

ベトナム社会主義共和国

**2020年を目標とする法・司法改革支援
プロジェクト
(PHAP LUAT 2020)**

中間評価調査報告書

平成30年1月
2018年

**独立行政法人国際協力機構
産業開発・公共政策部**

産 公
J R
18-043

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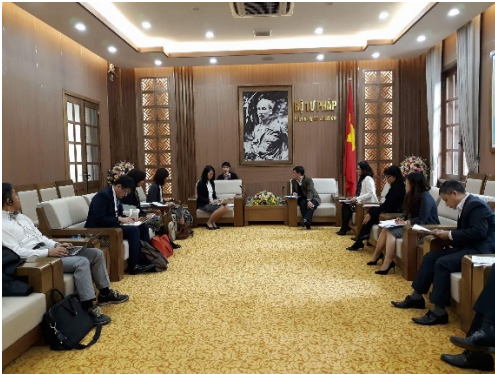
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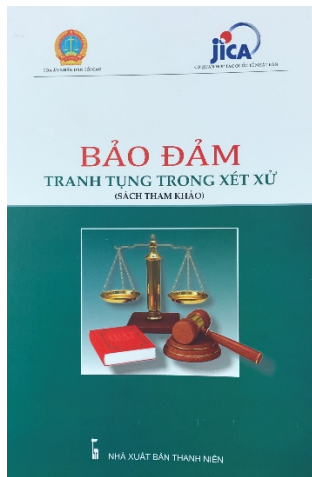
写真



インタビューの様子(1週目)



成果品(弁護士マニュアル)



成果品



評価レポート報告(2018年1月18日)

略語表

BPR	Bureau of Legal Normative Documents Post-Review	法規範文書事後監査局
BLEM	Bureau of Legal Enforcement and Monitoring	行政違反処理管理及び法令施行監視局
C/P	Counterpart	カウンターパート
CED	Civil Economic Law Department	民事経済法局
CIDA	Canadian International Development Agency	カナダ国際開発庁
CJED	Civil Judgment Enforcement General Department	民事判決執行総局
GIZ	(Bilateral organization of the Government of Germany)	(ドイツ二国間期間)
GALD	Department of General Affairs in Legal Development	法整備総務局
ICD	International Cooperation Department	国際協力局
ILD	International Law Department	国際法局
JCC	Joint Coordinating Committee	合同調整委員会
MOJ	Ministry of Justice	司法省
NRAST	National Registration Agency of Secured Transactions	国家担保取引登録局
ODA	Official Development Assistance	政府開発援助
OOG	Office of Government	首相府
PDM	Project Design Matrix	プロジェクト・デザイン・マトリックス
R/D	Record of Discussion	協議議事録
SCD	State Compensation Department	国家賠償局
SPC	Supreme People's Court	最高人民裁判所
SPP	Supreme People's Procuracy	最高人民検察院
VBF	Vietnam Bar Federation	ベトナム弁護士連合会
NLD	National Legislative Development	国家法整備プロジェクト(カナダのプロジェクト名)

中間評価調査結果要約表

1. 案件の概要	
国名:ベトナム	案件名:
分野:ガバナンス	2020年を目標とする法・司法改革支援プロジェクト(PHAP LUAT 2020)
所轄部署: 国際協力機構(JICA)産業開発・公共政策部 ガバナンスグループ 法・司法チーム	協力形態: 技術協力プロジェクト
協力期間: 2014年04月～2020年03月(5年間)	協力金額: 約7.5億円(評価時点)
日本側協力機関: 最高裁判所、法務省法務総合研究所国際協力部、国連アジア極東犯罪防止研修所、日本弁護士連合会	先方実施機関:司法省(MOJ)、首相府(OOG)、最高人民検察院(SPP)、最高人民裁判所(SPC)、ベトナム弁護士連合会(VBF)
<p>1-1 協力の背景と概要</p> <p>ベトナム政府は1986年のドイモイ政策開始以降、市場経済化への移行を進めており、さまざまな開放政策の一環として市場経済化に対応する法制度の整備を進めてきている。2005年には共産党中央委員会政治局決議48号と49号が発表され、司法改革が具体的に進められてきた。国際協力機構(Japan International Cooperation Agency: JICA)(以下、「JICA」という)はベトナムにおいて、1996年より主に民商事関連法案起草支援や法曹人材育成を目的とし、ベトナム法整備支援プロジェクトフェーズ1(1996～1999年)、同フェーズ2(2000～2003年)及び同フェーズ3(2003～2007年)を実施した。これらのプロジェクトにおいて起草支援した改正民法は2005年6月に、また民事訴訟法は2004年11月に国会にて可決・成立したほか、法律実務家を対象にした実務マニュアルの共同作成などの成果が着実に生じた。ただし、整備された法令を執行・運用する現場においては、制定された法令の趣旨が十分理解されていない状況も見受けられ、裁判実務や法執行実務の改善を図る必要があったことから、2007年4月から2011年3月にかけて、司法省(Ministry of Justice: MOJ)(以下、「MOJ」という)、最高人民裁判所(Supreme People's Court: SPC)(以下、「SPC」という)、最高人民検察院(Supreme People's Procuracy: SPP)(以下、「SPP」という)、ベトナム弁護士連合会(Vietnam Bar Federation: VBF)(以下、「VBF」という)をカウンターパート(以下、「C/P」という)機関とした「法・司法制度改革支援プロジェクトフェーズ1」を実施した。その後、中央司法関連機関が全国的な課題の抽出や改善策の検討を行えるようになること、及びその一連の活動が中央司法関連機関の業務フローに定着することを目指し、2011年4月より2015年3月まで同フェーズ2を実施している。フェーズ2終了時評価調査では、C/Pの実務の改善に大きな成果が確認され、特に活動対象地域として選定された地方では、中央と地方の密接な連携に基づく課題の抽出や改善策の検討が行われるようになった。一方で、他の行政機関(特に地方行政機関)においては、依然として法規正文書の統一的理解及び運用に問題が見られ、法務・司法関係機関が関与する立案及び運用になお改善の余地があることが確認されたことから、今般、フェーズ2の後継案件として「2020年を目標とする法・司法改革支援プロジェクト」(以下、「本プロジェクト」という)の実施を計画し、これまでの協力の成果を基盤として、ベトナムの司法改革戦略を引き続き支援することを目指すこととなった。</p> <p>新規プロジェクトでは、2013年に成立した改正憲法に基づく様々な改革や、ベトナムの法・司法改革の目標年である2020年を見据えて、総括的かつ発展的な協力を行っていくと同時に、プロジェクト終了後の新しいパ</p>	

ートナーシップの関係の構築を念頭に置いたアプローチをとっている。また、経済発展を続けるベトナムへの政府開発援助(Official Development Assistance:ODA) (以下「ODA」という)に関しては、投資環境整備に向けた貢献が求められているため、本プロジェクトでは、これまでの 4 つの C/P 機関に加え、首相府(Office of the Government:OOG) (以下、「OOG」という)を新たな C/P 機関として迎え、ベトナムでビジネス活動を行うにあたっての法・司法分野における阻害要因の縮小化に向けた活動にも新たに取り組んでいる。

1-2 協力内容

(1) 上位目標

整合性が確保された法規範文書を土台とした、予測可能性があり、かつ信頼性の高い法・司法制度の整備が図られ、ベトナムの成長・発展を支える社会基盤の構築が促進される。

(2) プロジェクト目標

2013 年憲法並びに第 48 号決議及び第 49 号決議(*1)の趣旨に従い、法規範文書相互の不整合の抑制・是正、並びに法規範文書の適切な理解の促進及び統一的な運用・適用の実現を図るための法務・司法関係機関(*2)の組織的な能力が向上し、適正かつ効率的な法規範文書の運用・適用の基盤が整備される。

(*1) 第 48 号決議及び第 49 号決議とは、ベトナム共産党中央委員会政治局決議2015年第48号(Resolution No.48/NQ-TW of 24th May, 2005)および第49号(Resolution No.49/NQ-TW of 2nd June, 2005)を指す。(*2) 法務・司法関係機関とは、司法省(MOJ)、首相府(OOG)、最高人民裁判所(SPC)、最高人民検察院(SPP)及びベトナム弁護士連合会(VBF)を指す。

(3) 成果

- 1) 法令間の不整合や多義的かつ不明確な規定の存在を抑制・是正し、かつ法規範文書の適切な理解の促進及び統一的な運用を実現するために、MOJ 及び OOG による民事、経済、その他関連法規範文書の①事前審査、②事後監査、③整備・運用状況の監督を行う人材の能力が強化される。
- 2) 2013年憲法並びに第 48 号及び第 49 号決議の趣旨に従い、2020年の法・司法改革の実現を見据えて各機関で作成する工程表に基づき、民事紛争解決に資する実体法及び手続法の草案、並びに刑事手続法の草案が整備されると共に、民事に関する適切な紛争解決の基準となる法規範文書及び刑事に関する適切な手続の基準となる法規範文書の適切な理解が促進され、統一的な運用に向けた助言・指導能力及び裁判・執行実務の能力が向上する。
- 3) 各機関において、①法規範文書の起草・審査・監査・監督、②法規範文書の適切な理解の促進及び統一的な運用に向けた助言・指導、並びに③法規範文書の適切な理解に基づいた裁判・執行実務の実現に向けた助言・指導に関する業務を改善するための、2021年以降に各機関が実施すべき活動が、本プロジェクトの成果を踏まえて分析・検討される。

(3) 投入(中間レビュー調査時点)

(日本側)

専門家(短期専門家)	8名(22名)	機材供与:	1,342,174円
研修員受入	135名	現地活動費:	1,820,174米ドル

(ベトナム側)

カウンターパート	47名	現地活動費	現物支給、482,477米ドル
施設・設備	ベトナム側からの手当なし(プロジェクト独自で手配)。		

2. 中間レビュー評価調査団の概要		
枝川 充志	団長	JICA 国際協力専門員、弁護士
森永 太郎	法・司法制度	法務省法務総合研究所国際協力部 部長
松戸 綾乃	協力企画	JICA 産業開発・公共政策部 法・司法課 副調査役
中村 祐美子	評価・分析	合同会社 適材適所 コンサルタント
調査期間:2018年1月7日～2018年1月18日		調査種類:中間レビュー調査

3. 実績の確認

3-1 成果の達成状況

プロジェクトの各成果レベルでの達成状況については、2015年2月にベトナム及び日本双方が合意したPDMに定める指標に基づき判断した。成果レベルには、合計27指標(成果1に7指標、成果2に19指標、成果3に1指標)が設定されており、中間レビュー調査時点で、3指標が既に「達成」、22指標が「進捗中」、2指標が「未着手」という結果であった。

成果	指標	現時点でのアセスメント
成果1	1. MOJの開催する内部人材向けセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。 (進捗中)	司法省の関連部局(BPR、GALD、BLEM)は、年間活動計画を作成し、プロジェクトの協力の下、同計画に基づき数々の研修活動を開催した。その多くがポリシーベースの活動ではあるが、いずれも同省の責務に直結するものであり、セミナーや研修受講者が日々の業務において、または将来直面する可能性のある課題が多く取り上げられていた。
	2. MOJの開催する他の省庁や省レベル人民委員会の法務部門向けのセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。 (進捗中)	年間活動計画に基づき、BPR、BLEM及びGALDは、関係省庁や関連機関の法制部の担当職員を対象に法規範文書の改正案の更なる改善に向けたニーズ聴取、法施行の実態調査を目的とした活動を多数開催した。
	3. MOJの執務参考資料が以下の点を考慮して作成される。 <ul style="list-style-type: none"> ▶ 法規範文書の不統一な運用・適用の状況の分析 ▶ 法規範文書の不統一な運用・適用の原因の分析。 ▶ 法規範文書の不統一な運用・適用の状況及び原因を踏まえた改善策 ▶ 改善策を実施するための必要な措置 (現時点で進捗なし)	これまでの2年余りの活動において、執務参考資料の作成に向けた活動は行われていない。よって、本調査時点で具体的な成果は認められない。
	4. MOJの執務参考資料が関係職員に活用されている。 (現時点で進捗なし)	執務参考資料は作成されていない。よって成果の発現も認められない。
	5. OOGの開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。 (進捗中)	年間活動計画に基づき、既存の法規範文書や将来的な法改正に向けた意見聴取に関する活動を毎年10回程度開催した。
	6. OOGの執務参考資料が以下の点を考慮して作成される。 <ul style="list-style-type: none"> ▶ 法規範文書の不統一な運用・適用の状況の分析 ▶ 法規範文書の不統一な運用・適用の原因の分析 ▶ 法規範文書の不統一な運用の状況及び原因を踏まえた改善策 ▶ 改善策を実施するための必要な措置 (現時点で進捗なし)	これまでの2年余りの活動において、執務参考資料の作成に向けた活動は行われていない。よって、本調査時点で具体的な成果は認められない。
	7. OOGの執務参考資料が関係職員に活用されている。 (現時点で進捗なし)	執務参考資料は作成されていない。よって成果の発現も認められない。

成果 2	<p>1. 各機関が作成する計画が、以下の点を考慮して作成されている。</p> <ul style="list-style-type: none"> ➢ 各機関における、2020 年の法・司法改革の実現の観点からのレビュー ➢ 一各機関における、前年度までの活動の分析 ➢ 各機関における、目標年度を見据えた明確なプロセス ➢ 各機関における、2020 年の法・司法改革の実現の観点からの優先順位付け <p style="text-align: right;">(進捗中)</p>	<p>MOJ の関連部局は、プロジェクトと協議の上で、第 48 号決議及び第 49 号決議などの政策優先項目や各部局の責務を考慮の上、プロジェクト専門家と協議の上、プロジェクトの年間活動計画を策定した。</p>
	<p>2. 改正民法、改正民事判決執行法、改正国家賠償責任法、改正民事訴訟法及び改正行政事件訴訟法の草案が、以下の点を考慮したものに改善される。</p> <ul style="list-style-type: none"> ➢ 2013 年憲法並びに第 48 号及び第 49 号決議の内容 ➢ ベトナムの市場経済の発展 ➢ 実務上の問題点 <p style="text-align: right;">(達成)</p>	<p>改正民法及び改正国家賠償責任法はそれぞれ、2015 年 11 月及び 2017 年 6 月に国会により採択された。民事判決執行法については、本プロジェクト開始前の 2014 年に既に採択済みである。改正法の特徴は以下のとおり。</p> <p>(改正民法) 法主体の再整理、人格権の規定の具体化、財産概念の整理等</p> <p>(改正国家賠償責任法) 賠償範囲の拡大、手続きの明確化・簡略化、時効機関の延長等</p> <p>改正民事訴訟法及び改正行政事件訴訟法は 2015 年 11 月に国会で採択された。</p> <p>(改正民事訴訟法) 人民参審員に関する簡易手続制度の導入、争訟原則の導入など。</p> <p>(改正行政事件訴訟法) 争訟原則の導入、法の不整合への勧告の権利の付与、外国要素のある訴訟への対応など。</p>
	<p>3. 改正刑事訴訟法の草案が、以下の点を考慮したものに改善される</p> <ul style="list-style-type: none"> ➢ 2013 年憲法並びに第 48 号及び第 49 号決議の内容 ➢ 実務上の問題点 ➢ 人権に対するより一層の配慮 <p style="text-align: right;">(達成)</p>	<p>改正刑事訴訟法は、2015 年 11 月に国会にて採択された。しかし、その後、改正刑法中の条文にミスが見つかったことから、再審議の措置が講じられ、これらの法律の施行が 2018 年 1 月に見送られた。刑事訴訟法の特徴は以下のとおり。</p> <p>(刑事訴訟法) 検察業務における効率化及び透明化を図っていくための公民権及び人権への配慮、保護、確保に関する基本原則の規定の追加、裁判における争訟原則の確保、捜査・取り調べにおける脅迫・拷問に対する明確な手続、刑事手続における国際協力。</p>
	<p>4. 財産登記法、国際私法制定に向けた実務上の問題点が整理される。</p>	<p>(財産登記法) JICA は、プロジェクト協力期間中に合計 3 回にわたり現地に調査団を派遣し、NRAST が実施する国内法令規定の調査を行った。結果は、報告書としてとりまとめられ、司法省上層部に提出された。</p> <p>(国際私法) ILD が中心となり、これまで年に 1 度国際私法に関するセミナーを開催した。セミナーでは、2015 年</p>

