&G reform was completed.</p>

3.3. Efficiency

Not applicable.

3.4. Justification of the Overall Rating

Overall Outcome Rating before Restructuring: Moderately Unsatisfactory.

Overall Outcome Rating after Restructuring: Satisfactory

Weighted Overall Outcome Rating: Moderately Satisfactory

The project's development objectives are an important element of the overall state rebuilding efforts underway in Afghanistan. The importance of the PDO is further enhanced within the context of the transition to the new institutional arrangements post 2014. A strong and robust justice system is necessary for the legitimacy of the state, and for economic development. When JIs can resolve disputes, citizens are less likely to resort to informal sources of power to help them resolve conflicts. Strong JIs therefore are important for conflict reduction and prevention. In the case of Afghanistan, this is particularly critical, since anti-government groups gain social capital through the establishment of parallel 'insurgent justice' systems, which deliver quick justice to citizens. In fragile, post-conflict states the focus on institutionalization of the justice system must be a priority. In the Afghanistan context, rebuilding damaged infrastructure was clearly a necessary pre-condition for supporting the strengthening of formal institutions and building capacity. The project itself also aimed for output focused, visible achievements in Phase 1 of the engagement in this difficult sector: in making an assessment about the pre and post restructuring weightings, the infrastructure element of the project has been therefore given a greater weight than the softer HR and capacity elements.

Although the project was designed to begin addressing these important issues, it was not clear from the outset that the Afghan judicial institutions fully appreciated the relative importance of the project with respect to this broader objective of state building. Elections, the Kabul Conference and other high level political events, as well as changes in key personnel delayed the implementation process. Critical elements of components in the original project were eventually dropped due to both internal and external factors, leaving a project that focused largely on quick-impact activities but with some important headway into service delivery improvements.

The focus upon tangible outcomes in itself was appropriate for this initial engagement in the sector, but greater analysis was needed of the JIs to ensure that more ambitious reforms were welcome, and to develop timelines that were achievable. The problems in recruitment of key project staff demonstrate the need for more pro-active measures, and for more realistic planning for results. Relocation of the TTL to Kabul was an appropriate decision for the Bank Management, however other decisions for management- such as how and when to undertake a follow up engagement suffered some delays. The PDO indicators are considered balanced

and relevant according to this ICR. However, capacity limitations in the sector contributed to a lack of focus on the qualitative aspects of results achieved.

The restructuring of the project corrected the excessive ambition of the design, and allowed slightly more time for the completion of a more modest range of activities: that these activities were only cancelled in June 2011 indicates that action to reduce the scope of the project came rather late in the day, however, and this action could have been taken during the extension of the project in 2009. While some of the larger and more complex activities were cancelled once the capacity limitations were better understood, a number of basic activities to build the physical and staffing capacity of the JIs were successfully undertaken through the project. Libraries visited during the ICR are well functioning and staffed, and complementary outreach work has been undertaken to raise awareness about the value of these resources to increase demand. Cars and vehicles supplied through the project, and the rehabilitation of many buildings also contribute to a highly visible and tangible improvement in the quality of Justice facilities available to staff and accessible by citizens. Trainings for judges through well designed partnerships with relevant legal systems have also added to the quality of judgments. Although this is undoubtedly difficult to measure, it is a base that can be developed further under the second phase to further increase the capacity of these critical staff. Furthermore, it stands as evidence of a demand for such a project by all parties, above all the Government, and their commitment to implement it despite evident constraints. Given that tangible output based activities were the fundamental focus of the project, and the progress that was demonstrated, the project was rated Moderately Satisfactory by the ICR.

4. Assessment of Risk to Development Outcome

In a fragile context such as Afghanistan, the risks to development outcomes are substantial. During project implementation, the rapidly deteriorating security situation affected access to the communities, the willingness of lawyers to staff provincial offices, and the fees that were sought by such staff also increased. It also reduced the availability and willingness of international consultants to work on the project, and affects the sustainability of progress made in capacity building of Ji staff. As security conditions worsened, the ability of judges and legal aid staff to access the population and function were affected, limiting the gains of capacity increases. During the project preparation phase, such a rapid deterioration of the security condition was not anticipated. The sustainability of contracting lawyers at higher than government rates, or through arrangements with the relatively high cost NGO, ILF-A, is also highly questionable in the absence of on-going and extensive donor funding. It is widely anticipated that support for the social infrastructure reforms will decrease post the *Transition* period (2014) and hence **the issue of sustainability of the infrastructure results of this project is a serious problem.** A key issue that needed to be tackled early during project implementation is progressively increasing the O&M budget for the justice sector institutions for sustainability of the physical assets created through the program. Without an increase in earmarking of funds for O&M expenditures, sustainability of the assets is at risk. In the short term, this is mitigated by the successor project JSRP-II, but an improvement in planning and asset management capacity must be seen as a priority for this follow-on project.

