

TECHNICAL ASSISTANCE COMPLETION REPORT

Division: PRM

TA 3823-PAK: Supporting and Monitoring Progress under the Access to Justice Program		Amount Approved: \$0.90 million	
		Revised Amount: \$1.74 million	
Executing Agency: Ministry of Law and Justice, Government of Pakistan	Source of Funding: Fund 01 (OCR): \$900,000 Fund 02 (TASF): \$400,000 Fund 25 (Netherlands TA Grant): \$440,000 Total: \$1,740,000	Amount Undisbursed: \$123,777	Amount Utilized: US\$1,616,222
TA Approval Date: 20 Dec 2001	TA Signing Date: 18 Sep 2002	Fielding of First consultants: 7 Nov 2002	TA Completion Date Original: 31 Dec 2004 Actual: 31 Dec 2007 Account Closing Date Original: 31 Dec 2004 Actual: 24 Jun 2008
Description The captioned technical assistance (TA) project was implemented between December 2004 and 2007 to support the implementation of the Access to Justice Program (AJP or the Program). The AJP, which included program loans 1897 and 1898, TA loan 1899, and TA grant 3823, was one of the key justice sector programs of the Asian Development Bank (ADB). It required compliance with 64 policy actions and involved 31 implementing agencies (IAs) across the federal and four provincial governments in Pakistan. Given the ambitious scope and broad-based nature of the AJP, TA3823 was designed as a piggy-back advisory TA to provide technical support to the implementation of the AJP. ¹			
Expected Impact, Outcome, and Outputs In line with the AJP, the expected impact of the TA was to ensure access to justice for, and reduce the vulnerability of, the poor. The expected outcome was to ensure equal protection under the law and strengthen the legitimacy of state institutions. The TA supported the AJP through the engagement of a dedicated team of about 10 domestic consultants and 2 international consultants to: (i) support the Program Management Unit (PMU) in implementing the Program and TA loan; (ii) support monitoring and evaluation (M&E) functions under the AJP; (iii) facilitate policy dialogue on access to justice; and (iv) support learning and information dissemination through seminars, workshops, and publications.			
Delivery of Inputs and Conduct of Activities The consultant team was placed at the PMU office and worked closely with PMU staff. They advised the Executing Agency (EA), IAs, PMU, and provincial PMUs (PPMUs) on Program implementation, and monitored compliance with policy actions. The consultants participated in amending or drafting laws and led consultations with IAs for notification and enactment of laws and rules. They made presentations before parliamentary standing committees which resulted in, for example, the enactment of consumer protection and independent prosecution service laws in Punjab, a lead that was followed by the other provinces. The consultants also worked on identification of TA needs and helped design and implement 85 Technical Investment Proposals' (TIPs), involving a large number of workshops and seminars. The consultants supported M&E, procurement, contract management, peer review of TA loan output, and reporting. The team reviewed annual performance and annual budgetary allocations to the justice sector. As a result, AJP was an exceptional case where information on utilization of the proceeds of the Program loans was produced. The complexity of the Program and TA loan design, however, meant that the program and TA loan could not be implemented as originally envisaged. The ADB extended the AJP from its original closing date of June 2005 to 30 September 2007. TA loan implementation was slow. Overall, only 14% of the total TA loan was disbursed by June 2008 despite the extension of the TA loan closing date from June 2006 to June 2008. The original TA amount was \$0.9 million to be utilized from December 2001 to 2004. Due to the extension of the AJP and in view of need for sustained TA support, the TA amount was increased to \$1.74 million and the TA closing date was extended to December 2007 through a major change in scope in September 2005.			
Evaluation of Outputs and Achievement of Outcome The dedicated assistance from the team of consultants was instrumental in supporting the implementation of AJP. The consultants' work ranged from elaborating on policy actions, drafting laws, capacity building; to administrative support such as managing contracts and procurements. Their work in designing and implementing the 85 TIPs was critical for enhancing the IAs' capacity. Over 80% of consultants were rated exceptional or satisfactory, and about 20% rated generally satisfactory in the ADB's performance evaluation reports.			