	(進捗中)	民法における国際私法に関連する規定や近年ベトナムで増加している企業破産をテーマとして取り上げた。後半のプロジェクト期間において、ベトナムにおける国際私法のあり方及び同法でカバーすべき分野について更なる分析を計画している。
5. 判例法理の形成に向けた論点が整理される	(進捗中)	プロジェクト活動を通じ、判例法理の形成において「判例の執筆方法」が主たる課題であることが明らかとなった。SPC は、本調査時点で、合計 16 の判例を選定しており、学識経験者の協力を得て、選定された判例の分析作業を進めている。
6. 整理された判例法理の形成に向けた論点について、法規範文書への反映及び/又は実務の改善に向けた取組が行われる。	(進捗中)	2015 年 10 月 28 日に判例制度が導入された。SPC では、2018 年月上旬に判例制度に関する課題を話し合うための会議の招集を計画しており、協議の結果や判例選択に関する課題に基づき、今後上記決議の改正手続きを行うとしている。
7. 国際的な民事紛争解決に向けた実務上の問題点が整理される。	(進捗中)	SPC では、これまでに国際民事紛争、特に国際商事紛争及び知的財産権に関する研修活動を実施しており、これらの活動を通じ、国際的な分野における裁判官の知識及び経験不足が課題であることが明らかとなった。SPC では、現在、プロジェクト専門家の協力の下で、当該分野における問題点の分析作業を進めている。
8. 整理された国際的な民事紛争解決に向けた実務上の問題点について、法規範文書への反映及び/又は実務の改善に向けた取組が行われる。	(進捗中)	SPC では、実施されたセミナーの結果に基づき、関連法規範文書の起草に向けた提言の作成を計画している。
9. MOJ の開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。	(進捗中)	年間活動計画に基づき、これまで、MOJ では、中央及び地方において、法令起草及び法施行分野における課題を特定するためのセミナーやワークショップを多数実施している。
10. 実施されたセミナーにおいて扱われた内容について、法規範文書への反映及び/又は実務の改善に向けた取組が行われる。	(進捗中)	更なる実務の改善を図っていくために、MOJ では、セミナーで扱われた内容を、報告書としてとりまとめ、MOJ 上層部へ提出提出しているほか、内部のネットワークを活用して、研修を受講していない職員へも共有を図っている。また、2015 年改訂民法に関する解説書や知的財産に関する業務参考資料を作成した／作成中である。前者は既に作成済みであり、関係機関への配布準備中である ¹ 。
11. SPC の開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。	(進捗中)	年間活動計画に基づき、SPC は、前半の協力期間中に、年平均 7 回の研修活動を実施した。
12. 実施されたセミナーにおいて扱われた内容について、法規範文書への反映及び/又は実務の改善に向けた取組が行われる。	(進捗中)	2015 年の判例制度の導入に向けた支援に加え、プロジェクトでは、争訟原則に関する技術的助言及び情報を提供した。また、SPC との共同活動の成果品として争訟原則に関する書籍を出版した。

¹ CED は、JICA の支援で 1,500 部を印刷済みであり、1) 郡レベルまでの法律局、民事判決執行局、人民検察院、裁判所、国会議員、人民委員等の関係機関(関係者)、2) 研修受講者、3) 関係機関の法制局、4) 国会法務委員会、5) その他政府関係機関、6) 大学への配布が計画されている(出所: 2018 年 1 月 8 日 CED へのインタビュー結果)。

	13. SPP の開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。 (進捗中)	年間計画に基づき、SPP では、検察官のスキルアップや理解向上を目的とした活動を合計 40 回実施した。
	14. 実施されたセミナーにおいて扱われた内容について、法規範文書への反映及び/又は実務の改善に向けた取組が行われる。 (進捗中)	SPP では、将来的な法案起草、法規範文書、刑事訴訟法の適用に関するガイドラインの作成を考慮し、セミナーや研修中に受講者から出された意見、アイデア、提案事項を報告書にとりまとめ、研修終了後、SPP 上層部及び関係部局に提出している。研修報告書は、省以下の職員向けに研修を実施する省人民検察院にも TV 会議システムを用いて共有しているほか、SPP のホームページにも掲載している。なお、SPP では、検察官の実務改善に向け、現在、公安当局と共に捜査・取り調べにおける録音・録画制度の実施に関する省令制定作業を進めている。
	15. VBF の開催するセミナーや研修等が、法整備や現場の課題(特に人権保護及び司法アクセスに関する課題)を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。 (進捗中)	VBF は、ハノイやその他の地域において、弁護士活動及び弁護士自治に関する調査、SPP、SPC、VBF で共同開催した争訟原則に関するセミナー、弁護士マニュアルに関する活動など、数々の研修活動を実施している。
	16. 実施されたセミナーや研修において扱われた内容について、弁護士マニュアルやガイドライン等への反映及び/又は実務の改善に向けた取組が行われる。 (進捗中)	マニュアル作成に向けたワークショップの結果や参加者から出された意見は、2017 年に完成した弁護士マニュアルに反映されている。
	17. 弁護士マニュアルやガイドライン等が以下の点を考慮して作成されている。 <ul style="list-style-type: none"> ➢ 人権保護と司法アクセスの向上への貢献 ➢ 2013 年憲法並びに第 48 号及び第 49 号決議の内容 ➢ 国民に対する法的サービスの充実 ➢ 実務上の問題点 (達成)	VBF では 2017 年中に 3 巻構成の弁護士マニュアルの作成を終了しており、本調査時点で、VBF は各巻 1,700 部を印刷済みである。
	18. 弁護士マニュアルやガイドライン等が、弁護士が活用できる状態に置かれている。 (達成)	本調査時点で、印刷済みの 1,700 部は以下の関係者に配布済みである。1) 弁護士教会メンバー: 各メンバー 1 部、2) 63 の地方弁護士会: 8 メンバーに 1 部、3) 中央関係機関、関係省庁: 各 1 部、4) マニュアル執筆者: 各 1 部、5) マニュアル作成委員会メンバー: 各 1 部、6) 関係メディア: 各 1 部。
	19. 弁護士が、弁護士マニュアルやガイドライン等を活用して業務を行っている。 (進捗中)	マニュアルは既に関係者に配布済みであり、弁護士は日々の業務において活用している。
成果3	1. 各機関の分析が、以下の点を考慮して実施される。 <ul style="list-style-type: none"> ➢ 法の統一的な適用及び執行の確保に向けた取組 ➢ 各種紛争が適切に解決される仕組みの整備に向けた取組 ➢ 人権を重視した適正な手続の実現に向けた取組 ➢ 司法アクセスの強化に向けた取組 (具体的な成果発現は認められない)	本指標に関連する活動は、後半のプロジェクト活動として計画されていることから、現時点で、本指標に関して、具体的な成果の発現は見られない。

3-2 プロジェクト目標の達成の見込み

プロジェクトは、プロジェクト目標を測る指標として PDM 中に設定されている 11 の指標のうち、4 指標について進捗が確認された。

指標	現時点でのアセスメント
<p>1. MOJ における法規範文書の事前審査プロセスが、以下の点を考慮したものに改善される。</p> <ul style="list-style-type: none"> ▶ より幅広い利害関係者からの意見を踏まえている。 ▶ 運用・適用段階における留意点が考慮されている。 ▶ 法規範文書の整合性確保の視点からの審査が行われている。 ▶ 法規範文書の統一的な運用・適用の実現の視点からの審査が行われている。 <p>(進捗中)</p>	<p>プロジェクト活動の結果、法規範文書の内容が改善したという報告はあるものの、具体的なデータや情報を入手することはできなかった。</p>
<p>2. MOJ における法規範文書等の事後監査プロセスが、以下の点を考慮したものに改善される。</p> <ul style="list-style-type: none"> ▶ より幅広い利害関係者からの意見を踏まえている。 ▶ 法規範文書の不統一な運用・適用の状況及び原因が分析されている。 ▶ 法規範文書の不統一な運用・適用の原因を踏まえた改善策が検討され、改善策を実施するための必要な措置が行われている。 <p>(進捗中)</p>	<p>プロジェクト活動の結果、以下の点において効果発現が認められたとの報告が挙げられている。</p> <ol style="list-style-type: none"> 1) BPR における法規範文書の事後審査を担当する職員の能力が向上した、 2) 事後審査において違法の法規範文書の発見件数が増加した、 3) 違法と判断された法規範文書の処理が迅速に行われた。 <p>一方で、本調査期間中に、それを証明するための具体的なデータや情報を入手することはできなかった。客観的な指標設定が求められる。</p>
<p>3. MOJ における法規範文書等の整備・運用状況の監督が、以下の点を考慮したものに改善される。</p> <ul style="list-style-type: none"> ▶ より幅広い利害関係者からの意見を踏まえている。 ▶ 法規範文書の不統一な運用・適用の状況及びその原因となる法規範文書の未整備の実態が分析されている。 ▶ 法規範文書の不統一な運用・適用の原因となる法規範文書の未整備を改善するための必要な措置が行われている。 <p>(進捗中)</p>	<p>プロジェクト活動で習得した知識を基に、BLEM は、法令施行する前に行うべき活動を整理した提案書を政府に提出した。また、今後の法施行状況のモニタリング活動の更なる改善をはかっていくために、BLEM では、1) 法規範文書施行法の制定に向けた提案書の提出に向けた政策分析及び調査研究活動の実施、2) 法施行監視マニュアルの作成を計画している。</p>
<p>4. OOG における法規範文書の事前検討プロセスが以下の点を考慮したものに改善される。</p> <ul style="list-style-type: none"> ▶ 関係者間の調整が強化されている。 ▶ より幅広い利害関係者からの意見を踏まえている。 ▶ 運用・適用段階における留意点を考慮している。 ▶ 法規範文書の整合性確保の視点からの検討が行われている。 ▶ 法規範文書の統一的な運用・適用の実現の視点からの検討が行われている。 <p>(進捗中)</p>	<p>プロジェクト活動を通じ、OOG における法規範文書の審査担当職員の能力は向上したとの報告が挙げられているが、具体的なデータや情報は入手することはできなかった。客観的な指標設定が求められる。</p>
<p>5. 法規範文書の起草・実施に関して、政府・首相が監督、指導、事前検討を行う際に、OOG がより良い支援を行えるようになる。</p> <p>(評価不可能)</p>	<p>本調査時点で、プロジェクト活動の結果、「OOG がより良い支援を行えるようになった」ということを証明する具体的な成果は確認することはできなかった。設定指標の改善が求められる。</p>
<p>6. 工程表に基づいて、民事事件解決手続の改善が行われる。</p> <ul style="list-style-type: none"> ▶ SPC が透明性の高い適切な手続を実施し、審理における法令の統一的な適用に貢献する。 ▶ SPP が、法令の厳正かつ統一的な執行の保証に貢献する。 ▶ VBF が、調和の取れた法令の統一的な適用、人権保護および司法アクセスの向上に貢献する。 <p>(時期尚早)</p>	<p>本調査時点で、プロジェクト活動の結果発現した成果は認められなかった。</p>

<p>7. 工程表に基づいて、行政事件解決手続の改善が行われる。</p> <p>➢ SPC が透明性の高い適切な手続を実施し、審理における法令の統一的な適用に貢献する。</p> <p>➢ SPP が、法令の厳正かつ統一的な執行の保証に貢献する。</p> <p>VBF が、調和の取れた法令の統一的な適用、人権保護および司法アクセスの向上に貢献する。(時期尚早)</p>	<p>本調査時点で、プロジェクト活動の結果発現した成果は認められなかった。</p>
<p>8. 工程表に基づいて、刑事事件解決手続の改善が行われる。</p> <p>➢ SPC が透明性の高い適切な手続を実施し、審理における法令の統一的な適用に貢献する。</p> <p>➢ SPP が、法令の厳正かつ統一的な執行の保証に貢献する。</p> <p>➢ VBF が、調和の取れた法令の統一的な適用、人権保護および司法アクセスの向上に貢献する。(時期尚早)</p>	<p>上記の指標同様、本調査時点で、プロジェクト活動の結果発現した成果は認められなかった。</p>
<p>9. 改正民事訴訟法において改正された内容が、民事裁判において適切に運用されている。</p> <p>(時期尚早)</p>	<p>改正民事訴訟法は 2016 年 7 月に施行されたが、施行からまだ日が浅く、実際の裁判における運用状況の適切性について、現段階で判断することはできなかった。</p>
<p>10. 改正行政事件訴訟法において改正された内容が、行政裁判において適切に運用されている。</p> <p>(時期尚早)</p>	<p>改正行政事件訴訟法は 2016 年 7 月に施行されたが、施行からまだ日が浅く、実際の裁判における運用状況の適切性について、現段階で判断することはできなかった。</p>
<p>11. 改正刑事訴訟法において改正された内容が、刑事裁判において適切に運用されている。</p> <p>(時期尚早)</p>	<p>改正刑事訴訟法は、本調査の約 2 週間前の 2018 年 1 月 1 日に施行されたばかりである。よって、同指標の達成状況の測定は時期尚早である。</p>

3-3 上位目標の達成の見込み

調査団では、中間レビュー調査期間中に上位目標の指標の基礎情報及び関連データを収集した。

指標	現時点でのアセスメント
<p>1. 国際機関等が公表している法務・司法に関する国際比較指標が、プロジェクト開始時と比較して改善する。</p>	<p>法の支配に関する World Justice Project のインデックスによれば、ベトナムの世界ランキングは、2015 年に 102 か国中 64 位であったものが、本調査時点(2016 年データ)では、113 か国中 67 位と改善しており、2016 年報告書においても、ベトナムの近年の躍進が称賛されている(表 4)。</p>
<p>2. 国際機関等が公表している弁護士業務に関する国際比較指標が、プロジェクト開始時と比較して改善する。</p>	<p>当該データの入手は困難であった。</p>
<p>3. 改善された事前審査プロセス²に則った法規範文書の事前審査³が実施される。</p>	<p>事前審査プロセスの改善に向けた活動は現在進行中であり、現時点で具体的な成果は発現していない。</p>
<p>4. 改善された事後監査プロセスに則った法規範文書の事後監査が実施される。</p>	<p>同上</p>

² MOJ における「審査」(Review)については、法規範文書発行法(No. 17/2008/QH12)の 36 条及び 63 条に規定されている。

³ OOG における「審査」(Verification)については、省令 No. 74/2012/ND-CP の 2 条、省令 No. 08/2012/ND-CP (仮訳:法規範文書発行法の実施のための詳細措置)の 17 条に規定されている。

法の支配ランキングにおけるベトナムの順位

カテゴリー	2015年	2016年
政府権力の制約 (Constraints on Government Powers)	85/102	81/113
汚職の根絶 (Absence of Corruption)	56/102	67/113
開かれた政府 (Open Government)	86/102	92/113
基本的人権 (Fundamental Rights)	69/102	68/113
秩序と安全 (Order and Security)	35/102	35/113
規制の執行 (Regulatory Enforcement)	85/102	91/113
民事司法 (Civil Justice)	76/102	80/113
刑事司法 (Criminal Justice)	39/102	51/113
世界ランキング	64/102	67/113