5. Assessment of Bank and Borrower Performance

5.1. Bank Performance

(a) Bank Performance in Ensuring Quality at Entry

Rating: Moderately Unsatisfactory

(b) Quality of Supervision

Rating: Moderately Satisfactory

(c) Overall Bank Performance

Rating: Moderately Satisfactory

Quality at Entry

The project preparation team designed interventions to support clearly established sector needs. The quality at entry was acceptable in terms of the selection of the component structures. However, the design would have benefitted from a better assessment of the institutional capacity to implement the project, and stronger mitigation measures for the institutional weaknesses. While restructuring corrected for some of these elements, the quality at entry could have been improved had the team been provided adequate opportunity to assess the capacity and political support for some of the activities, and indeed for the scope of activities in the proposed timeline. The absence of a PCN stage review is evidence that this process was expedited to the detriment of the quality of the design. The framing of the PDOs and the scope of ambition of the intervention overall was well constructed at entry and responded to a clearly expressed need for a Bank engagement. Both the PDOs and the more concrete output indicators remained unchanged throughout the project. The team rightly steered clear of supporting complex policy reforms which would have been far more difficult to achieve during the life of the project. The project selected quick impact outcomes and through that laid the platform for deeper sector engagement in a more complex Phase 2. However, implementation was far more difficult than anticipated and the expected results seemed ambitious for the initial 2 year timeframe.

Quality of Supervision

The Bank task team was forthright in pointing out the problems that it faced in the implementation and demonstrated flexibility in adjusting the management arrangements and project life-span according to needs. Not having a continuous presence in Kabul may have contributed to the slow start of the project, but the relocation of the TTL to Afghanistan clearly led to improved relationships across JIs and a sharper focus on resolving problems early. It is clear that projects in conflict affected countries may suffer from a range of similar issues. Supervision costs are high and logistically wrought with difficulties; the security environment often restricts movement to directly supervise activities and can limit the numbers of missions possible by consultants. When available, consultant costs are high and quality is hard to assure due to the limited number of candidates willing to work in the

country. Costs of transportation and housing are also often much higher, and therefore the costs of increasing the supervision on a project can also be prohibitively high. The overall supervision arrangements may have been strengthened with additional staff at the analyst and/or specialist level given the complexity of the project and sector, particularly at the initial stages.

Justification of Rating for Overall Bank Performance

Overall the Bank performance was rated Moderately Satisfactory, given that more time should have been allowed to the project team to assess the context and develop the project, and due to the lack of data available to work with at the time of project development. Due to external pressures, the project was developed on a contracted timescale. The unrealistic timeframe for the project at the outset necessitated two extensions and a cancellation of a large portion of the allocated grant, but the team demonstrated a willingness to adapt to the realities of the sector. Performance during supervision was Moderately Satisfactory, with support being provided to the JIs and PSU team throughout.

5.2. Borrower Performance

(a) Government Performance

Rating: Moderately Satisfactory

(b) Implementing Agency Performance

Rating: Moderately Unsatisfactory

(c) Overall Borrower Performance

Rating: Moderately Unsatisfactory

Government Performance

The Project was to support NJP and NJSS, which articulated a strong vision for reform and better service delivery in the Justice Sector. The preparation team was encouraged by the clear expression of Government commitment to justice sector reforms that were articulated in the NJSS. The Government's Independent Administrative Reform and Civil Service Commission supported the project and the JIs through the civil service reform agenda. In the first year of implementation, as implementation stalled and wider political developments such as the elections came to the fore, the interest of heads of JIs dwindled concurrently. During the Presidential and Parliamentary elections, the focus of JI senior leadership and the Government shifted away from technical and reform related issues. This period also saw numerous personnel changes.

