

## TECHNICAL ASSISTANCE COMPLETION REPORT

Division: Office of the General Counsel

|   |  |   |  |
|---|--|---|--|
| <b>TA No., Country and Name</b><br>TA 3389-MLD: Strengthening Legal Education and Judicial Training   |  | <b>Amount Approved:</b> \$995,000                     |  |
|   |  | <b>Revised Amount:</b> n.a.                           |  |
| <b>Executing Agency:</b><br>Ministry of Finance and Treasury (MOFT)   | <b>Source of Funding:</b><br>Technical Assistance Special Fund | <b>Amount Undisbursed</b><br>\$167,483.96             | <b>Amount Utilized</b><br>\$827,516.04 |
| <b>Date of Report</b>   |  | <b>TA Completion Date</b>                             |  |
| <b>Approval</b><br>23 December 1999   | <b>Signing</b><br>5 February 2000                              | <b>Original:</b> April 2002                           | <b>Actual:</b> January 2004            |
|   |  | <b>Account Closing Date</b>                           |  |
|   |  | <b>Original:</b> April 2002 <b>Actual:</b> March 2004 |  |
| <b>Description</b>  |  |   |  |
| <p>At the time of the TA Report (December 1999), Maldives had no postsecondary education institute offering legal education, though the country faced a severe shortage of suitably qualified legal personnel. The Government of the Republic of Maldives (GOM) supported the establishment of a law institute in the country as part of its objectives and priorities in the Fifth National Development Plan, 1997-2000 (5NDP). In August 1999, GOM established the Institute of Shariah and Law, which was renamed the Faculty of Shariah and Law (FSL) in February 2001. FSL is open to both male and female candidates. FSL's primary functions include formulating and conducting courses relating to education and judicial training in shariah and law. FSL is under the jurisdiction of the Maldives College of Higher Education (MCHE). MCHE's mandate is to consolidate and coordinate the administration and academic programs of postsecondary education institutes in the country.</p> <p>In the 5NDP, GOM also recognized the need to ensure the efficiency of the judiciary by improving court procedures and providing professional training to judiciary members, and to upgrade skills of the judges of the island courts (island magistrates). At the time of the TA Report (December 1999), GOM requested training to be provided to new recruits who will fill the 44 vacancies for island magistrates, and for inservice training for existing judges.</p>  |  |   |  |
| <b>Objectives and Scope</b>   |  |   |  |
| <p>The objective of the TA was to assist GOM in strengthening FSL's institutional capacity to deliver legal education and judicial training. The TA had 2 components: legal education and judicial training. The scope of the legal education component included the provision of the following: (i) consulting services in FSL's initial years of operation to develop curriculum and provide a minimum number of staff pending the creation of indigenous capacity; (ii) training of a cadre of professional staff in FSL, including law lecturers and a librarian; (iii) local resource persons to present lectures or courses; (iv) equipment and materials for operationalizing FSL's activities; and (v) linkage arrangement proposal with a suitable foreign institution. The scope of the judicial training component included the provision of the following: (i) consulting services; (ii) training to selected judges on the organization and delivery of judicial training and on commercial law; (iii) production of benchbooks and training of judges on use of these benchbooks; (iv) a special judicial training program for 44 new island magistrates; and (v) local resource persons to present lectures or courses. The TA objectives, consultants' terms of reference, and implementation arrangements were appropriately designed taking into account the agreements reached between GOM and ADB.</p>  |  |   |  |
| <b>Evaluation of Inputs</b>   |  |   |  |
| <p>The TA was designed appropriately. The terms of reference of the consultants for the 2 components set clear requirements to be achieved by them. Strong supervision and effective coordination was provided by ADB throughout the TA implementation period. The consultants for each component demonstrated that they had appropriate expertise and had relevant working experience. In particular, the services of the advisor to FSL was extended from 24 to 40 months to provide further help to FSL in setting up curriculum development and other related tasks, as his services were highly commended by GOM. Flexibility was required in the course of TA implementation, e.g., the special training program for the judges was changed from 6 to 16 months, resulting in the introduction of the Certificate of Justice Studies (CJS) course. The EA (MOFT) and the implementing agency, Maldives College of Higher Education (MCHE), acting through FSL showed strong ownership in the TA. MCHE coordinated with the Attorney-General's Office (AGO) on the legal education component; and with the Ministry of Justice (MOJ) on the judicial training component. The Executive Director, MOFT gave his personal attention to the issue of duplication of activities by the Institute of Islamic Studies (IIS) with those carried out by FSL to the satisfaction of ADB and assured GOM's intention to provide a long-term resolution to avoid duplicating of activities to ensure efficient use of limited resources in the country. Although there were initial implementation delays in the TA for the legal education component, MCHE/FSL took steps to resolve matters as soon as possible. For example, there was a 9-month delay in getting the FSL premises renovated. This delay did not have a significant effect on the legal education component as the consultants were still able to work from temporary premises to prepare curriculum development, etc. The renovated premises were completed in September 2001, and there are plans to have the building for the new FSL premises, near the new MCHE premises which are presently under construction, constructed in 2004/2005. Due to human resource constraints, there was also delay in identifying suitable candidates for the assistant lecturer fellowship program. These candidates were suitably identified for placement. Overall, the consultants' performance was satisfactory. The performance by ADB and the EA, as well as stakeholders such as AGO, MCHE, and MOJ, was also satisfactory.</p> |  |   |  |
| <b>Evaluation of Outputs</b>  |  |   |  |
| <p><b>Judicial training component:</b> This component, which was shorter in duration than the legal education component, was satisfactorily completed in July 2001. The component was carried out by a consulting firm, through a judicial training coordinator and a judicial training assistant coordinator. 4 judges from the criminal and civil courts in Male were sent on an</p>  |  |   |  |