(出所: World Justice Project on Rule of Law Index 2015 and 2016) *ベトナムの順位/総数

4. 評価5項目の概要

4-1 妥当性:政策との整合性:高い、PDMの制度設計:本調査時点では課題あり。

- 本プロジェクトの活動に関連する方針は、プロジェクト開始時点から変更はなく、ベトナム政府及び日本政府の政策と整合している。48号決議及び49号決議では、「法治国家の構築」に向けた「法の支配」を実現していくための、2020年までのベトナムにおける法律システムの構築と整備、法整備、法運用体制改善の必要性を強調している。社会経済開発政策(2011年～2020年)においても、更なる社会経済の発展に向けた司法制度の効果及び質的向上の重要性が示されている。また、日本政府の「対ベトナム国別援助方針」及び「法制度整備支援に関する基本方針」(2013)では、法制度の整備・執行能力の強化や、行政の公正性、公平性、中立性、透明性の確保に向けた支援や基本法及び経済法の関連分野への積極的な法制度整備支援を重視している。
- 2015年にJETROが実施した日系企業実体調査の結果によれば、「法制度の未整備・不透明な運用」が、ベトナムにおける日系企業が日々のビジネス及び投資活動における主要なリスクと指摘されており、当該分野の強化・改善に対するニーズは依然高いことが明らかとなった。
- さらに、わが国は、1990年代からベトナム法・司法分野への支援を継続的に実施しており、当該分野が直面している課題に対して豊富な知見を有しており、アドバイザーグループによる支援体制、現地の活動と本邦研修との連携体制も構築されている。こうした一体的な取り組みは、わが国の、特に当該分野における技術協力プロジェクトの強みである。
- 一方で、プロジェクト活動の進捗に伴い、プロジェクト活動対象の絞り込み PDM中の指標の更なる検証が必要であることが本調査の結果明らかとなった。

4-2 有効性:やや低い

- 本調査時点でのプロジェクト目標の達成状況は、11指標中4指標について若干の兆しが認められた。その達成状況に鑑み、本調査時点の有効性は、「やや低い」と判断した。
- プロジェクト専門家からカウンターパート職員への技術移転についても、円滑に進められてきたといえるが、一方で、実施機関の要請に基づくアド・ホックな活動の実施により、プロジェクト専門家の各種活動への関与の度合いが限定的であるなど実施上の課題も確認された。
- PDM中に明記されている外部条件については、プロジェクト開始以降、特段大きな問題の発生は認められない。

4-3 効率性: 中程度

- 成果3については、現時点での成果発現は認められなかったものの、成果1については、7 指標中 3 指標において進捗が確認され、成果2については、成果 2 についても全 19 指標において進捗が認められるなど、プロジェクトは、期待される成果発現に向けて、着実な進捗を見せている。
- 日本人専門家の派遣、機材供与、本邦研修をはじめとする研修事業の実施などの日本側からのプロジェクトへの投入は、適切で効率的であったとベトナム側から評価されている。
- ベトナム側の投入についても、施設提供に関する投入以外、計画に基づく投入が認められた。

4-4 インパクト: やや低い

- 現在、協力期間の中間地点であることから、上位目標の達成の見込みを判断するには時期尚早である。一方で、プロジェクト活動の実施を受け、実施機関による独自の取り組みも進みつつあることを確認した。よって、本プロジェクトのインパクトは「やや低い」(Fair)と評価した。
- プロジェクトの実施によるインパクトとしては、1)プロジェクトでの活動後、法規範文書の審査プロセスに関する執務参考資料の作成、違法の法規範文書に関するガイドブックが作成された／現在作成中である、2)本邦研修への参加を通じて得た知識を元に、法規範文書の審査に関する条件や要件についての報告書を作成し、政府に提出しているという、実施機関独自の取り組み事例が報告された。
- 本調査時点で、マイナスのインパクトは認められない。

4-5 持続性: 中程度

(1) 政策・制度面: 高い

- 2015 年の活動開始以降、プロジェクトを取り巻く政策に大きな変更は認められない。よって、プロジェクトの効果の政策面における持続性は確保される可能性が高い。
- 48 号決議及び 49 号決議がカウンターパート機関による政策実施の根幹として位置づけられているほか、No. 92 号決議(2014 年 3 月)においても、2020 年に向けた法・司法改革への継続的な取り組みについての指針が示されている。また、社会経済開発政策(2011 年～2020 年)においても、更なる社会経済の発展に向けた司法制度の効果及び質的向上の重要性が強調されている。

(2) 組織体制・人材面: 中程度

- 法・司法関係機関の組織体体制について、プロジェクト開始時点から大きな変更はみられない。
- 人民裁判所の組織体制の改編に例を見るように、プロジェクト開始以降、ベトナム側のイニシアティブの下で様々な形で改善が図られている。
- 一方で、現在ベトナム政府では、行政改革が推し進めており、将来的な職員の増強の可能性は低いと言わざるを得ない。

(3) 財政面: やや低い

- プロジェクトでは、活動効果の持続性を確保していくために、2015 年のプロジェクト開始に向けた協議において、活動経費のコスト・シェアスキームの導入を合意・決定した。同合意に基づき、現在活動費用が関係機関によって負担されている。本調査時点で、OOG、SPC 及び SPP による費用負担の実績を確認した。その総額は、プロジェクトによる活動費の支出総額の 3 割程度に留まっているが、過去の JICA 支援プロジェクトにおいて、全額プロジェクト負担であったことを考慮すれば、大きな一歩といえる。
- 今後、プロジェクト効果に対する財政的持続性を確保していくためには、課題の改善に向け継続的・集中的な取り組みを行っていくべき分野を特定し、それを年間活動計画に反映していく必要がある。また、それと同時に、活動やプロジェクト効果の継続性を担保していくための仕組みの構築、そのためのノウハウやプロセスに対する助言の提供も必要といえる。

(4) 技術面: 中程度

- プロジェクト活動を通じて習得した知識やスキルは実際の現場で活用されている。
- ワークショップやセミナーの結果やそこで得られた知見は、各機関の上層部への報告にとどまらず、TV 会議システムやウェブサイトへの掲載など様々な媒体を通じて、関係者に対する情報共有が図られている。ま

た、プロジェクト活動への参加がきっかけとなり、マニュアル類が作成されるなど、職員の更なる能力強化に向け実施機関の自助努力による取り組みも始まっている。

- 一方で、長期的な視点から技術面における持続性を確保していくためには、知識やスキルを組織レベルに蓄積していくことが重要である。そのためにも、ある課題や問題に対してより深く調査・研究・分析する活動やスキルの定着のためのマニュアル作成等の活動実施の可能性を探っていく必要がある。

4-6 プロジェクトの効果発現を促進・阻害した主な要因

インタビュー調査期間中に指摘された点は以下のとおり。

- 促進要因: 1) 専門家の豊富な知見及び実務経験、2) 長期に渡る関係で築き上げられた日本及びベトナムの良好な関係、3) 日本側ベトナム側双方の強いコミットメント(責任感)などの人的要因に加え、4) プロジェクト目標や関係機関や社会のニーズに基づき作成された年間活動計画)の存在、5) ベトナム国内での研修、本邦研修、専門家の個別指導など多様な支援などマネジメント、6) 3年目からの内部の行政手続の簡素化等のマネジメント面での要因が挙げられた。
- 阻害要因: 1) カウンターパートへの連絡手段が限定的、2) 組織内部での不十分な調整と報告、3) 連続性のないアドホックな活動の実施、4) 広範の活動、5) カウンターパートとプロジェクト専門家との間の活動実施のタイミング調整等マネジメントに関する要因が指摘された。

5. 評価結果

5-1 結論

基準	評価	要約
妥当性	高い (政策的側面) 低い (プロジェクト計画)	プロジェクトは、ベトナム政府及び日本の政策に整合しているほか、ベトナムの法・司法分野のニーズにも合致している。一方で、プロジェクト目標や成果の記載が不明瞭な部分があり、測定指標が明確に定義づけられていないなど、プロジェクト計画には改善に向けた課題が認められた。
有効性	やや低い	プロジェクト目標に向けて進捗しているものの、プロジェクト活動が多岐広範にわたっていることから、プロジェクト目標達成レベルが現時点で限定的である。
効率性	中程度	プロジェクト活動の実施における効率性は、全体として中程度である。研修や専門家派遣、機材供与やその管理を始め、投入のタイミング、質、量は共に適切であり、スケジュールどおり行われた。一方で、マネジメントにおいて一部課題が認められた。
インパクト	やや低い	協力期間の中間地点であることから、プロジェクトの実施により発現が期待されるインパクトの測定は時期尚早であるが、調査期間中にはインパクト発現に向けた兆候が確認された。
持続性	中程度	政策・制度面及び組織面における持続性は、それぞれ「高い」、「中程度」と評価した。財政面の持続性については、プロジェクト効果の持続性に向けて現時点では十分な財源が確保されていないことから、評価は「やや低い」とした。技術面の持続性については、組織レベルでの能力強化がその持続性確保に向けて依然課題であることから「中程度」とした。

5-2 提言

中間レビューの結果、PDMの曖昧な表現がプロジェクト活動の阻害要因になったことが明らかになった。そのためプロジェクトデザインの再検討をすべきである。たとえば成果1の曖昧な表現が活動内容の特定を困難にし、効果的な活動を阻害した側面があった。残り2年間で具体的成果を出すためにも、プロジェクトの目標・成果を明確にし関係当事者間の理解や認識を深める必要がある。

また、評価項目「妥当性」の部分で指摘したように、プロジェクトデザインの再検討に際し、以下の二つの取組みがあわせて検討されるべきである。

(1) ワーキンググループの設置

これまでプロジェクト現地専門家はカウンターパート機関が開催するセミナーに参加し技術的助言をすることを主な活動としてきた。

今後、より効果的な技術協力を行うため、ワーキンググループを設置し、カウンターパート機関とプロジェクト専門家が特定分野・課題について協議・分析し、関連活動の成果をモニタリングするような活動が行われるべきである。

(2) カウンターパート機関間の共同活動の実施

前フェーズの終了時評価において、カウンターパート機関間の共同活動が提言されていたが、本プロジェクトでは特に実施されていない。

2013年憲法で争訟原則の保障が明記されたところ、これを反映した新しい制度や実務が導入されている。そのため、訴訟機関及び関係者間において同原則が整合的かつ統一的に適用されるよう、同原則の適切な理解が必要である。関係当事者間の理解が区々で不当な運用がなされれば、訴訟手続きが歪曲され、不当かつ非効率な運用をもたらす、訴訟遅延や正義に反する結果となりかねない。

このような問題に対処し、関係当事者の共通理解を醸成するため共同活動を行うべきである。これにより知見や経験、技術が多角的にもたらされ争訟原則の理解促進・定着が期待される。

5-3 教訓

(1) 新たな協力分野である成果1については、中間レビューを通じていくつかの問題点や課題が指摘された。このことは、新規分野にもかかわらず十分な調査・分析等が不足していたことを意味している。

したがって、新たな協力分野に取り組むにあたっては、PDM策定前に十分な調査や分析がなされるべきであるし、必要に応じて、プロジェクト実施中においても必要な調査・分析が行えるような活動も検討されなければならない。

(2) PDMの曖昧な表現や記述により、プロジェクト目標との関連が必ずしも明確でない活動にまで手を広げることを余儀なくされていた。その結果、個別活動の効果だけでなく、プロジェクト全体の効果を逡減させるような方向となり、プロジェクト活動の負担になっていた。

そのため、PDM上の表現はできるだけ明確にし、個々の活動が成果や目標へと結びつくようなデザインが検討されるべきである。

(3) 法整備支援におけるPDM上の指標は定量的な内容よりはむしろ定性的なものになる傾向がある。できるだけ客観的な評価が可能となるよう、指標の在り方については再検討が必要である。

そのため、たとえばプロジェクト活動において指標設定の活動を導入することも検討されるべきである。

第1章 調査の概要

1-1 中間評価調査の背景

ベトナム政府は 1986 年のドイモイ政策開始以降、市場経済化への移行を進めており、さまざまな開放政策の一環として市場経済化に対応する法制度の整備を進めてきている。2005 年には共産党中央委員会政治局決議 48 号と 49 号が発表され、司法改革が具体的に進められてきた。

国際協力機構 (Japan International Cooperation Agency: JICA) (以下、「JICA」という) はベトナムにおいて、1996 年より主に民商事関連法案起草支援や法曹人材育成を目的とし、ベトナム法整備支援プロジェクトフェーズ 1 (1996～1999 年)、同フェーズ 2 (2000～2003 年) 及び同フェーズ 3 (2003～2007 年) を実施した。これらのプロジェクトにおいて起草支援した改正民法は 2005 年 6 月に、また民事訴訟法は 2004 年 11 月に国会にて可決・成立したほか、法律実務家を対象にした実務マニュアルの共同作成などの成果が着実に生じた。

ただし、整備された法令を執行・運用する現場においては、制定された法令の趣旨が十分理解されていない状況も見受けられ、裁判実務や法執行実務の改善を図る必要があったことから、2007 年 4 月から 2011 年 3 月にかけて、司法省 (Ministry of Justice: MOJ) (以下、「MOJ」という)、最高人民裁判所 (Supreme People's Court: SPC) (以下、「SPC」という)、最高人民検察院 (Supreme People's Procuracy: SPP) (以下、「SPP」という)、ベトナム弁護士連合会 (Vietnam Bar Federation: VBF) (以下、「VBF」という) をカウンターパート (以下、「C/P」という) 機関とした「法・司法制度改革支援プロジェクトフェーズ 1」を実施した。

その後、中央司法関連機関が全国的な課題の抽出や改善策の検討を行えるようになること、及びその一連の活動が中央司法関連機関の業務フローに定着することを目指し、2011 年 4 月より 2015 年 3 月まで同フェーズ 2 を実施している。フェーズ 2 終了時評価調査では、C/P の実務の改善に大きな成果が確認され、特に活動対象地域として選定された地方では、中央と地方の密接な連携に基づく課題の抽出や改善策の検討が行われるようになった。

一方で、他の行政機関 (特に地方行政機関) においては、依然として法規範文書の統一的理解及び運用に問題が見られ、法務・司法関係機関が関与する立案及び運用になお改善の余地があることが確認されたことから、今般、フェーズ 2 の後継案件として「2020 年を目標とする法・司法改革支援プロジェクト」(以下、「本プロジェクト」という) の実施を計画し、これまでの協力の成果を基盤として、ベトナムの司法改革戦略を引き続き支援することを目指すこととなった。

新規プロジェクトでは、2013 年に成立した改正憲法に基づく様々な改革や、ベトナムの法・司法改革の目標年である 2020 年を見据えて、総括的かつ発展的な協力を行っていくと同時に、プロジェクト終了後の新しいパートナーシップの関係の構築を念頭に置いたアプローチをとっている。

また、経済発展を続けるベトナムへの政府開発援助 (Official Development Assistance: ODA) (以下「ODA」という) に関しては、投資環境整備に向けた貢献が求められているため、本プロジェクトでは、これまでの 4 つの C/P 機関に加え、首相府 (Office of the Government: OOG) (以下、「OOG」という) を新たな C/P 機関として迎え、ベトナムでビジネス活動を行うにあたっての法・司法分野における阻害要因の縮小化に向けた活動にも新たに取り組んでいる。