Although this was the first Bank project in the justice sector, a number of bilateral support programmes/projects had already been operational in the sector. JI institutions had relied heavily on donor executed programs to finance investments. As a result, **it has little experience of using Government systems except for salaries and minor operational**

costs. As the JIs became familiar with Government's own FM and procurement systems, project implementation improved speedily and with it the interest of the political leadership.

Implementing Agency Performance

The three justice institutions (MoJ, SC and AGO) were the Implementing Agencies, undertaken through the central PSU (based in MoJ) and PUs based in each of the JIs. However, the Implementation Agency performance appeared to be affected by coordination problems between the JIs, a disconnect between heads of JI and the implementing units at least initially, and varying levels of commitment to project implementation over the life of the project. There were major problems with PSU staffing. By the end of the initial two year period, however, once the core implementation support team comprised of the PSU Director and PU heads was settled in place, their competence and project management skills grew quickly and the commitment to results increased correspondingly. Implementation performance was also uneven across the three institutions, and while the project had split funds between the three institutions, implementation was slower in the AGO than the SC and MoJ (see MTR p3). Personnel changes in the lead assigned to manage the project, the shifting political context and sometimes weak levels of commitment to project activities contributed to this. The management of national and international consultants was appropriate and no major shortcoming was reported. However, there were difficulties in sourcing these consultants both due to inexperience in Bank processes, and the paucity of credible/interested candidates in Afghanistan.

Justification of Rating for Overall Recipient Performance

A greater weight is given to the performance of the JIs in arriving at a rating for the overall recipient performance. The overall **Recipient** performance has been rated as moderately unsatisfactory, given the slow pace of engagement, fluctuations in the degree of political commitment to the project, and the slow pace at which additional capacity was brought to the PSU.

6. Lessons Learned

- i. The project reaffirmed the advantage of the ARTF as a funding mechanism that encourages programmatic, cross-sector approaches to reform and promotes cooperation among institutions. Channelling resources through the budget was a critical factor in increasing Government ownership of reforms and increasing Government's appetite for seeking on-budget development resources.
- ii. Client engagement in preparation of project, and adequate time and resources for project design, are critical. The extent of client engagement in project preparation was also an important indicator of future success of the operation. In post-conflict and fragile states, with typically very low internal capacity, the consultation on the project development is a strenuous exercise; however the political and symbolic elements in consultation and

design process do pay off, in the end. Political economy analysis may help improve the design by providing tactical insights into client commitment. Even under emergency preparation context, a PCN is highly useful in helping to test the underlying assumptions about client commitment and realism of quick impact interventions.

- iii. A functioning implementation structure was critical to the success of the project. Without an operational PSU and PU, the project was not able to perform, as the experience of the initial period of implementation under Phase 1 clearly showed. A further lesson is on the role of the central PSU, which needs to maintain an oversight and coordinating role, with greater authority over FM and procurement handed to the JI PUs, in order to encourage ownership and improve disbursement rates. Under the JSRP, it took many months to establish the implementation structure, which resulted in substantial delays to project disbursement even though this had improved towards the end of the project lifetime.
- iv. Also important in the Afghanistan context is the need to recognize that it takes time to recruit professionals with appropriate procurement, financial management and other project implementation related technical skills. Even when staffs are recruited, it takes a period of dedicated training and development before they are able to function effectively and become capable of servicing the project. Teams need to make realistic assessments of the pace at which professionals are recruited and brought up to speed in such a challenging and competitive market environment.
- v. The performance of the three JIs has been uneven with the MoJ being the strongest performer in a variety of project execution functions. The main factors defining performance are the degree of “political capture” and implementation capacity. The uneven performance of the JIs suggests there is therefore a requirement for a “custom designed approach” to future reforms. This approach should consider the institutions’ individual absorptive capacity, while also ensuring that no institution is excluded, as this would be sure to undermine progress in the sector overall. An important lesson therefore is the need to assess carefully interest of the individual counterparts to specific project results and to the project outcomes as a whole and assess the quality of Government leadership of the project. The commitment of actors across JI institutions to the project outcomes was over-estimated. Project outcomes are a useful way of bringing the attention of counterparts to the actions needed to achieve them. The analysis should encompass the sources of support for the proposed course of action, those who will oppose it, strategies to support the implementation over time, ownership of proposed changes and champions of change, quick wins, political considerations of success and failures. Mechanisms that help to increase understanding and commitment of different institutions need to be creatively crafted as part of project design.
- vi. The project suffered also as a result of the slow implementation of the HR component in particular, due to a combination of factors such as the lack of an overall approach to HR reform in Afghanistan; an uncoordinated approach by the donors involved; and a lack of

perceived incentives to implement reforms. A key lesson is the need for project teams to understand the institutional context and the existing HR environment in which sector interventions are located. Sector interventions that have an HR element need to work with and be integrated into Government's on-going civil service reform programs.