¹ Terms of reference for consultants working under TA 3823 are included as Appendix 7 of the Report and Recommendations of the President (RRP) to the Board of Directors of the Access to Justice Program.

Given the complex nature and the huge agenda of the AJP, however, the TA support appeared inadequate. The team of about 12 consultants, working with 31 IAs, was thinly spread. For the most part, only one consultant alone was responsible for the M&E functions under the entire Program and TA loan. Furthermore, placing the consultants at the PMU induced a certain degree of over reliance on consultants. Much of the consultants' time was spent on non-technical work such as managing contracts and procurements, and relatively little time was allocated to information consolidation and publication for knowledge products. While numerous outputs were produced, very few consolidated technical outputs were compiled and published, reducing the benefits for wider information sharing. With the completion of the Program and TA loan, the PMU and TA team have left AJP, making it increasingly difficult to publish the knowledge products. Furthermore, due to centralized program implementation mechanism, the participation of provincial governments and judicial systems has been limited.

Nonetheless, the TA was instrumental in supporting the governments at various levels in AJP implementation. Without the TA support, compliance with the ambitious policy actions under AJP would have been much more protracted.

Overall Assessment and Rating

The TA is rated successful. The TA supported the satisfactory compliance of 64 policy actions, helped carry out a large number of activities under the TA loan, assisted in information dissemination, and facilitated policy dialogue. The consultants' assistance was timely and important in supporting program and TA implementation. The model initiated in AJP, comprising programs, a TA loan, and a TA grant, became a blue print for other Pakistan programs that were processed subsequently, such as the Decentralization Support Program, Public Resource Management Programs, and Devolved Social Services Programs. The complexity of the Program, implementation procedures, and weak EA and IA capacity, however, meant that the consultants' support was thinly spread. The terms of references of the consultants were vaguely defined, leading to much time being spent on non-technical work and induced over reliance on consultants by both ADB staff and EA. The publication of knowledge products was not done during the implementation, leading to the likely loss of information and institutional memory.

Major Lessons

Key lessons to emerge from implementing TA 3823 include the following:

- (i) Program design should not be overly ambitious, and be fully compatible with the absorptive and implementation capacity.
- (ii) The basic structure of the AJP, embodying programs, a TA loan, and a TA grant is justified for implementing a large program. However, the full scale of support from consultants also induced excessive reliance on their assistance. Consultants' TOR ought to be clearly defined to support technical work. An exit strategy ought to be placed to shift work to PMU over time. Keeping in view the EA and IAs' implementation experience, there must be adequate TA grant resources to provide the necessary core support to provide policy, strategic, technical, and managerial support.
- (iii) To enhance implementation effectiveness, capacity building of government counterpart staff in project cycle and management must be a mandatory requirement. ADB should periodically provide orientation/training to TA consultants and government counterparts on ADB procurement, hiring, and disbursement processes and procedures.
- (iv) Adequate attention should be paid during TA implementation to consolidate and publish outputs. The limited attention on this front in AJP has resulted that, after the program completion, few tangible knowledge products were produced.

Recommendations and Follow-Up Actions

All stakeholders recognize the critical need to strengthen justice services and the rule of law for promoting good governance, economic growth, and poverty reduction. With constitutional and political issues being intertwined with the justice sector, the role, independence, and efficacy of the judiciary has been vigorously contested, rendering judicial reforms much more complex. The legal profession's stand-off with the Government throughout the life of the AJP resulted in the lawyers being critical of the AJP as a government program and refused to engage with the AJP. In this context, ADB needs to identify reform areas that fit into its comparative advantage, as well as have broad participation from other development agencies. More targeted reforms that are spread out over time and commensurate with the absorptive and implementation capacities of the concerned agencies would be beneficial in an environment like that of Pakistan. TA support of the nature included under TA3823 is critical and must be an integral part of any reform program.