1-2 調査団派遣の目的

プロジェクト活動の進捗を確認し、プロジェクト計画、すなわちプロジェクト・デザイン・マトリックス（以下、「PDM」という）の改定について協議を行うために JICA は今般中間レビュー調査団を現地に派遣した。中間レビュー調査（以下、「本調査」という）の目的は以下のとおり。

- ① 本プロジェクトの協議議事録(Record of Discussions(以下、「R/D」という)及びPDMに基づき、これまでの活動実績や実施プロセスの状況、各実施機関における認識・理解度を調査・確認し、プロジェクト実施上の課題や阻害要因を特定する。
- ② DAC 評価 5 項目(妥当性、有効性、効率性、インパクト、持続性)の観点から評価を行い、今後に向けた提言を行うとともに、類似プロジェクトを実施する際の教訓を取り纏める。
- ③ 上記①及び②の結果に基づき、必要に応じて PDM の見直しを行い、「提言:今後とり組むべき課題と支援の方向性」(仮)を含む中間評価報告書としてとりまとめる。
- ④ 同報告書に基づき、ベトナム側関係者と協議を行い、評価及び協議の結果を合同評価報告書に取りまとめ、合意、署名する。

1-3 調査団の構成

本評価の団員構成は下表のとおり。

表 1 評価団構成

氏名	役職	所属	期間
枝川 充志	団長	JICA 国際協力専門員、弁護士	2018 年 1 月 14 日～19 日
森永 太郎	法・司法制度	法務省法務総合研究所国際協力部 部長	2018 年 1 月 14 日～18 日
松戸 綾乃	協力企画	JICA 産業開発・公共政策部 法・司法課 副調査役	2018 年 1 月 14 日～19 日
中村 祐美子	評価・分析	合同会社 適材適所 コンサルタント	2018 年 1 月 14 日～18 日

1-4 調査の日程

2018 年 1 月 7 日から 2018 年 1 月 19 日(本邦発着。JICA 団員は、2018 年 1 月 14 日から合流)

表2 調査スケジュール

月日		枝川、松戸	森永	中村
1月	7 日	/	/	10:00 成田 発(VN311)→ 14:00 ハノイ着
	8 月			9:00-11:00 JICA専門家へのインタビュー 11:30-12:00 JICA jimusyo 打合せ 14:00-15:30 MOJ (ICD) 表敬、インタビュー 15:30-17:00 MOJ (CED) インタビュー
	9 火			9:30-11:30 カナダNLD プロジェクトインタビュー 14:00-15:30 VBF インタビュー
	10 水			9:00-11:00 MOJインタビュー 14:00-16:00 OOG インタビュー
	11 木			9:00-11:00 SPP インタビュー 13:30-14:30 MOJ (CJED) 14:30-16:00 MOJ
	12 金			9:00-11:00 SPC インタビュー 14:00-17:00 MOJ (BPR, BLEM)インタビュー
	13 土			評価レポート作業
	14 日			評価レポート作業、JICA団員と打合せ
	15 月			10:00-12:00 JICA事務所、専門家と打合せ 17:00-18:00 MOJ (ICD)への評価結果報告
	16 火			9:00-11:00 SPPへの評価結果報告 14:00-16:00 OOGへの評価結果報告
	17 水			9:00-10:00 VBFへの評価結果報告 11:00-11:30 MOJ次官表敬 13:30-15:30 SPCへの評価結果報告
	18 木			9:00-11:00 評価結果報告、署名 午後:大使館報告 00:40 ハノイ発
19 金	07:00 成田着			

1-5 案件の概要

本事業は、ベトナム法務・司法関係機関において、2013年憲法及びベトナムの2020年を目標とした法・司法改革の趣旨に従い、法規範文書の審査能力が強化され、法規範文書の草案が起草されると共に、法規範文書の統一的な運用に向けた助言・指導能力及び裁判・執行実務の能力が向上することにより、適正かつ効率的な法規範文書の運用・適用の基盤が整備されることを図り、もってベトナムの成長・発展を支える社会基盤の構築の促進に寄与するものである。

表3 案件概要

協力期間	2015年4月～2020年3月(5年間)
プロジェクトサイト	ハノイ
実施機関	MOJ、OOG、SPC、SPP 及び VBF
上位目標	整合性が確保された法規範文書を土台とした、予測可能性があり、かつ信頼性の高い法・司法制度の整備が図られ、ベトナムの成長・発展を支える社会基盤の構築が促進される。
プロジェクト目標	2013年憲法並びに第48号決議及び第49号決議(*1)の趣旨に従い、法規範文書相互の不整合の抑制・是正、並びに法規範文書の適切な理解の促進及び統一的な運用・適用の実現を図るための法務・司法関係機関

	<p>(*2)の組織的な能力が向上し、適正かつ効率的な法規範文書の運用・適用の基盤が整備される。</p> <p>(*1) 第 48 号決議及び第 49 号決議とは、ベトナム共産党中央委員会政治局決議2015年第48号(Resolution No.48/NQ-TW of 24th May, 2005)および第49号(Resolution No.49/NQ-TW of 2nd June, 2005)を指す。</p> <p>(*2) 法務・司法関係機関とは、司法省(MOJ)、首相府(OOG)、最高人民裁判所(SPC)、最高人民検察院(SPP)及びベトナム弁護士連合会(VBF)を指す。</p>
成果	<p>【成果 1】</p> <p>法令間の不整合や多義的かつ不明確な規定の存在を抑制・是正し、かつ法規範文書の適切な理解の促進及び統一的な運用を実現するために、MOJ 及び OOG による民事、経済、その他関連法規範文書の①事前審査、②事後監査、③整備・運用状況の監督を行う人材の能力が強化される。</p>
	<p>【成果 2】</p> <p>2013年憲法並びに第 48 号及び第 49 号決議の趣旨に従い、2020年の法・司法改革の実現を見据えて各機関で作成する工程表に基づき、民事紛争解決に資する実体法及び手続法の草案、並びに刑事手続法の草案が整備されると共に、民事に関する適切な紛争解決の基準となる法規範文書及び刑事に関する適切な手続の基準となる法規範文書の適切な理解が促進され、統一的な運用に向けた助言・指導能力及び裁判・執行実務の能力が向上する。</p>
	<p>【成果 3】</p> <p>各機関において、①法規範文書の起草・審査・監査・監督、②法規範文書の適切な理解の促進及び統一的な運用に向けた助言・指導、並びに③法規範文書の適切な理解に基づいた裁判・執行実務の実現に向けた助言・指導に関する業務を改善するための、2021年以降に各機関が実施すべき活動が、本プロジェクトの成果を踏まえて分析・検討される。</p>

出所：プロジェクト・デザイン・マトリックス(PDM) (Ver.1)

第 2 章 中間レビュー評価調査の手法

2-1 評価手法

(1) 評価プロセス

本中間レビュー調査では、PDMを用いて、「JICA 評価ガイドライン(第2版)」(2016年5月)に基づく調査を実施した。その中で、プロジェクト活動の進捗を検証するとともに、5つの視点から活動を評価した。

調査団では、まず評価設問、指標、収集すべきデータ、情報源等から構成される評価グリッド⁴を作成した(添付資料-1)。その後、文献調査、質問票調査及びインタビュー調査を実施し、2015

⁴ 評価グリッドは、1)進捗状況、2)実施プロセス、3)評価5項目の3部で構成されている。

年2月にベトナム及び日本双方が合意したPDMに記載の評価指標や評価5項目(妥当性、有効性、効率性、インパクト、持続性)の観点から収集情報・データの分析を行った。調査の結果及びプロジェクトに対する提言や類似案件に対する教訓については、調査第2週目の関係機関協議において共有を図った。5項目評価の視点は下表のとおり。

表4 評価5項目の視点

基準	定義
妥当性	本プロジェクトが設定した成果、プロジェクト目標、上位目標のベトナム政府の開発政策及び日本の援助政策、JICAの援助方針、開発ニーズとの整合性を検証する。
有効性	PDM中に記載のプロジェクト目標の達成の度合を測る。
効率性	事業による投入がどの程度効率的に成果の産出に活用されたかを測る。また、投入量、投入計画、タイミングの適切性も検証する。
インパクト	事業完了後3～5年後に見込まれる上位目標の達成の予測及び事業の実施により直接または間接的、意図的または意図せず生じた正・負のインパクトを検証する。
持続性	事業終了後の事業効果の継続性を、政策面、体制面、財政面、及び技術面から総合的な検証を行う。

出所：JICA 評価ガイドライン(第1版)及び評価ハンドブック(1.1版)(2016年5月)

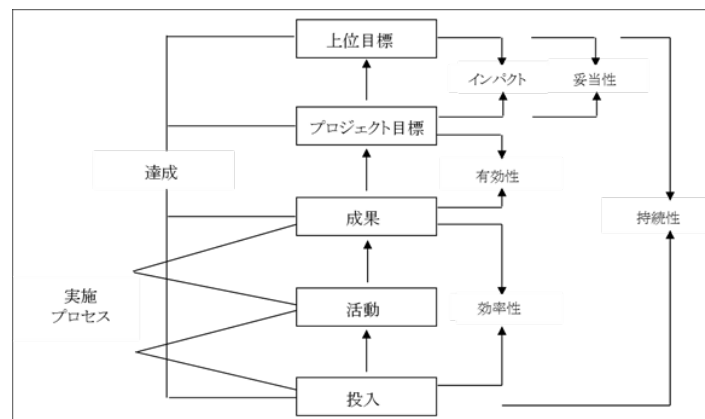


図1 評価5項目とPDMとの関係性
『プロジェクト評価の実践的手法』(2004年3月)

2-2 調査対象者及びデータ収集方法

(1) 主な調査対象者

- 中央レベル：MOJ、OOG、SPC、SPP及びVBFの関係職員
- プロジェクト事務所：日本人専門家

(2) 情報収集方法

本調査では、評価の実施にあたり次の方法を採用した。

1) 文献調査／デスクレビュー

本プロジェクトの詳細計画策定調査報告書(2014)、2015年2月3日付けのR/D、PDM(添付資

料-2)、モニタリングレポート、月例報告書等、プロジェクト活動に関する資料をレビューした。

2) 質問票調査

限られた日数での調査実施を考慮の上、現地調査に先立ち、日本及びベトナム側の投入実績や事業実施プロセスに関する情報の入手を目的とした質問票調査を実施した。質問票は、カウンターパート機関及びプロジェクト専門家などの本プロジェクト関係者に事前送付し、最終的に、合計16名の関係者(ベトナム側11名、日本側名)から質問票を回収した。現地調査では、それらの回答を参考に関係者へ更なるインタビューを実施した。

3) インタビュー調査

現地でのインタビュー調査を2018年1月8日～12日の日程で実施し、その間、MOJ、OOG、SPC、SPP及びVBFなどカウンターパート5機関の関係者、プロジェクト専門家及びカナダのプロジェクト(NLDプロジェクト)のフィールドオフィサーを含む約50名に対してインタビューを行った。

第3章 プロジェクトの達成状況

3-1 投入実績

3-1-1 ベトナム側の投入

(1) カウンターパートの配置

2015年2月3日に署名されたR/Dによれば、本プロジェクトの実施におけるベトナム側からの投入として、プロジェクトダイレクター(司法省国際協力局局长)1名、OOG、SPC、SPP及びVBF等のプロジェクト実施機関から合計4名のプロジェクトコーディネーターの配置が計画されていた。これに対し、プロジェクト開始時点で、MOJからプロジェクトダイレクター(1名)、その他関連機関から4名のプロジェクトマネージャーが配置され、ワーキンググループメンバーとして、MOJから25名、OOGから4名、SPCから3名、地方裁判所(バクニン人民裁判所)から1名、SPPから5名、ハイフォン人民検察院から7名、VBFから5名の合計50名が配置された。本調査時点で、50名中3名が退職しているものの、実施体制に大きな変更はみられなかった⁵。

(2) 日本人専門家の執務スペース

執務スペースについては、ベトナム側からの手当されておらず、日本(プロジェクト)側で手配している。

(3) ローカルコスト

ベトナム政府は、本プロジェクト開始前に日本側との間で行われた協議において、プロジェクト活動経費の負担について合意している。この合意に基づき、ベトナム側は、プロジェクト活動期間中に発生した費用を負担または現物出資により負担している。金銭的な負担については、本調査時

⁵ 出所: プロジェクト事務所提供データ

点で、OOG、SPC 及び SPP から VND10,945,000,000 (USD 482,477 相当)の支出実績を確認した(2015年4月～2017年10月)。MOJ 及び VBF による金銭的な負担額については、十分なデータが入手できず、不明のままである。

3-1-2 日本側の投入

(1) 専門家派遣

2015年4月から2017年12月までの間に、8名の長期専門家を含む30名の専門家が合計21回現地に派遣されている。専門家の指導科目は、司法改革、裁判実務の改善、弁護士の能力強化、民法、判例、国際商事、知的財産など多岐にわたる(添付資料-3)。

表5 専門家派遣実績

No.	派遣分野	派遣人数	派遣回数	延べ日数	M/M
1	チーフアドバイザー／統括	8	3		36.00
2	裁判実務改善		2		36.00
3	法,司法改革		3		36.00
4	弁護士能力強化／起草支援		1		36.00
5	業務調整		1		36.00
6	民法セミナー	2	1	8	
7	判例セミナー	2	1	20	
8	国際商取引セミナー	1	1	6	
9	知的財産権紛争セミナー	1	1	8	
10	ベトナム財産登記法調査	3	1	21	
11	判例セミナー	2	1	8	
12	ベトナム財産登記法現地セミナー	3	1	18	
13	ベトナム財産登記法調査	3	1	16	
14	当番弁護士セミナー	1	1	7	
15	判例セミナー	2	1	10	
16	家庭裁判所セミナー	2	1	10	
		30	21	132	180.00

出所:プロジェクト提供データ

(2) 本邦研修

本プロジェクトでは、2015年4月から2017年12月までの活動に、MOJ、SPP、SPC、OOG 及び VBF の関係職員合計125名に対して12回の本邦研修を開催している。研修内容は、プロジェクト活動期間中に明らかとなった課題をはじめ、法規範文書の審査能力の向上、財産登記、家事事案、家庭裁判所、不良債権処理などが含まれる。

表6 本邦研修実績(2015年4月～2017年12月)

No.	研修コース	期間	受講者数
2015年度			
1.	OOG 向け研修	2015年9月11日 - 2015年9月16日	10
2	司法省向け研修	2015年11月24日 - 2015年12月2日	10
3	SPP 向け研修	2015年12月3日 - 2015年12月15日	10
4	VBF 向け研修	2016年1月18日 - 2016年1月25日	15

2016年度					
1	SPP 向け研修	2016年7月4日	-	2016年7月15日	10
2	OOG 向け研修	2016年7月19日	-	2016年7月28日	10
3	司法省向け研修	2016年9月5日	-	2016年9月16日	10
4	SPC 向け研修	2016年11月7日	-	2016年11月18日	10
5	VBF 向け研修	2016年12月5日	-	2016年12月12日	20
2017年度					
1	SPC 向け研修	2017年5月23日	-	2017年6月2日	10
2	OOG 向け研修	2017年7月18日	-	2017年7月28日	10
3	司法省向け研修	2017年11月22日	-	2017年11月30日	10
合計					135

出所: プロジェクト提供データ

(3) ローカルコスト

プロジェクトでは、2015年4月から2017年12月にかけて、USD 1,710,398 を現地での活動実施経費として支出した。

表7 現地活動費

No.	費目	2015年度	2016年度	2017年度	合計
		2015年4月～2016年3月	2016年4月～2016年3月	2017年4月～2017年12月	
1	研修活動開催費用	357,783	338,704	298,811	995,298
2	カーペイ活動の費用	16,703	25,719	17,045	59,467
3	マニュアル等印刷費用	13,709	41,125	0	54,834
4	プロジェクト事務所経費	250,317	276,857	183,401	710,575
合計		638,512	682,405	499,257	1,820,174