- vii. Effective Monitoring and Evaluation (M&E) has been a challenge in the justice sector. M&E in the sector has suffered from a lack of technical capacity at the implementation level and weak conceptual capacity at the policy-making level. A lack of M&E strategy, including baseline data, to provide information has made it difficult for the GoA to assess properly the achievements and changes. A key lesson therefore was the need for substantive frontloaded support to develop qualitative data collection tools and methods to ensure that project results are properly assessed.
- viii. The JIs were initially reluctant to engage international consultants in the implementation of project activities. The high costs of foreign assistance, the presence of 'free' international advisors in the JIs (funded by bilateral programs), and concerns related to communication and cultural barriers were the likely reasons for this. While greater reliance on local capacity (in and outside of the JIs) increases ownership of the reforms, it requires that the Bank helps fill capacity gaps by providing advisory support, necessitating intensive supervision by the Bank team (including continuity of input). Creating a more positive institutional environment for advisors to work in does take time. Over the course of the Phase 1 implementation period, JIs only slowly realized the value of international assistance. It is, however, important that the international assistance is of reasonable quality, is used selectively, and in combination with local expertise.

7. Comments on Issues Raised by Borrower/Implementing Agencies/Partners

(a) Borrower/Implementing Agencies Comments on the Implementation Completion Report (ICR) on Afghanistan Justice Sector Reform Project (AJSRP):

These comments were compiled by Program Support Unit (PSU) of AJSRP with inputs from the Ministry of Justice (MOJ), Attorney General's Office (AGO) and Supreme Court (SC).

1. Assessment of the operation's objective, design, implementation and operational experiences

Operation's objective:

The project implementation was delayed given a number of uncertainties in the implementing environment. The PSU was established and made operational only towards the end of the project whereby only one year's time was available to PSU for implementation. Under these constraints, the goals of the project have been achieved to a significant extent.

The agreed objectives were important and vital ones for the state justice system. Activities like "Strategic Management for HR & Infrastructure" helped to improve the

skills of Justice sector professionals. The project aimed to strengthen the centralized state justice system in Afghanistan and increase access to justice for the Afghan people.

The project responded to the requirements of the Justice Sector and enhanced the capacity of the justice institutions to deliver legal services.

Design:

The project design was framed carefully and was realistic but the operational experiences showed that implementation was affected by poor planning and lack of expert personnel. In spite of these, the project design enhanced the capacity of the justice institutions.

Indeed the Phase 1 project was designed in a way to establish an implementation structure and to build institutional capacity within justice institutions so that JIs could get ready for a follow on project with a much broader scope. Considering this objective, this first project was fairly successful.

Implementation and operational experiences:

Implementation and operational experiences involved learning about financial management, procurement, contract management, monitoring and evaluation and project management procedures and processes. Moreover, implementation and operational experiences of the Phase 1 project served as an effective learning platform for the JIs to improve their internal and external coordination.

As it was the first ARTF project implemented by JIs, and there was an obvious lack of experience in implementing such projects. The Justice Sector faced a lot of problems in the first two years of the project. Gradually by “learning by doing”, JI personnel increased their capacity and by the end of the project became familiar with World Bank processes that needed to be followed during implementation.

2. Assessment of the Outcomes of the Operation against the Agreed Objectives:

The immediate objectives of the project were to enhance the capacity of the JIs to deliver legal services. This was achieved to a large extent:

- The skills of justice sector professionals were improved;
- Justice sector facilities such as transportation and infrastructure were improved;
- Reforms in HR were initiated; and
- Legal professionals have increased access to adequate legal reference materials.