overseas tour in Malaysia, Singapore, and Australia with shariah and/or law background, to expose them to both legal systems and faculty training. This study tour was supplemented by another study program for the Chief Justice, Maldives and the Dean, FSL to interact with top-level administrators and judicial managers in these 3 countries. The first judicial benchbook in Maldives was produced, which was distributed to all judges and island magistrates; and training was provided on the use of these benchbooks. There was development of curriculum and training materials on core areas for judicial training, including alternative dispute resolution techniques, and delay reduction. Judges were trained through workshops in adult education techniques and judicial education pedagogy. Workshops for existing judges were held to upgrade skills of the judiciary, including case management, and judicial-management skills. Training needs assessment of judges before and after training activities, and evaluation exercise were carried out. Local resource persons were selected to present lectures/courses, including the Chief Justice, Maldives; judges of the High Court; and judges of the Male courts. The preparation and planning of the special judicial training program was completed in December 2000. The Faculty Advisory Committee decided in January 2001 to change this program from 6 to 12 months (subsequently extended to 16 months), resulting in the introduction of the Certificate of Justice Studies (CJS) course commencing in September 2001 and taught at FSL. 28 out of the 33 students completed this course at FSL, and also completed the training program at MOJ in January 2003. All the 33 students were male; there were no female candidates. 27 have been appointed as island magistrates to fill up existing vacancies and 1 will be appointed by December 2004 (to satisfy the minimum age requirement). 12 students (1 female; and 11 male) presently taking the 2<sup>nd</sup> CJS course at FSL. They will complete the course in May 2004, and after completing the required training program at MOJ in December 2004, they will be appointed to fill the remaining existing vacancies as island magistrates.

**Legal education component:** The 3 individual consultants (advisor, FSL; senior lecturer; and teaching materials specialist) have contributed in operationalizing FSL's activities, especially curriculum development, placement of fellowships, translation of legislation from Dhivehi into English, and firming up of linkage arrangements. Fellowships were placed for 3 FSL assistant lecturers (1 female; 2 male) and 1 FSL assistant librarian (female). They have returned to assume positions in FSL. Equipment was provided to operationalize FSL's activities, and shared with the judicial training component. The equipment included law materials and computers for FSL's library, with a present computer:student ratio of 1:5 to enable students to have easy access to the computer and internet. Local resource persons were selected to present lectures/courses, including the Attorney General, judges, practicing lawyers, and shariah experts. FSL offers the Advanced Diploma in Shariah and Law (2 years), and Certificate in Justice Studies course (16 months) in its academic year (January to November of each calendar year with 2 semesters: January – June; and July – November). In July 2004, FSL will offer Graduate Certificate in Law (GCL) course and Graduate Certificate in Shariah (GCS) course for Maldivians who have graduated in law/shariah overseas. In January 2004, FSL will offer a Bachelor's degree in Shariah and Law for graduates of the ADSL course who pursue one year more at FSL. This degree course can now be offered as FSL has a full complement of full-time and part-time lecturers (4 full-time FSL assistant lecturers; and on a part-time basis, eminent lawyers from the public and private sector, and judges). GOM has appointed another assistant lecturer at FSL, separate from ADB's provision of fellowships to 3 assistant lecturers. GOM has appointed the 5<sup>th</sup> lecturer at FSL in January 2004; he was appointed as senior lecturer, instead of assistant lecturer, given his extensive teaching experience and his Ph.D. degree qualification. 2 scholars will be placed as the 6<sup>th</sup> and 7<sup>th</sup> assistant lecturers at FSL in 2006/2007 as part of GOM's continuing commitment to ensure sustainability for FSL in continuing to provide legal education.

#### **Overall Assessment and Rating**

The TA is rated successful. The TA objectives have been met and all activities under the 2 components have been satisfactorily carried out. The benchbook for judges is the first of its kind in Maldives, and has served a critical role for island magistrates and judges in performing their judicial functions on a day-to-day basis. Both the benchbook and the CJS course have been commended by MOJ as successful achievements under the judicial training component. The curriculum development and planning on legal education is one of the major achievements under the legal education component. These activities have enabled FSL to produce suitably qualified ADSL graduates who are readily absorbed in public and private sectors. The quality of these graduates is commended by AGO and the Law Society. So far, ADSL has produced 8 female graduates, and they are now practicing lawyers in both the public and private sectors. At the time of the TA Report (December 1999), there were only 3 female practicing lawyers in Maldives. The linkage arrangement firmed up the legal education component is another major achievement that enhances FSL's standing in the country. The production of 12 English-translated Maldivian legislation under the legal education component, including those relating to the Maldivian constitution and commercial laws, are being placed in ADB's Project Dial/Worldlii as part of providing access of the legislation to users, including DMC policymakers, legislative drafters, and others engaged in law-reform process.

#### **Major Lessons Learned**

The TA has prepared the basis for assisting other developing member countries which lack qualified legal personnel, and training for judges. The linkage arrangement proposal between the local law institute and a suitable foreign institution has benefited the local law institute in its ability to generate confidence among its local populace to study in their own country. Human resource constraint is a reality in the country and this constraint has to be factored in assessing the duration of the TA implementation period.

#### **Recommendations and Follow-Up Actions**

ADB will follow-up with GOM and IIUM on the confirmation of the linkage arrangement between FSL and IIUM, which is expected to be formalized by March 2004. Any further ADB assistance, such as further strengthening the needs of AGO, MOJ and FSL, should be assessed after such linkage.