出所: プロジェクト提供データ

(4) 機材供与

プロジェクトでは、協力期間中に、合計 15 台のデスクトップコンピューターを調達し、14 台を地方弁護士会に、残る 1 台を VBF に供与した。供与機材は、いずれも稼働状況は良好である。

表8 供与機材リスト

No.	機材名	詳細	Qty	金額		(JPY)	状態
1	デスクトップ	Dell Vostro 3900MT, Dell E1914H	5	3,338	USD	401,551	稼働中 - An Giang - Bac Ninh - Ben Tre - Hung Yen - Tien Giang
2							
3							
4							
5							
6	デスクトップ	Dell Vostro 3653MT, Dell E1916H	5	4,469	USD	471,211	稼働中 - Binh Thuan - Phu Tho - Thanh Hoa - Binh Phuoc
7							
8							
9							
10	デスクトップ	Dell Inspiron 3268 INS ST, Dell E20	2	1,764	USD	191,906	稼働中 - Dong Thap
11							
12	デスクトップ	Dell Inspiron 3268 INS ST, Dell E20	3	2,462	USD	277,506	稼働中 - Ha Nam - Hoa Binh - VBF
13							
14							
15	合計					1,342,174	

出所: プロジェクト提供データ

3-2 成果の達成状況

2015年2月に合意されたR/Dの添付資料であるPDM中に設定されている指標に基づき、成果の達成状況を確認した。前半の協力期間に行われた活動の概要は、添付資料-3 評価報告書(英文)の資料を参照されたい。

3-2-1 成果1

(1) 背景

ベトナム政府は1990年代から法整備改革を進めており、その間、重要かつ基本的な法令の多くが改正されるなど、法・司法制度整備は順調な進捗を見せている。他方、近年ベトナムでは、ビジネスや海外からの投資が活発化し、商取引や産業活動の幅が増しており、急速に展開されるビジネスや投資に関する法令整備が急務となっている⁶。

こうした状況に対し、本プロジェクトでは、過去のプロジェクトにおける法令起草の成果や経験を元に、成果1の活動として、ビジネス・投資に関連する法規範文書の事前・事後審査の能力向上に向けた活動を計画した。

(2) 進捗状況

【1年目:2015年】

司法省(MOJ)法規範文書事後監査局(以下、「BPR」という)、行政違反処理管理及び法令施行監視局(以下、「BLEM」という)及び法整備総務局(以下、「GALD」という)、並びに首相府(OOG)法令局は、毎年年初に作成する活動計画に基づき、ハノイ及び地方において活動を実施した。活動は、起草、法規範文書の事後審査、法制機関の機能、責務、体制から、法律の施行に至るまで多岐に及んだ。これらの活動に対し、プロジェクトでは、各機関が実施するセミナーやワークショップへ参加し、先方からの要請に基づいて技術的な助言を提供したが、関係機関が実施する個々の活動へのプロジェクトの関与は技術的助言の提供など限定的であった。

【2年目:2016】

2年目の活動計画書に基づき、MOJ及びOOGは各々にプロジェクトの協力の下、法規範文書の事後審査、法執行監視、農業分野やビジネス・投資分野における改正法案の審査に関するセミナー及び調査を実施した。前年同様、プロジェクトの支援対象分野は多岐に及んだが、関係機関との密なコミュニケーションと連携により、活動はある一定の進捗を見せた。

一方で、プロジェクトでは、この時期、プロジェクト活動のより効果的な実施を図っていくために、2016年以降の活動で焦点を当てるべき分野の絞り込みを行った。その結果、限られたリソースを有効かつ集中的に活用していくために、成果1の支援対象分野の選定にあたっては、成果2の活動で起草支援対象となった法規範文書を考慮する、すなわち、成果1及び成果2の活動を連携させることを決定した。

⁶ JETRO がベトナム進出日系企業向けに実施した調査の結果において、「法整備の未整備、不透明な運用」が日々のビジネス及びベトナム投資環境上の大きなリスクとなっている点が指摘されている。

表9 2年目(2016年)以降の活動の方向性

成果	方向性
成果2	MOJ: 民法、財産登記法、民事判決執行法 SPC: 判例、家庭裁判所
成果1	MOJ: 成果2で起草支援の対象となった法令の中から成果1の対象法令を選択 OOG: 専門家の専門性に関連する法令を選択

【3年目:2017年】

上記の決定を受け、プロジェクトでは、成果2の活動の方向性を、当初の民法をはじめとする基本法の起草支援から、これまでの支援対象であった基本法に関連する法律、特に財産登記法の起草支援へとシフトした。しかし、その後ベトナム政府により発表された2018年度の立法計画には、財産登記法の改正が含まれておらず、同法の法制化に向けた支援計画が事実上頓挫している。これに伴い、成果1の支援対象となる法令の選定作業も一時中断を余儀なくされている。

こうした状況により、3年目の成果1のMOJに関するプロジェクトの活動については、例年同様、BELMやBPRが実施する効果的な法施行や法規範文書の事後審査に向けたセミナーやワークショップ等の活動の支援に留まった。他方、OOGについては、法規範文書の審査の一環として進められる改定法案に関する関係者からの意見聴取ワークショップへの支援を実施した。

(3)達成状況

成果1の達成指標として設定されている7つの指標のうち、本調査時点で3指標が良好な進捗を見せていることを確認した。概要は下表のとおり。

成果 1	
法令間の不整合や多義的かつ不明確な規定の存在を抑制・是正し、かつ法規範文書の適切な理解の促進及び統一的な運用を実現するために、MOJ 及び OOG による民事、経済、その他関連法規範文書の①事前審査、②事後監査、③整備・運用状況の監督を行う人材の能力が強化される。	
指標	中間レビュー時点での評価
1. MOJの開催する内部人材向けセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。	(進捗中) 司法省の関連部局、特にBPR、GALD、BLEMは、同省の掲げる政策を考慮し、年間活動計画を作成し、前半のプロジェクト期間中に数々のセミナーやワークショップを開催した。多くがポリシーベースの活動ではあるが、それらの活動はいずれも各関連部局の責務に直結するものであり、セミナーや研修受講者が日々の業務において、または将来直面する可能性のある課題が多く取り上げられていた。このことから、この間に実施された活動は、内部人材の現在及び潜在的なニーズに対応する活動であったと言える。
2. MOJの開催する他の省庁や省レベル人民委員会の法務部門向けのセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。	(進捗中) 年間活動計画に基づき、BPR、BLEM 及び GALD は、関係省庁や関連機関の法制部の担当職員を対象に、法規範文書の改正案の更な

	る改善に向けたニーズ聴取や法施行の実態調査を目的とした活動を多数開催した。
3. MOJ の執務参考資料が以下の点を考慮して作成される。 <ul style="list-style-type: none"> ➢ 法規範文書の不統一な運用・適用の状況の分析 ➢ 法規範文書の不統一な運用・適用の原因の分析 ➢ 法規範文書の不統一な運用・適用の状況及び原因を踏まえた改善策 ➢ 改善策を実施するための必要な措置 	(現時点で進捗なし) これまでの2年余りの活動において、執務参考資料の作成に向けた活動は行われていない。よって、本調査時点で具体的な成果は認められない。
4. MOJ の執務参考資料が関係職員に活用されている。	(現時点で進捗なし) 上記同様、本調査時点で具体的な活動記録がなく、よって成果の発現も認められない。
5. OOG の開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。	(進捗中) 支援期間中、OOG では、年間活動計画に基づき、既存の法規範文書や将来的な法改正に向けた意見聴取に関する活動を毎年 10 回程度開催した。この間の活動には、法規範文書の実施状況を確認するためのセミナー等も含まれている。
6. OOG の執務参考資料が以下の点を考慮して作成される。 <ul style="list-style-type: none"> ➢ 法規範文書の不統一な運用・適用の状況の分析 ➢ 法規範文書の不統一な運用・適用の原因の分析 ➢ 法規範文書の不統一な運用の状況及び原因を踏まえた改善策 ➢ 改善策を実施するための必要な措置 	(現時点で進捗なし) これまでの 2 年余りの活動において、執務参考資料の作成に向けた活動は行われていない。よって、本調査時点で具体的な成果は認められない。一方で、本調査の結果、OOG は、GIZ の支援を受けて法規範文書の審査に関するマニュアルの作成を開始していること、そして、本プロジェクトの活動に執務参考資料の作成が活動の一つとして含まれているという点について、OOG 側が十分理解していなかった事が明らかとなった。
7. OOG の執務参考資料が関係職員に活用されている。	(現時点で進捗なし) 上記同様、本調査時点で具体的な活動記録がなく、よって成果の発現も認められない。

(4) 他ドナーの活動実施状況

カナダ政府は、NLDプロジェクトを通じ、ベトナムの立法過程における質、整合性、透明性に関する課題に対応していくとともに、実効性のある効果的な法案作成を実現していくことを目的に、2013年から2020年9月までの7年間を協力期間としたプロジェクトを実施している⁷。支援対象機関は、国会法務委員会、OOG、MOJ、財務省(MOF)、農業農村開発省(MARD)等の関係省庁である⁸。

プロジェクトは、1) 戦略的な計画策定・管理(Strategic Planning and Management)、2) 調査・研究(Research and Consultation)、3) 法案起草(Legislative Drafting)、4) 整合性の確保(Consistency)の4コンポーネントで構成されている。フェーズ1期間中(2013年～2015年)には、法規範文書発行法の準備と並行する形でベトナムにおける立法過程の包括的なレビューが行わ

⁷ プロジェクトフェーズは2期に分けられており、1期が2013年～2015年、2期は2015年～2020年までの5年間となっている。

⁸ プロジェクト予算:15百万カナダドル(出所:NLDプロジェクトホームページ)

れた。その後の第2期(2015年～2020年)の活動では、法案起草能力の向上に向けたセミナーやワークショップの開催、政策策定及び法案起草に関するハンドブック(2冊)の作成、LIMS と呼ばれるデータベースの構築、性の平等に関するワークショップなど、コンポーネント毎に様々な活動を展開している⁹。

(5) 成果1に関する課題

1) 協力形態

前半のプロジェクト活動では、MOJ 及び OOG から年始に提出される年間計画に基づいて実施されてきた。それらの活動は、現場での責務に直結しているものであり、法規範文書の審査及び事後審査を対象としたものであったが、日本人専門家の関わりという面においては、ワークショップやセミナーを通じた知見や情報の共有や、日々の業務を通じた技術的助言の提供に留まっていた。

2) 協力の方向性

成果1が対象とした分野は、OOG を支援対象機関に含め、本プロジェクトから追加された新しい分野であり、MOJ 及び OOG との協力の下、過去2年にわたり法規範文書における整合性確保に関する課題解決に向けあらゆる努力が行われてきた。しかし、活動開始後、リソースの合理的活用に向けたニーズが高まってきたことから、プロジェクトでは、今後の活動における支援対象を当初の基本法分野への支援から、基本法分野における特定の分野へと絞り込みを図ることを決定した。そこでプロジェクトでは、成果2の活動で起草支援を行ってきた民法に関連する法律を対象とすることの可能性を検討した。こうした方向性の転換により、成果1と成果2とが関連付けられることとなった。

前述のとおり、支援対象分野については、MOJ の財産登記に関する決定に従い、当該分野への支援が一つのオプションとして検討されていた。しかし、財産登記法が2018年の立法計画には含まれておらず、成果1の活動に関連する法規範文書の選定が難しい状況となっている。そのため、本調査時点においても、成果1の対象分野の特定作業は頓挫している。

3) 連続性のある活動の実施

プロジェクトの目標は、各関連機関の政策の方向性に合致している。しかし、プロジェクト側とカウンターパート機関のプロジェクト活動に対する考え方は必ずしも一致しているとは言いがたい。その背景には、プロジェクトの活動に対して年間活動計画とPDMの異なる2種類の計画が存在していることが挙げられる。年間活動計画はプロジェクト目標に合致する形で策定されており、プロジェクト活動の効果的な実施の一助となっているものの、計画はその時々々のニーズや政策優先項目に

⁹ NLD プロジェクトでは、2016年11月21日～22日(2日間)には、ハンドブック(案)についてのワークショップを開催している。現在作成中の政策策定及び法案起草に関するハンドブックは、ベトナム語で作成されており、2018年中の完成、その後全行政レベルへの配布が計画されている。また、データベースの構築に関して、NLD プロジェクトは調達費としてCND7万を支援している(出所:2018年1月9日のNLD フィールドマネージャーへのインタビュー結果)。

基づき策定されるくらいがあり、PDM に基づく連続性のある活動の実施が困難となっていると考えられる。

3-2-2 成果2

(1) 背景

本成果では、前フェーズまでの基本法の起草支援やそれに携わる法・司法人材の能力強化といった成果を更に発展させていくことを目的としており、1) 草案の整備、2) 法規範文書の理解促進、3) 法規範文書の統一的運用に向けた助言・指導能力の向上、4) 裁判・執行実務能力の向上の4つのコンポーネントが含まれている。各実施機関による本成果の達成状況は以下のとおり。

(2) 司法省(MOJ)

1) 進捗状況

【1年目:2015年】

成果1同様、年間活動計画に基づき、民事経済法局(Civil Economic Law Department: CED) (以下、「CED」という)、国家担保取引登録局(National Registration Agency of Secured Transactions(以下、「NRAST」という)、民事判決執行総局(Civil Judgement Enforcement General Department: CJED(以下、「CJED」という)、国際法局(International Law Department: ILD) (以下、「ILD」という)及び国家賠償局(State Compensation Department(以下、「CJED」という)は、プロジェクトと協力し、関係機関を対象としたワークショップやセミナーを多数開催し、改正国家賠償責任法や改正民法¹⁰などの法規範文書に関する意見聴取を行った。

【2年目:2016】

初年度の活動に続き、プロジェクトでは、各カウンターパート部局によって実施された活動を支援した。それらの活動は、国家賠償責任法を含む法令の将来的な改正に向けた課題の整理、企業破産や財産登記、国際私法に関連する問題への理解向上、改定民法(2015)の普及、民事判決執行手続面での改善を目的に実施されたものである。

また、2年目の活動期間中には、JICAの調査団が2度にわたり現地に派遣され、財産登記制度やベトナムでの運用状況、関係者の間での財産登記に関する理解度についての調査を実施した¹¹。

¹⁰ 民法は2015年11月の国会で採択されたが、刑法及び刑事訴訟法については、条文ミスが見つかったことを受け、差し戻し審議という決断が下された。

¹¹ 1年目の活動を通じ、2015年民法では、財産、財産の登記、および財産に対する権利について各種規定を置き、財産登記制度による取引の安全の確保を指向しており、MOJにおいて、同制度の施行・運用に関する財産登記法の制定が急務となっていることがわかった。そこで司法省では、2015年民法典の関連法令として、財産登記法の制定に向けた作業を開始し、本プロジェクトに対して同法に関する理論や実務に関する知見の提供を要請してきた。MOJからのこうした支援要請を受け、プロジェクトはJICAと協議し、現地に調査団を派遣し、調査の結果、財産登記法起草に対する集中的かつ積極的な支援の実施を決定した。こうした決定の理由として、以下の点が挙げられている。財産登記法は、1) 以前のプロジェクトで起草支援を行った法令であること、2) 日越双方への経済的・政治的インパクトが大きい、3) わが国の「インフラシステム輸出戦略」の方向性にも合致する(出所: 専門家業務完了報告書、2017)。