3. Borrower’s own performance evaluation during preparation and implementation of the project:

Initially the World Bank was provided with an optimistic picture of the borrower’s implementation capacity. During later evaluations, it was found that the government lacked core FM, procurement and project management, contract management, monitoring and evaluation capacities. The JIs initially started operation of the project without a clear understanding of WB guidelines and procedures, but gradually gained a better understanding about WB guidelines and procedures.

4. Evaluation of the role of the World Bank displayed so far during implementation of the project:

It could be considered as assisting the JI to improve implementation of the project. For instance, the Bank requested the Government to take urgent actions to make the PSU's operational. The training programs that were facilitated by the Bank helped to increase the pace of implementation especially during last year. On the other hand, the project implementation also faced some problems due to unrealistic expectations of the Bank.

5. Description of the proposed arrangements for future operation of the project:

The proposed arrangements include strengthening of the implementation structure both quantitatively and qualitatively. During the first phase two important manuals were prepared for the project:

- a. The Procurement Manual
- b. The Financial Management Manual

The "Operation Manual" is under preparation. It is expected that with these manuals in place the qualitative aspect of the implementation of the new project will be strengthened. It has also been agreed between the Government and the World Bank that implementation units in the JIs will be strengthened and necessary provisions have been included in the Phase 2 procurement plan.

A detailed project procurement plan has been approved by the World Bank which covers the initial 18 months of the new.

(c) Bank Response on Borrower Comments

The Borrower presents a realistic assessment of the problems faced during project implementation. The borrower's frank assessment that developing financial management, procurement, contract management capacities occurs slowly is helpful especially in framing some of the start up capacity investments in the follow on project. What is missing from this assessment however is a recognition that such capacities are likely to develop in an uneven manner across different institutions within the justice sector. The borrower presents a clear understanding of the need to complete procurement packages in early phases of project cycle especially with regard to infrastructure components. This lesson has been reflected during the preparation of the follow on project. The most significant observation however was the confirmation by borrower that the initial project has laid a strong foundation for a follow on engagement. This indicates that the original rationale for a two phase approach was a sound one.

Annex 1 Project Costs and Financing

(b) Staff Time and Cost

Stage of Project Cycle	Staff Time and Cost (Bank Budget Only)	
	No. of staff weeks	USD Thousands (including travel and consultant costs)
Lending		
FY08	51.84	383.13
Total:	51.84	383.13
Supervision/ICR		
FY09	30.17	320.75
FY10	42.44	374.21
FY11	9.84	87.15
FY12	6.79	117.99
Total:	89.23	900.12

Annex 2. Detailed Component Description

1. The project has two main components. First, “Enhancing Capacity of Legal Institutions” and second, “Empowering the People”. The project also has a third Implementation Capacity component, which is designed to ensure smooth implementation of the project.

(i) Enhancing Capacity of Justice Institutions (\$23.6 million)

2. The objective of this component is to enhance and/or enable the basic operations of justice institutions by investing in the skills of justice sector professionals and officials, and improving their working conditions. The component has three subcomponents: (a) human capital; (b) physical infrastructure; and (c) information and communication technology. These will, to a large extent, build on, complement and/or expand on ongoing GoA and donor activities.

(a) Human Capital (\$5.25 million)

3. The reforms under this subcomponent seek to: (i) increase strategic alignment of human resource management (HRM) functions, capacity, and processes with justice sector business needs; (ii) intensify learning and training of the workforce; (iii) encourage professional affiliations; and (iv) provide the decision-makers (legal professionals) with opportunities to exchange experiences and views on subjects relevant to the development of a legal system in Afghanistan. These reforms will also seek to increase the employment of, and/or the equal treatment of, women and those with physical disabilities.

Human Resource Management Reform (\$1.75 million)

4. This subcomponent will finance technical assistance (TA) in the form of consultant services; study tours; and training to the SC and AGO to carry out HRM reforms for judges, prosecutors and civil servants.³ Specific project activities include:

- Creation of independent decision-making bodies responsible for personnel management in the Supreme Court (SC) and Attorney General Office (AGO). (Judicial and Prosecutorial Councils).⁴
- Review of the selection and appointment policies and regulations for judges and prosecutors. The objective of the review is to develop recommendations for: strengthening competitive and merit-based elements of the process; improve quality of the induction training and learning for the candidates for judgeship and prosecutor ship; and to improve transparency of the allocation of judges and prosecutors to the courts and prosecutors’ offices.

³ This project activity does not include the MOJ which implements its civil service reform under the umbrella of PRR.