【3年目:2017年】

プロジェクトでは、2017年4月にJICAが現地に派遣した財産登記に関する調査団の現地調査(3回目)に協力したほか、各部局が実施する国家賠償責任法の施行、民事判決執行法、政府議定書の制定、国際私法等に関連する活動に対して助言を提供するとともに、財産登記法に関する更なる検討・研究を行った。

2)達成状況

本成果の達成を図る指標のうち、MOJの活動に関連するものは5指標設定されている。本調査の結果、それら5指標のうち1指標が達成、残る指標については着実な進捗が確認された。下表がその概要である。

<p>成果 2</p> <p>2013年憲法並びに第48号及び第49号決議の趣旨に従い、2020年の法・司法改革の実現を見据えて各機関で作成する工程表に基づき、民事紛争解決に資する実体法及び手続法の草案、並びに刑事手続法の草案が整備されると共に、民事に関する適切な紛争解決の基準となる法規範文書及び刑事に関する適切な手続の基準となる法規範文書の適切な理解が促進され、統一的な運用に向けた助言・指導能力及び裁判・執行実務の能力が向上する。</p>	
<p>1. 各機関が作成する計画が、以下の点を考慮して作成されている。</p> <ul style="list-style-type: none"> ➤ 各機関における、2020年の法・司法改革の実現の観点からのレビュー ➤ 一各機関における、前年度までの活動の分析 ➤ 各機関における、目標年度を見据えた明確なプロセス ➤ 各機関における、2020年の法・司法改革の実現の観点からの優先順位付け 	<p>(進捗中)</p> <p>MOJの関連部局は、第48号決議及び第49号決議などの政策優先項目や各部局の責務を考慮の上、プロジェクト専門家との協議を通じ、プロジェクトの年間活動計画を策定した。計画作成の際には、MOJ国際協力局(ICD)が関連部局や当該分野に支援を行う関連ドナーとの活動調整において重要な役割を果たした。</p>
<p>2. 改正民法、改正民事判決執行法、改正国家賠償責任法、改正民事訴訟法及び改正行政事件訴訟法の草案が、以下の点を考慮したものに改善される。</p> <ul style="list-style-type: none"> ➤ 2013年憲法並びに第48号及び第49号決議の内容 ➤ ベトナムの市場経済の発展 ➤ 実務上の問題点 	<p>(達成)</p> <p>改正民法及び改正国家賠償責任法はそれぞれ、2015年11月及び2017年6月に国会により採択された。民事判決執行法については、本プロジェクト開始前の2014年に既に採択済みである。改正法の特徴は以下のとおり¹²。</p> <p>(改正民法) 法主体の再整理、人格権の規定の具体化、財産概念の整理等</p> <p>(改正国家賠償責任法) 賠償範囲の拡大、手続きの明確化・簡略化、時効期間の延長等</p> <p>上記の特徴にも示したとおり、改正案には、ベトナムにおける市場経済の発展、第48号及び第49号決議、さらには2013年憲法への配慮が随所にかがえる。</p>

¹² 出所：現地調査に先立ち行ったプロジェクト専門家及びカウンターパート職員向けの質問票調査の結果

<p>4. 財産登記法、国際私法制定に向けた実務上の問題点が整理される。</p>	<p>(進捗中) (財産登記法) MOJ による財産登記法の将来的な制定に向けた活動を支援していくために、JICA は、プロジェクト協力期間中に合計 3 回にわたり現地に調査団を派遣し、NRAST が実施する国内法令規定の調査・研究を行った。結果は、報告書としてとりまとめられ、司法省上層部に提出された。</p> <p>(国際私法) ILD が中心となり、2015 年から 2017 年までの間、年に 1 度国際私法に関するセミナーを開催し、2015 年民法草案について関係者と意見交換した。セミナーでは、2015 年民法における国際私法に関連する規定や近年ベトナムで増加している企業破産をテーマとして取り上げた。後半のプロジェクト期間において、ベトナムにおける国際私法のあり方及び同法でカバーすべき分野についての更なる分析を計画している。</p>
<p>9. MOJ の開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。</p>	<p>(進捗中) MOJ が作成した年間活動計画に基づき、これまで、中央及び地方において、法令起草及び法施行分野における課題を特定するためのセミナーやワークショップを多数実施した。</p>
<p>10. 実施されたセミナーにおいて扱われた内容について、法規範文書への反映及び/又は実務の改善に向けた取組が行われる。</p>	<p>(進捗中) セミナーやワークショップの結果やその間に明らかとなった課題については、各部局が報告書としてとりまとめ、MOJ 上層部へ提出している。また、セミナーの結果や各種資料は、MOJ 内部のネットワークを経由し、研修を受講していない職員へも共有されている。本調査期間中には、プロジェクト期間に実施されたセミナーは、省令や議定をはじめとする法規範文書の作成に貢献したという声も多数聞かれた。このほかにも、プロジェクト活動の結果、2015 年改訂民法に関する解説書や知的財産に関する業務参考資料が作成された／作成中である。なお、前者は既に作成済みであり、関係機関への配布準備が進められている¹³。</p>

(3) 最高人民裁判所 (SPC)

1) 進捗状況

【1 年目: 2015 年】

¹³ CED は、JICA の支援で 1,500 部を印刷済みであり、1) 郡レベルまでの法律局、民事判決執行局、人民検察院、裁判所、国会議員、人民委員等の関係機関(関係者)、2) 研修受講者、3) 関係機関の法制局、4) 国会法務委員会、5) その他政府関係機関、6) 大学への配布が計画されている(出所: 2018 年 1 月 8 日 CED へのインタビュー結果)。

1年目の活動では、SPC がプロジェクト専門家と共に作成した年間活動計画に基づき、法律の施行状況、実務で求められるスキル及び知識の増強、判例や争訟原則などの特定分野における理解の向上に向けたセミナーや研修、並びに調査活動を実施した。この期間中に行われた活動でテーマに取り上げられた内容には、民事手続、行政手続、国際民事・商事紛争などが含まれる。プロジェクト専門家は、それらのセミナーに出席し、SPC の要請に基づき、技術的助言及び情報提供を行った。

【2年目:2016】

プロジェクトでは、3年ぶりに SPC 向けの本邦研修を実施し、家庭裁判所における家事事件及び少年事件の処理に関する制度及び実務を学ぶ機会を提供した。そのほかにも、SPC が中心となり、2015年に国会で採択された改正法や知的財産に関する課題(問題)をテーマに据えたセミナー、さらには、判例や判例制度に関するセミナーを開催した¹⁴。

【3年目:2017年】

3年目の活動で、SPC は、刑事紛争、判例、裁判官の責務等に関する活動を実施しており、前年度に引き続き、プロジェクトでは技術的側面からの支援を行った。

2)達成状況

本成果の達成を図る指標のうち、SPCの活動に関連するものは8指標設定されている。本調査の結果、それら8指標のうち1指標が達成、残る指標については着実な進捗が確認された。下表がその概要である。

<p>1. 各機関が作成する計画が、以下の点を考慮して作成されている。</p> <ul style="list-style-type: none"> ➢ 各機関における、2020年の法・司法改革の実現の観点からのレビュー ➢ 各機関における、前年度までの活動の分析 ➢ 各機関における、目標年度を見据えた明確なプロセス ➢ 各機関における、2020年の法・司法改革の実現の観点からの優先順位付け 	<p>(進捗中)</p> <p>SPC は、プロジェクト専門家と協議の上、1)第48号及び第49号決議をはじめとする政策優先項目、2)過去の活動の実施により得られた情報、3)市民や法律実務家からのコメント、4)SPC の責務などに基づき、プロジェクトの年間活動計画を策定している¹⁵。</p>
<p>2. 改正民法、改正民事判決執行法、改正国家賠償責任法、改正民事訴訟法及び改正行政事件訴訟法の草案が、以下の点を考慮したものに改善される。</p> <ul style="list-style-type: none"> ➢ 2013年憲法並びに第48号及び第49号決議の内容 ➢ ベトナムの市場経済の発展 ➢ 実務上の問題点 	<p>(達成)</p> <p>改正民事訴訟法及び改正行政事件訴訟法は2015年11月に国会で採択された。それぞれの改定法における特徴は以下のとおりである。</p> <p>(改正民事訴訟法)</p>

¹⁴ 本プロジェクト及び従前のプロジェクトによる継続的な支援は、SPC の基礎知識から運用に関するまでの包括的な知識の習得だけでなく、判例の基盤構築にも貢献している。

¹⁵ SPC の年間計画作成時には、SPC 長官が会議を招集し、次年度の活動について指示を出すことになっている。

	<p>人民参審員に関する簡易手続制度の導入、争訟原則の導入など。</p> <p>(改正行政事件訴訟法) 争訟原則の導入、法の不整合への勧告の権利の付与、外国要素のある訴訟への対応など。</p> <p>以上より、改正案には、ベトナムにおける市場経済の発展、第 48 号及び第 49 号議定、2013 年憲法を考慮した内容といえる。</p>
<p>5. 判例法理の形成に向けた論点が整理される</p>	<p>(進捗中)</p> <p>プロジェクトでは、現地セミナー及び本邦研修を通じ、ベトナムにおける判例制度の歴史、判例の基礎知識、判例の種類¹⁶等を学ぶ機会を提供した。中間レビュー調査時点で、判例法理の形成において「判例の執筆方法」が主たる課題であることが明らかとなっている。また、SPC は、2015 年 10 月 28 日に発行された「判例の制定、公布及び適用の手続に関する最高人民裁判所裁判官評議会決議 No. 03/2015/NQ-HDTP」に基づき、本調査時点で、合計 16 の判例を選定しており、学識経験者の協力を得て、選定された判例の分析作業を進めている。</p>
<p>6. 整理された判例法理の形成に向けた論点について、法規範文書への反映及び/又は実務の改善に向けた取組が行われる。</p>	<p>(進捗中)</p> <p>SPC では、2015 年 10 月 28 日に制定された上記決議第 03/2015/NQ-HDTP 号に基づき、判例制度を導入した。また、SPC は、2018 年前半に判例制度に関する課題を話し合うための会議の招集を計画しており、協議の結果や判例選択に関する課題に基づき、今後上記決議の改正手続を行うとしている。プロジェクトは、後半のプロジェクト活動においても、SPC の判例制度の活用促進及び関係職員の実務能力の向上に向けた活動を支援していく予定である¹⁷。</p>
<p>7. 国際的な民事紛争解決に向けた実務上の問題点が整理される。</p>	<p>(進捗中)</p> <p>SPC はプロジェクトの協力の下、2015 年から 2016 年の活動において、国際民事紛争を活動テーマに据え段階的に活動が実施・展開した。具体的には、現場での現状及びニーズの抽出を目的とした調査を実施した上で、その結果を踏まえたセミナーを開催している。この間のセミナーでは、国際商事紛争及び知的財産権に焦点が当てられた。これらの活動を通じ、国際的な分野における裁判官の知識及び経験不足が課題であることが明らかとなった。SPC では、現在、プロジェクト専門家の協力の下で、当該分野における問題点の分析作業を進めている。</p>

¹⁶ 2015 年から 2017 年までのプロジェクト期間中に、SPC は 2017 年 5 月 22 日～2017 年 6 月 3 日に開催された本邦研修に加え、判例に関する現地セミナーを合計 4 回開催している。

¹⁷ 出所：SPC への質問票の結果

8. 整理された国際的な民事紛争解決に向けた実務上の問題点について、法規範文書への反映及び/又は実務の改善に向けた取組が行われる。	(進捗中) SPC では、実施されたセミナーの結果に基づき、関連法規範文書の起草に向けた提言の作成を計画している。
11.SPC の開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。	(進捗中) 年間活動計画に基づき、前半の協力期間中に、年平均7回の研修活動を実施した。
12. 実施されたセミナーにおいて扱われた内容について、法規範文書への反映及び/又は実務の改善に向けた取組が行われる。	(進捗中) 2015年の判例制度の導入に向けた支援に加え、プロジェクトでは、争訟原則に関する技術的助言及び情報を提供した。また、SPC との共同活動の成果品として争訟原則に関する書籍を出版している ¹⁸ 。

(4) 最高人民検察院 (SPP)

1) 進捗状況

【1年目:2015年】

初年度のプロジェクト活動において SPP は、本庁及びハイフォン人民検察院をはじめとする地方部の人民検察院関係者に対して、改正刑法、改正刑事訴訟法及び 2014 年人民検察院組織法¹⁹に関する意見聴取セミナーや、刑事、民事、行政、貿易及び労働分野、国際法に関する検察官のスキルアップ研修を実施した。プロジェクトでは、SPP の要請に基づき、技術的助言及び関連情報を提供した。

【2年目:2016】

プロジェクトでは、SPP による1)2015年の改正法の普及、2)捜査や裁判分野、刑事・民事事件の執行分野における検察官の能力向上、3)オーディオやビデオ録音・録画、法人の刑事責任に関する新制度や検察官や査察官の育成に関する日本の経験への理解向上に対する継続的な活動を支援した。この間のプロジェクトによる支援は、技術的助言の提供、情報や日本の経験の共有など、方向性示唆型の支援が中心であった。

【3年目:2017年】

前年度に続きプロジェクトでは、民事訴訟法をはじめとする改正法についての理解の向上及び検察官の実務スキルアップを目的とした SPP による研修活動を支援した。2017年度は、改正法の普及というよりもむしろそれらの運用に焦点があてられた。そのため、法律の運用・適用の際に問題となる可能性が高い事項について、技術的助言を提供したり、日本の経験や情報を関係者と共有する場を多く設けた。

¹⁸ 出所:プロジェクト専門家向け質問票調査結果

¹⁹ 人民検察院組織法は、2014年11月、刑事訴訟法は、2018年1月に施行された。人民検察院組織法の制定のより、人民検察院の構造が、これまでの3層(SPP、省級、県級)構造から、4層(SPP、高級、省級、県級)へと変更された。

2) 達成状況

本成果の達成を図る指標のうち、SPPの活動に関連するものは合計4指標設定されている。本調査の結果、それら4指標のうち1指標が達成、残る指標については順調な進捗が確認された。下表がその概要である。

<p>1. 各機関が作成する計画が、以下の点を考慮して作成されている。</p> <ul style="list-style-type: none"> ➤ 各機関における、2020年の法・司法改革の実現の観点からのレビュー ➤ 各機関における、前年度までの活動の分析 ➤ 各機関における、目標年度を見据えた明確なプロセス ➤ 各機関における、2020年の法・司法改革の実現の観点からの優先順位付け 	<p>(進捗中)</p> <p>SPPでは、プロジェクト専門家と協議を行い、1) 第48号及び第49号決議における政策優先項目、2) 当該セクター及び業務に関する検事総長の指示事項、3) SPP本庁及び地方の人民検察院の関連部局における情報及びニーズ、4) 研修受講者からのコメント等以下に基づきプロジェクトの年間活動計画を策定している²⁰。</p>
<p>3. 改正刑事訴訟法の草案が、以下の点を考慮したものに改善される</p> <ul style="list-style-type: none"> ➤ 2013年憲法並びに第48号及び第49号決議の内容 ➤ 実務上の問題点 ➤ 人権に対するより一層の配慮 	<p>(達成)</p> <p>改正刑事訴訟法は、2015年11月に国会にて採択されたが、前述のとおり、改正刑法及び刑事訴訟法中の条文にミスが見つかり、再審議の措置が講じられた。これにより、これらの法律の施行は2018年1月に順延された。刑事訴訟法の特徴を以下に示す。</p> <p>(刑事訴訟法)</p> <p>検察業務における効率化及び透明化を図っていくための公民権及び人権への配慮、保護、確保に関する基本原則の規定の追加、裁判における争訟原則の確保、捜査・取り調べにおける脅迫・拷問に対する明確な手続、刑事手続における国際協力。</p> <p>改定刑事訴訟法は、左記の点を考慮した内容に改善されたと判断できる。</p>
<p>13. SPPの開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。</p>	<p>(進捗中)</p> <p>SPPは、年間計画に基づき、協力期間を通じ、検察官のスキルアップや理解向上を目的とした活動を合計40回実施した。セミナーや研修で取り上げられたテーマは、その時々SPPにおけるニーズ、PDMのプロジェクト目標や上位目標を考慮の上決定された²¹。</p>
<p>14. 実施されたセミナーにおいて扱われた内容について、法規範文書への反映及び/又は実務の改善に向けた取組が行われる。</p>	<p>(進捗中)</p> <p>SPPでは、将来的な法案起草、法規範文書、刑事訴訟法の適用に関するガイドラインの作成を考慮し、セミナーや研修中に受講者から出された意見、アイデア、提案事項を報告書にとりま</p>

²⁰ 出所：2018年1月11日SPPへのインタビュー調査結果

²¹ SPPは、引き続きハイフォン地方検察院が検察官能力コンテストという名の下で実施する模擬裁判の実施を支援している。この活動は、2012年の本邦研修で見聞した日本の模擬裁判を参考に、ハイフォン地方検察院において、2013年から若手検察官の公判活動の研修や能力評価の手法として取り入れた活動である。

	<p>とめ、研修終了後、SPP 上層部及び関係部局に提出している。研修報告書は、省以下の職員向けに研修を実施する省人民検察院にも共有されている²²。また、セミナーやワークショップで得た知見及び情報については、SPP のホームページにも掲載されている。なお、SPP では、検察官の実務改善に向け、現在、公安当局と共に捜査・取り調べにおける録音・録画制度の実施に関する省令制定作業を進めている。</p>
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(5) ベトナム弁護士連合会 (VBF)

1) 進捗状況

【1年目:2015年】

地方弁護士会の組織体制及び弁護士業務に関する実態調査を各地で実施した。プロジェクト専門家は、各地で開催されたこれらの調査やヒアリングに同行し、VBF の活動現況についての知見を深めた。また、この時期プロジェクトでは、上記の活動で得られた情報や知識を元に、VBFメンバーと協力し、弁護士向けの業務マニュアル(弁護士マニュアル)の作成に向けた作業を開始した。

【2年目:2016】

VBF では、引き続き地方での弁護士活動についての調査を始め、2015 年刑法、民事訴訟法についての改正ポイントの解説、弁護士倫理、判例制度に関する活動を実施した。2 年目の活動では、前年より作業を開始した弁護士マニュアルの構成等に関し、関係者から意見を聴取した。

【3年目:2017】

VBF では、弁護士マニュアル²³の作成作業を継続し、この時期、3 巻中 2 巻についての作成作業を実施した。その結果、2017 年中に弁護士マニュアル(全 3 巻)が完成した。このほかに、プロジェクトでは、この間、日本から短期専門家を招き、地方で当番弁護士に関するセミナーを開催している。

2) 達成状況

本成果の達成を図る指標のうち、VBFの活動に関連するものは合計6指標設定されている。本調査の結果、それら6指標のうち2指標が達成、残る指標については順調な進捗が確認された。下表がその概要である。

²² SPP では、TV 会議システムを導入しており、地方人民検察院への情報共有を図っている。

²³ 弁護士マニュアルは、1 巻「弁護士及び弁護士業」、2 巻「刑事、行政、民事訴訟における弁護士職のスキル」、3 巻「投資、経済、商業の領域における相談(諮問)の弁護士職のスキル」の 3 巻構成である(出所:プロジェクト提供資料)。

<p>1. 各機関が作成する計画が、以下の点を考慮して作成されている。</p> <ul style="list-style-type: none"> ➤ 各機関における、2020年の法・司法改革の実現の観点からのレビュー ➤ 各機関における、前年度までの活動の分析 ➤ 各機関における、目標年度を見据えた明確なプロセス ➤ 各機関における、2020年の法・司法改革の実現の観点からの優先順位付け 	<p>(進捗中)</p> <p>VBFでは、プロジェクト専門家と協議を行い、1)No. 48号及びNo.49号決議等における政策優先項目、2)過去に実施した活動で得られた情報、3)VBFの責務などに基づき、プロジェクトの年間活動計画を策定している。</p>
<p>15. VBFの開催するセミナーや研修等が、法整備や現場の課題(特に人権保護及び司法アクセスに関する課題)を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。</p>	<p>(進捗中)</p> <p>VBFではプロジェクトの協力の下、1年目の活動として地方での弁護士活動及び弁護士自治に関する調査を実施したほか、その後も、ハノイやその他の地域において、数々のセミナーや研修活動を実施している。これらの活動には、SPPとSPCが共同で開催した争訟原則に関するセミナーやVBFによる弁護士マニュアル作成の活動も含まれる。</p>
<p>16. 実施されたセミナーや研修において扱われた内容について、弁護士マニュアルやガイドライン等への反映及び/又は実務の改善に向けた取組が行われる。</p>	<p>(進捗中)</p> <p>マニュアル作成に向けたワークショップの結果や参加者から出された意見は、2017年に完成した弁護士マニュアルに反映されている。</p>
<p>17. 弁護士マニュアルやガイドライン等が以下の点を考慮して作成されている。</p> <ul style="list-style-type: none"> ➤ 人権保護と司法アクセスの向上への貢献 ➤ 2013年憲法並びに第48号及び第49号決議の内容 ➤ 国民に対する法的サービスの充実 ➤ 実務上の問題点 	<p>(達成)</p> <p>上述のとおり、VBFでは2017年中に弁護士マニュアルの作成を終了している。これは、司法省が10年以上前に作成したマニュアルに代わるものである²⁴。本調査時点で、VBFは各巻1,700部を印刷済みであった。</p>
<p>18. 弁護士マニュアルやガイドライン等が、弁護士が活用できる状態に置かれている。</p>	<p>(達成)</p> <p>本調査時点で、印刷済みの1,700部は以下の関係者に配布済みである²⁵。</p> <ol style="list-style-type: none"> 1) 弁護士会メンバー:各メンバー1部 2) 63の地方弁護士会:8メンバーに1部 3) 中央関係機関、関係省庁:各1部 4) マニュアル執筆者:各1部 5) マニュアル作成委員会メンバー:各1部 6) 関係メディア:各1部
<p>19. 弁護士が、弁護士マニュアルやガイドライン等を活用して業務を行っている。</p>	<p>(進捗中)</p> <p>上記のとおり、マニュアルは既に関係者・メンバーに配布済みであり、弁護士が日々の業務において活用しているとの報告が挙げられている。マニュアル活用における効果を測定していくためにも、定期的なモニタリングの実施が求められる。</p>

²⁴ 出所: 第2回JCC会合議事録(2016年4月開催)

²⁵ 出所: VBFへの質問票の結果

(6) 成果2に関する課題

【MOJ】

- 法令起草に関する明確な支援の方向性
本プロジェクトによる起草支援については、2年目の活動において、成果1の活動に関連づけることを決定した。その決定に従い、成果2の活動において「財産登記法」に関する起草支援に焦点が移された。しかし、その後2018年度の立法計画には同法が含まれないことが明らかとなり、今後の法令起草支援に対する支援の方向性が不透明となっている。
- 統一的な活動の実施
本成果の活動に関しては、数多くの実施機関が関与しており、各機関が、法令起草、理解の促進、能力強化に向けた個別の活動を多数実施しているが、テーマや対象が多岐広範に及んでいる。

【SPC】

- 支援対象の明確化
前半のプロジェクト期間で対応していた判例制度や民事・行政・刑事手続きへの支援については、法的判断能力、事実認定能力など裁判実務能力の基盤整備に大きく寄与した。一方で、プロジェクト活動の結果、期待される達成レベルを明確に設定するなど、改善の余地が認められる。

【SPP】

- プロジェクト活動で得られた知識及び情報の活用
プロジェクト活動で得られた知識や情報は、TV 会議システムを通じて、研修に参加していない層に対して共有されているが、それらの情報が実際にどの程度活用されているのかを把握していく必要がある。

【VBF】

- 財政不足
VBFの慢性的な財政事情が、活動の本格的実施に影響を及ぼしている。

【共通課題】

- プロジェクト専門家のより深い関与
過去2年余りのプロジェクト専門家の活動への関与の範囲は、セミナーやワークショップへの参加を通じた情報及び資料提供や助言の提供に留まっていた²⁶。本調査期間中のインタビューでは、「専門家の関与の度合いは、活動の効果の度合いに比例する」など、専門家のより深い関わりを期待する声が聞かれた。
- 成果と指標との関連性
成果2の達成状況を測るために事前に設定された指標は、曖昧な表現が多く、成果の達成状況(レベル)を検証することが困難となっている。

²⁶ 改正刑法及び改正刑事訴訟法の制定時期の順延が2016年のSPPに関する活動に影響を及ぼした。

3-2-3 成果3

(1) 背景

成果3は、プロジェクトが終了する 2020 年以降もベトナム側が継続的に活動を実施していけるよう、2021 年以降に各機関が取り組むべき活動を分析・検討するための技術的サポートとして設定されたものである。

(2) 進捗状況

成果 3 に関する活動は、後半のプロジェクトの活動として想定されていることから、本調査時点で進捗は見られなかった。

<p>成果3 各機関において、①法規範文書の起草・審査・監査・監督、②法規範文書の適切な理解の促進及び統一的な運用に向けた助言・指導、並びに③法規範文書の適切な理解に基づいた裁判・執行実務の実現に向けた助言・指導に関する業務を改善するための、2021 年以降に各機関が実施すべき活動が、本プロジェクトの成果を踏まえて分析・検討される。</p>	
<p>1. 各機関の分析が、以下の点を考慮して実施される。</p> <ul style="list-style-type: none"> ➤ 法の統一的な適用及び執行の確保に向けた取組 ➤ 各種紛争が適切に解決される仕組みの整備に向けた取組 ➤ 人権を重視した適正な手続の実現に向けた取組 ➤ 司法アクセスの強化に向けた取組 	<p>【具体的な成果発現は認められない】 上記のとおり、本指標に関連する活動は、後半のプロジェクト活動として計画されていることから、現時点で、本指標に関して、具体的な成果の発現は見られない。</p>

3-3 プロジェクト目標の達成の見込み

本調査時点で、プロジェクト目標を測る指標として PDM 中に設定されている 11 の指標のうち、4 指標について進捗が確認された。民事訴訟、行政訴訟、刑事訴訟等に関する指標については、法令が制定されてまだ日が浅く、成果発現には更なる時間を要すものとする。

<p>【プロジェクト目標】 2013 年憲法並びに第 48 号決議及び第 49 号決議(*1)の趣旨に従い、法規範文書相互の不整合の抑制・是正、並びに法規範文書の適切な理解の促進及び統一的な運用・適用の実現を図るための法務・司法関係機関(*2)の組織的な能力が向上し、適正かつ効率的な法規範文書の運用・適用の基盤が整備される。*MOJ, OOG, SPC, SPP and VBF</p>	
<p>(指標) 1. MOJ における法規範文書の事前審査プロセスが、以下の点を考慮したものに改善される。</p> <ul style="list-style-type: none"> ➤ より幅広い利害関係者からの意見を踏まえている。 ➤ 運用・適用段階における留意点が考慮されている。 ➤ 法規範文書の整合性確保の視点からの審査が行われている。 ➤ 法規範文書の統一的な運用・適用の実現の視点からの審査が行われている。 	<p>(進捗中) 本調査時点で、プロジェクト活動の結果、いくつかの法規範文書の内容が改善したという報告はあるものの、具体的なデータや情報を入手することはできなかった。達成状況を具体的に測定していくためには、客観的な指標の設定が必要である。</p>
<p>2. MOJ における法規範文書等の事後監査プロセスが、以下の点を考慮したものに改善される。</p>	<p>(進捗中) 上記の指標同様、プロジェクト活動の結果、以下の点において効果発現が認められたとの報告は</p>

<ul style="list-style-type: none"> ➤ より幅広い利害関係者からの意見を踏まえている。 ➤ 法規範文書の不統一な運用・適用の状況及び原因が分析されている。 ➤ 法規範文書の不統一な運用・適用の原因を踏まえた改善策が検討され、改善策を実施するための必要な措置が行われている。 	<p>挙げられているものの、本調査期間中に、具体的なデータや情報は入手することができなかった²⁷。</p> <p>1) BPR における法規範文書の事後審査を担当する職員の能力が向上した、 2) 事後審査において違法の法規範文書の発見件数が増加した、 3) 違法と判断された法規範文書の処理が迅速に行われた。</p> <p>達成状況を測定するために、客観的な指標設定が必要である。</p>
<p>3. MOJ における法規範文書等の整備・運用状況の監督が、以下の点を考慮したものに改善される。</p> <ul style="list-style-type: none"> ➤ より幅広い利害関係者からの意見を踏まえている。 ➤ 法規範文書の不統一な運用・適用の状況及びその原因となる法規範文書の未整備の実態が分析されている。 ➤ 法規範文書の不統一な運用・適用の原因となる法規範文書の未整備を改善するための必要な措置が行われている。 	<p>(進捗中)</p> <p>プロジェクト活動で習得した知識を基に、BLEM は、法令施行する前に行うべき活動を整理した提案書を政府に提出した。また、今後の法施行状況のモニタリング活動の更なる改善をはかっていくために、BLEM では、1) 法規範文書施行法の制定に向けた提案書の提出に向けた政策分析及び調査研究活動の実施、2) 法施行監視マニュアルの作成を計画している²⁸。</p>
<p>4. OOG における法規範文書の事前検討プロセスが以下の点を考慮したものに改善される。</p> <ul style="list-style-type: none"> ➤ 関係者間の調整が強化されている。 ➤ より幅広い利害関係者からの意見を踏まえている。 ➤ 運用・適用段階における留意点を考慮している。 ➤ 法規範文書の整合性確保の視点からの検討が行われている。 ➤ 法規範文書の統一的な運用・適用の実現の視点からの検討が行われている。 	<p>(進捗中)</p> <p>プロジェクト期間中に実施したセミナーやワークショップへの参加を通じ、OOG における法規範文書の審査担当職員の能力は向上したとの報告が挙げられているが²⁹、本調査期間中に、それを証明するための具体的なデータや情報を入手することはできなかった。指標の達成状況をはかるためには、客観的なデータの設定が必要となる。</p>
<p>5. 法規範文書の起草・実施に関して、政府・首相が監督、指導、事前検討を行う際に、OOG がより良い支援を行えるようになる。</p>	<p>(評価不可能)</p> <p>本調査時点で、プロジェクト活動の結果、「OOG がより良い支援を行えるようになった」ということを証明する具体的な成果は確認することはできなかった。本指標については、プロジェクト開始当時のベースラインデータが必要となるが、それらのデータや情報が確認できず、よって、プロジェクト活動の実施による能力の向上レベルを評価することは困難であった。設定指標の改善が求められる。</p>
<p>6. 工程表に基づいて、民事事件解決手続の改善が行われる。</p> <ul style="list-style-type: none"> ➤ SPC が透明性の高い適切な手続きを実施し、審理における法令の統一的な適用に貢献する。 	<p>(時期尚早)</p> <p>本調査時点で、プロジェクト活動の結果発現した成果は認められなかった。「工程表」(work plan) が示すものが何かを始め、指標設定において改善の余地がある。</p>

²⁷ 出所: 司法省(BPR)へのインタビュー調査結果(2018年1月12日)

²⁸ 出所: 司法省(BLEM)へのインタビュー調査結果(2018年1月12日)