⁴ This model is common in many countries in Europe, Latin America; but also in countries with Islamic Law such as Algeria; Egypt; Jordan; and Morocco.

- Evaluation of the skills of “sitting” judges and prosecutors. The purpose of the evaluation is to design and implement a requalification program.
- Implementation of the second phase of the Priority Reform and Restructuring (PRR) program which the SC and the AGO began in 2008. Support will be provided for two activities: (i) completion of the functional reviews and job descriptions for civil servants in the SC and AGO and pilot regional offices; and (ii) rolling out the program to around ten regional courts and offices. The pilot offices will be selected by the SC and AGO at the commencement of project implementation.

Learning and Training (\$3.5 million)

5. This subcomponent will finance TA in the form of consultant services, training, and goods to enhance the skills of the justice sector workforce, with a particular focus on female staff, and to improve their access to legal information. Specific project activities include:

- *Strengthening training management capacity* in the SC, Ministry of Justice (MoJ) and AGO. The activity aims to build the capacity of the training units in the Human Resources (HR) departments at the SC, MoJ, and AGO to develop, organize and coordinate education, learning and training programs for their staff. A stock-taking study of previous and ongoing training programs will form part of this activity.
- *Providing training* to judges, prosecutors, their support staff and MoJ officials and its regional staff. Under this activity, some 1,000 judges, prosecutors, and their support staff and MoJ officials will receive training. Whenever possible the project will continue with training programs which have been developed and implemented by the justice sector and involved donors. Programs to enhance new skills such as legal analysis, computer proficiency, library management, court administration, and financial management will also be added. When project implementation begins the SC, MoJ, and AGO will prepare the precise portfolio and timetable of training activities per each justice sub-sector (2 year-training plan).
- *Creating legal libraries.* Three types of libraries will be supported through this activity. First, the project will finance the completion of the Central Legal Library in the MoJ, which the *Taqnin* has started to assemble.⁵ In addition, mid-sized libraries will be created in four provincial MoJ offices. These libraries will be accessible to the staff of the provincial MoJ office of the MoJ, and to the regional and local administration, and if feasible, to the general public. The project will also finance the creation of a number of small libraries containing core legal materials in courts and prosecutor’s offices. The list of courts and offices where the libraries will be established will be prepared by the SC, MoJ, and AGO (against specific criteria) at the commencement of project implementation.
- *Dissemination of Laws.* This activity will support continued publication of the State Gazette and a collection of statutes, and their distribution to all state agencies, including all courts, all prosecution agencies, all state university law schools, all law schools in Afghanistan and the *Wolesi Jirga*. It will also support development of an index to the legislation published in the State Gazette, and distribution thereof to the same agencies. Finally the MOJ, under this component, will carry out a feasibility study for the creation of an internal print-shop to be used for the publication of laws

⁵ This will be coordinated with the INLTC law library management system. Possible additional support for the MoJ Translation and Publication Unit will also be considered.

and regulations. USAID is has been undertaking important work in this area for some time and the precise specifications of this project activity will be developed in close coordination with ongoing initiatives.

(b) Physical Infrastructure (\$16.9 million)

6. With the investment and technical assistance provided under the subcomponent, the GoA will prepare and partially implement construction and repair of court and office facilities and judges' residences; equip new and existing courts and offices; and provide transportation for justice sector officials. Capacity to manage physical assets will also be supported to sustain the progress achieved under this subcomponent. Specific activities to be implemented under this component include:

- Design (or design review) of about 28 court and rehabilitation of about five buildings; design of about six regional offices of the MOJ; and design of and rehabilitation of three AGO offices. The specific (regional) facilities will be selected by the SC, MoJ, and AGO at the commencement of project implementation based on a set of indicators such as workload, size of population served, security, potential as a center of excellence and other factors which determine the ability to complete construction in the given timeframe. Design (or design review) will take account of the needs of female and disabled staff and clients. In most of these cases the actual construction of the new facilities will take place during the second phase of the reform. However, the implementation process will be organized such that (re)construction work on courts and other facilities can proceed as soon as appropriate conditions exist.
- Design and extension of training facilities, administrative offices, and housing (dorm space) for trainees in the Independent National Legal Training Center.
- Design of a new headquarters facility for the SC, the MoJ, and the AGO (in case of AGO the project will also finance (re)construction work).
- Creation of operating investment funds in the SC, MoJ, and AGO to finance maintenance costs associated with the existing facilities.
- Preparation of an Investment Plan and Facility Standards. The Capital Investment Plan will be based on a assessment of the current condition of the facilities (part of which is being conducted by another donor), and will produce an inventory of necessary new construction and rehabilitation works; criteria for prioritizing the necessary works taking into account building conditions and staffing and workload estimates; and an estimate of costs for the necessary works, including maintenance and operations. The activity also includes funding to develop standards for model justice facilities, incorporating best international practices, lessons learned from bilateral work already undertaken by donors, and designs for new model provincial centers, to be built in the next phase of the ARTF project.
- Purchase of 220 vehicles and their operating and maintenance costs for use by judges, prosecutors and their staff, and MoJ officials, throughout the country on a prioritized basis. In addition to permitting staff to travel outside provincial cities, new vehicles will contribute to the security of the staff. Selection criteria will be agreed upon commencement of the project.
- Purchase of office equipment (including copiers, fax machines) and furniture for current and to-be-constructed facilities. The lack of such equipment, even in current facilities, is repeated cited as a major detriment to the functioning of staff of the

Justice institutions throughout the country. It is anticipated that additional furniture and equipment will be purchased in the future phase of the ARTF project.

(iv) *Information and Communication Technology (\$1.45 million)*

7. The subcomponent will finance an evaluation of the ICT needs and limited implementation of the ICT reform. The project focus will be on *case management, HRM, and performance monitoring and evaluation system*. First, an overall ICT plan for the justice sector and/or its sub-sectors (e.g. courts) with the basic data will be prepared by MoJ, and AGO with help from international experts.⁶ The plan will be the road map for the overall design. Second, a software solution will be modularized and implemented in a sequenced manner. For each subsequent module it will be ensured that it will be compatible with previously developed modules. To reduce operation and maintenance costs, any systems should be prepared as web-based systems which initially “run” locally without a network connection. With progress in the country and a more stable and affordable ICT infrastructure, such a system could be operated from a central server. This will help to reduce the overall operation and maintenance costs.

8. The specific interventions include:

- Purchasing a minimal amount of hardware to meet emergency needs of the SC, MoJ and AGO
- “*Rapid Assessment*” for the offices of the MoJ, and the AGO will be prepared. This rapid assessment will provide information on the current situation on the ground, possible interventions for the institutions and most of all an outline of the recurrent cost to make any intervention in the long run sustainable
- Under the project, MOJ and AGO will prepare a detailed network design for their respective buildings. These designs will be implemented during the 24-month project period. Hardware for the network will be purchased through the project.

(ii) Empowering the People (\$2.4 million)

9. The objective of this component is to empower the Afghan people through legal aid and legal education. There will be two subcomponents: (i) legal aid and (ii) legal awareness.

(a) *Legal Aid (\$1.80 million)*

10. This subcomponent will provide TA assistance in the form of consultant services, and training, and investment (under the physical infrastructure subcomponent) to implement the first phase of a national legal aid program. The MoJ has been working with international donors to draft a comprehensive set of policies for the legal aid system. The proposed system

⁶ The SC will prepare its ICT plan under the USAID funded bilateral project

includes a Legal Aid Department in the MoJ, the National Legal Aid Council, liaison officers and legal aid offices, and identified service providers, in the regions. The proposed system of service providers includes employed lawyers and paralegals in legal aid offices, NGOs and legal clinics in law schools. The legal aid system will require the cooperation of these institutions with the police, prosecutors, and judges.

11. This subcomponent will finance the creation and operation of five to ten legal aid offices in the regions selected by the MOJ against criteria such as size of population served; specific problems posed; security; potential as a center of excellence; and presence of related projects. The support will include hiring and training staff, drafting operational manuals, and covering the operating costs of the offices. In addition to day-to-day service provision, with a focus on services related to women and children, and coordinating service provision with other service providers, the office will be responsible for close monitoring and evaluation of demand for and supply of services. This will include not only service provided by the offices, but also service provided by other service providers. The data collected through the project will be used to prepare a report on legal aid provision which will serve to make recommendations for modifications of the system design and to prepare a plan for its roll out into other provinces and districts.

(b) Legal Awareness (\$0.60 million)

12. This subcomponent will finance technical assistance in the form of consultant services and training to pilot a trust-building and legal awareness campaign in the Nanganhar province and its 21 districts. The MOJ will supervise the project. The specific activities to be financed include: (i) creation and staffing of a small office of two to four people which will be supported by local consultants (legal professionals); (ii) organizing initial consultations with the local community leaders and legal professionals to identify existing legal awareness initiatives and accordingly, define the priority themes for the trust-building and training activities; (iii) developing trust-building and training materials (the package will contain material which has been developed under existing projects, as well as new materials); (iv) conducting training sessions with male and female community and civil society leaders (about 500 people); and (iv) reaching out, to the population in close cooperation with the community leaders. The office will work in close cooperation with legal aid office and its experience will feed into the assessment of legal demand. The MOJ will, to the extent possible and appropriate, coordinate with related programs, such as the Ministry of Interior's Focused District Development program, the National Solidarity Program and the Provincial Justice Coordination Mechanism.

(iii) Strengthening Implementation Capacity (\$1.75 million)

13. The objective of this component is to ensure efficient implementation of the project. The component focused on building the implementation capacity within the target justice institutions, so that they over time can implement the reforms and further development without outside assistance. The component supported further implementation of the National

Justice Sector Strategy (NJSS), National Justice Programme (NJP) and the Project itself. With the support of the project the beneficiary institutions (i.e. the Government of Afghanistan) established NJP management infrastructure, as well as the Project's governance and management bodies.

Annex 3: Grant Preparation and Implementation Support/Supervision Processes

Names	Title	Unit	Responsibility/ Specialty
Lending/Grant Preparation			
Martin Endicott	Consultant	SBU	Team Member
Branka Farquharson	Temporary	SASFP	Team Member
Deepal Fernando	Senior Procurement Specialist	EC SO2	Team Member
Beth Anne Hoffman	Operations Analyst	LEGEN	Team Member
Arun Kumar Kolsur	Senior Procurement Specialist	SARPS	Team Member
Hossai Mahak Aliffi	Team Assistant	SASEP	Team Member
Brenda Morata	Paralegal	LEGEM	Team Member
Andrea Maria Muto	Consultant	SASGP	Team Member
Asha Narayan	FM Specialist	SARFM	Team Member
Kenneth O. Okpara	Sr FM Specialist	SARFM	Team Member
John C. Sherman	Consultant	MNC05	Team Member
Sylvana Q. Sinha	Consultant	OPCRS	Team Member
Philip Gerald Thacker	Consultant	ECSPE	Team Member
Supervision/ICR			
Lubomira Zimanova Beardsley	Senior Counsel, TTL	LEGJR	TTL
Richard Nash	Counsel	LEGJR	Team Member
Deepal Fernando	Senior Procurement Specialist	EC SO2	Team Member
Brenda Morata	Paralegal	LEGEM	Team Member

Philip Gerald Thacker	Consultant	ECSPE	Team Member
Sylvana Q. Sinha	Consultant	OPCRS	Team Member
Satyendra Prasad	Senior Governance Specialist	SASGP	TTL, ICR
Samina Bhatia	Consultant	SASGP	Team Member
Asha Narayan	Financial Management Specialist	SARFM	Team Member
Zohra Farooq	Financial Management Specialist	SARFM	Team Member
Asif Ali	Senior Procurement Specialist	SARPS	Team Member
Zeljko Sevic	Consultant	SASGP	ICR Team Member
Mohammed Edreess Sahak	Team Assistant	SASEP	Program Assistance

Annex 4. List of Individuals Interviewed during ICR

1. Mr. Hashemi, Acting Admin/Finance Deputy Minister – MOJ
2. Mr. Masood Sadaat, Project Unit Coordinator – MOJ
3. Mr. Hafizullah Aziz, Admin/Finance Director – AGO
4. Mr. Wasil Salarzai, Project Unit Coordinator – AGO
5. Mr. A. Khalid Azizi, JSRP Project Director
6. Mr. Naqibullah, Project Unit Coordinator – SC
7. Ms. Asha Narayan- FM Specialist, World Bank
8. Mr. Toufiq Ahmed- Procurement Specialist, World Bank
9. Ms. Lubomira Beardsley, TTL, World Bank
10. Mr. Richard Nash, World Bank