²⁹ 出所: OOG へのインタビュー調査結果(2018年1月10日)

<ul style="list-style-type: none"> ➤ SPP が、法令の厳正かつ統一的な執行の保証に貢献する。 ➤ VBF が、調和の取れた法令の統一的な適用、人権保護および司法アクセスの向上に貢献する。 	
<p>7. 工程表に基づいて、行政事件解決手続の改善が行われる。</p> <ul style="list-style-type: none"> ➤ SPC が透明性の高い適切な手続を実施し、審理における法令の統一的な適用に貢献する。 ➤ SPP が、法令の厳正かつ統一的な執行の保証に貢献する。 ➤ SPP が、法令の厳正かつ統一的な執行の保証に貢献する。 	<p>(時期尚早) 上記の指標同様、本調査時点で、プロジェクト活動の結果発現した成果は認められなかった。「工程表」(work plan)が示すものが何かを始め、指標設定において改善の余地が認められる。</p>
<p>8. 工程表に基づいて、刑事事件解決手続の改善が行われる。</p> <ul style="list-style-type: none"> ➤ SPC が透明性の高い適切な手続を実施し、審理における法令の統一的な適用に貢献する。 ➤ SPP が、法令の厳正かつ統一的な執行の保証に貢献する。 ➤ VBF が、調和の取れた法令の統一的な適用、人権保護および司法アクセスの向上に貢献する。 	<p>(時期尚早) 上記の指標同様、本調査時点で、プロジェクト活動の結果発現した成果は認められなかった。「工程表」(work plan)が示すものが何かを始め、指標設定において改善の余地が認められる。</p>
<p>9. 改正民事訴訟法において改正された内容が、民事裁判において適切に運用されている。</p>	<p>(時期尚早) 改正民事訴訟法は 2016 年 7 月に施行されたが、施行からまだ日が浅く、実際の裁判における運用状況の適切性について、現段階で判断することはできなかった。また、指標とプロジェクトが支援対象としてきた／している／する予定の分野との関連性を再確認する必要がある。</p>
<p>10. 改正行政事件訴訟法において改正された内容が、行政裁判において適切に運用されている。</p>	<p>(時期尚早) 上記の指標同様、改正行政事件訴訟法は 2016 年 7 月に施行されたばかりであり、施行されてまだ日が浅い。よって、実際の裁判における運用状況の適切性につき、判断するには時期尚早と判断した。指標とプロジェクトが支援対象としてきた／している／する予定の分野との関連性を再確認する必要がある。</p>
<p>11. 改正刑事訴訟法において改正された内容が、刑事裁判において適切に運用されている。</p>	<p>(時期尚早) 上記 2 指標と同様、改正刑事訴訟法は 2018 年 1 月に施行されたばかりであり、本調査時点で、約 2 週間が経過したところである。よって、指標の達成状況の測定は時期尚早といえる。また、指標とプロジェクトが支援対象としてきた／している／する予定の分野との関連性を再確認する必要がある。</p>

3-4 上位目標達成の見込み

上位目標とは、プロジェクト完了後 3 年から 5 年後に発現が期待されるプラスのアウトカム(成果)を指している。調査団では、中間レビュー調査期間中に上位目標の指標の基礎情報及び関連データを収集した。詳細は下表のとおり。

【上位目標】 整合性が確保された法規範文書を土台とした、予測可能性があり、かつ信頼性の高い法・司法制度の整備が図られ、ベトナムの成長・発展を支える社会基盤の構築が促進される。	
(指標)	法の支配に関する World Justice Project のインデックスによれば、2015 年と 2016 年との比較では、他の項目については、横這いまたは順位が下がっているものの、「政府権力の制約」における躍進が称賛されている ³⁰ (下表)。
5. 国際機関等が公表している法務・司法に関する国際比較指標が、プロジェクト開始時と比較して改善する。	
6. 国際機関等が公表している弁護士業務に関する国際比較指標が、プロジェクト開始時と比較して改善する。1. 国際機関等が公表している法務・司法に関する国際比較指標が、プロジェクト開始時と比較して改善する。	当該データの入手は困難であった。
7. 改善された事前審査プロセス ³¹ に則った法規範文書の事前審査 ³² が実施される。	前審査プロセスの改善に向けた活動は現在進行中であり、現時点で具体的な成果は発現していない。
8. 改善された事後監査プロセスに則った法規範文書の事後監査が実施される。	同上

表 10 法の支配ランキングにおけるベトナムの順位

カテゴリー	2015 年	2016 年
政府権力の制約 (Constraints on Government Powers)	85/102	81/113
汚職の根絶 (Absence of Corruption)	56/102	67/113
開かれた政府 (Open Government)	86/102	92/113
基本的人権 (Fundamental Rights)	69/102	68/113
秩序と安全 (Order and Security)	35/102	35/113
規制の執行 (Regulatory Enforcement)	85/102	91/113
民事司法 (Civil Justice)	76/102	80/113
刑事司法 (Criminal Justice)	39/102	51/113
世界ランキング	64/102	67/113

³⁰ベトナムの世界ランキングは、2015 年に 102 か国中 64 位であったものが、本調査時点(2016 年データ)では、113 か国中 67 位と推移している。2016 年の順位は、2016 年に新たに追加された 11 か国を含むものであり、総合順位のみでベトナムにおける法の支配の改善と後退を判断することは難しい。

https://worldjusticeproject.org/sites/default/files/documents/ROLIndex_2016_Vietnam_eng%20%281%29.pdf (2018 年 1 月閲覧)

<https://worldjusticeproject.org/our-work/wjp-rule-law-index/wjp-rule-law-index-2016> (2018 年 1 月閲覧)

³¹ MOJ における「審査」(Review)については、法規範文書発行法(No. 17/2008/QH12)の 36 条及び 63 条に規定されている。

³² OOG における「審査」(Verification)については、省令 No. 74/2012/ND-CP の 2 条、省令 No. 08/2012/ND-CP (仮訳:法規範文書発行法の実施のための詳細措置)の 17 条に規定されている。

(出所: World Justice Project on Rule of Law Index 2015 and 2016)

* ベトナムの順位/総数

3-5 実施プロセス

(1) モニタリング

PDM 及び PO(活動計画)に基づきプロジェクト側が、プロジェクト活動全体の進捗状況をモニタリングしている。本プロジェクトでは、PDMとは別に、プロジェクトの枠組みに即した形で実施機関別に独自の年間活動計画を策定した上で、個々の機関別に活動を実施している。それらの活動は、カウンターパート職員とプロジェクト専門家の日々のコミュニケーションを通じて管理されている。

また、全体の活動については、そのモニタリング結果が、JICA 指定のモニタリングシートに取りまとめられ、毎年 1 回プロジェクトとカウンターパート機関との間で開催される合同調整委員会(以下、「JCC」という)において報告されている。JCC 会合はこれまで当地において、合計 3 回(第 1 回 JCC:2015 年 10 月、第 2 回 JCC:2016 年 4 月、第 3 回 JCC:2017 年 4 月)開催されている。同会議において、カウンターパート機関内部の手続き面における問題以外、特段問題は報告されていない。

表 11 JCC の実施概要

回数	年月日	議題
1	2015 年 10 月 19 日	過去 6 カ月の活動進捗状況の報告、今後 6 カ月の活動計画の共有、プロジェクト活動に関連した緊急に対応すべき課題についての意見交換。
2	2016 年 4 月 21 日	過去 6 カ月の活動進捗状況の報告、各実施機関により策定された 2 年目の年間活動計画の承認、プロジェクト活動に関連した緊急に対応すべき課題についての意見交換。
3	2017 年 4 月 14 日	過去 1 年間の活動進捗状況の報告、各実施機関により策定された 3 年目の年間活動計画の承認、成果 1 の支援(活動)の方向性に関する課題についての意見交換。

出所: プロジェクト事務所提供情報

(2) コミュニケーション

質問票調査の結果からも、プロジェクト専門家とベトナム側のカウンターパート職員との間のコミュニケーションは概して良好であるといえる。しかし、本調査期間中には、内部のコミュニケーション(特に情報共有)については、活動実施の過程でしばしば問題となっていたようであり、必ずしも円滑に行われていたとはいえない部分も認められた。これは、多数の部局や実施機関がプロジェクト活動に関与しており、また、数多くの専門家が、大凡 2 年の任期で着任・離任を繰り返していることに起因するものと考えられる。この他にも、プロジェクトの枠組みやプロジェクト目標についての理解が十分に伴っておらず、プロジェクト活動の効果的実施に影響を及ぼしたという意見も聞かれた。

(3) プロジェクト活動に対する主体性

カウンターパート機関は、それぞれが強い責任感を持ちプロジェクト活動に関与している。質問票調査の結果においても、実施機関のプロジェクト活動に対する主体性は、プロジェクト開始当初と比較して、維持されている、または増加しているとの回答が多く寄せられた。

第4章 5 項目評価による評価結果³³

4-1 妥当性

本プロジェクトの妥当性は、ベトナム及びわが国の政策との整合性においては「高い」が、プロジェクト計画については、現時点では大きな課題あり(低い)と判断した。

(1) ベトナムの国家政策との整合性

ベトナム政府は、2005年5月に政府局決議48NQ/TW号「2010年までのベトナム法律システムの構築と整備のための戦略及び2020年までの方針について」(48号決議)を制定し、その中で、ベトナムが今後進むべき法治国家への移行と市場経済体制の導入、確立という目標を掲げ、2010年までのベトナムにおける法律システムの構築と整備のための戦略、及び2020年までの法整備、法運用体制当の改善に関する方針を明記している。また、同年6月に制定された49NQ/TW号「2020年までの司法改革戦略について」(49号決議)では、司法分野の改革と改善を国家の重要政策として位置づけ、2020年までの中長期的展望として、「法治国家の構築」に向けた「法の支配」を掲げている。そこでは、司法改革の方向性として、1) 民事刑事ともに法整備と法律体系を構築すること、2) 裁判所を中心とする合理的な司法機関を形成すること、3) 能力ある司法関係者の養成、4) 国民、世論による司法活動の監督強化を挙げている。さらに、2011年にベトナム政府が作成した「2011～2020年 社会経済開発戦略」では、「5. 国家の管理効率の向上」において、法律および司法改革及び司法制度の質的向上に向けた継続した活動実施を提唱している³⁴。

本プロジェクトは、5年間の協力を通じ、法令間の整合性の確保、それら法規範文書への適切な理解の促進と法令の統一的な運用・適用を促していくことで、法務・司法関係機関の組織的な能力の強化を目指しており、ベトナム政府が掲げる当該分野における政策を後押しするものである。

(2) ベトナムにおけるニーズとの整合性

本プロジェクトは、ベトナム国内におけるニーズにも合致している。

2015年にJETROが実施した日系企業実体調査の結果によれば、「法制度の未整備・不透明な運用」が、ベトナムにおける日系企業が日々のビジネス及び投資活動において直面する主要な

³³ 本評価は、各機関によって実施された活動に対する個別の評価ではなく、プロジェクト全体の活動実施状況を総合的に評価するものである。評価レベルを示すものとして、評価の便宜上、1) 高い、2) 比較的高い、3) 中程度、4) やや低い、5) 低いという5段階の基準を設定した。

³⁴ 同戦略は、次の6章で構成されている。1章: 国家の状況及び国際情勢、2章: 発展の観点、3章: 戦略的目標及び飛躍する時期、4章: 発展の指向、成長形態の改革、経済の再構築、5章: 国家の管理効率の向上、6章: 戦略の実施。

リスクとして取り上げられている(リスクの上位2位)。また、ベトナムでは、重要な法令についてはすでに幾度かの改正を繰り返している程度整備が進んでいる一方、施行時に関連する下位規範が制定されていない、実現可能性(実効性、予算)が伴っていない、法令間の不整合があるなど、その運用・適用に課題も多い。

本プロジェクトは、法規範文書の整合性確保や、法令起草及び施行能力強化の問題に対応するものである。よって、プロジェクトの支援の方向性は、ベトナム社会及び政府におけるニーズへの対応として適切といえる。

(3) 日本の援助政策との整合性

本プロジェクトは、我が国が掲げる援助政策及び戦略に合致した活動である。

わが国の対ベトナム政策は、詳細計画策定調査時から変更はなく、「対ベトナム国別援助方針」(2012)が現在も有効である。同方針では、「経済開発と社会開発のバランスの取れた国造り支援」という基本方針を掲げ、この方針を実現していくための具体的な方法として、3つの重点分野を設定している。そのうちの一つが、「ガバナンス強化」であり、その中で、「法制度の整備・執行能力の強化や、行政の公正性、公平性、中立性、透明性の確保など、ベトナムの司法・行政機能強化のための取組を支援していく」ことを明示している。特に、法司法分野への支援については、同方針の別添ローリングプランにおいて、法令起草の改善、法運用に必要な制度の構築・改善、法運用能力の向上、法に関する情報の普及や司法へのアクセスの改善に対する支援などを、有機的に相互連携させながら実施するとしている。

また、「法制度整備支援に関する基本方針」(2013)も計画時から変更はなく、「基本法及び経済法の関連分野において積極的な法制度整備及び運用の支援を行う」が基本方針として定められている。

(4) 日本政府による支援の優位性

わが国は、1990年代から約20年もの間ベトナム法・司法分野への支援を継続的に実施しており、当該分野が直面している課題に対すして豊富な知見を有している。こうした長年にわたる協力関係により、専門家による現地での技術指導だけでなく、日本国内のアドバイザーグループによる支援体制も整備されている。また、現地でのプロジェクト活動と本邦研修との有機的な連携体制も構築されている。こうした一体的な取り組みは、わが国の、特に当該分野における技術協力プロジェクトの強みといえる。

(5) プロジェクト計画の適切性

本プロジェクトは、ベトナム政府の政策だけでなく、当該分野の課題やニーズを踏まえた事業計画となっている。一方で、プロジェクト目標や成果の表記が包括的であることも事実である。これは、プロジェクト活動に対して、それぞれの関係機関(カウンターパート機関)が同程度で関与していけるよう、計画段階で、それぞれのカウンターパート機関に関わる成果を全て計画に落とし込む必要があったためと考えられる。しかしながら、プロジェクト活動の進捗に伴い、そのプロジェクトの

包括性が故に目指すべきところが曖昧となり、場当たりの活動の実施という結果を招く原因の一つとなっている。また、上記「3. プロジェクトの達成状況」に記したとおり、成果1、成果2及びプロジェクト目標の達成状況を測るための指標のいくつかは、定義が曖昧であり、プロジェクトの評価を行う上で、更なる検証を必要としている。

4-2 有効性

本調査時点でのプロジェクト目標の達成状況に鑑み、本プロジェクトの有効性は、“やや低い”と判断した。

(1) プロジェクト目標の達成状況

上述「3.3 プロジェクト目標の達成状況」に記載のとおり、プロジェクト目標の達成を測るための指標として PDM 中に設定された 11 の指標のうち 4 指標において成果発現の兆しが認められた。このことから、法務・司法関係機関の法規範文書相互の不整合の抑制・是正、法規範文書の適切な理解の促進、さらには統一的な運用・適用の実現を図るための法務・司法関係機関の組織力の向上というプロジェクト目標の達成に向け着実に進捗していると判断できる。プロジェクト目標の達成には、成果の達成状況が直接的な影響を及ぼすことになる。したがって、プロジェクト終了までにプロジェクトが計画している活動を全て実施し、それにより期待される成果が全て発現すれば、プロジェクト目標は達成される可能性は高い。

また、プロジェクト専門家からカウンターパート職員への技術移転についても、円滑に進められてきたといえるが、一方で課題も認められる。前述のとおり、プロジェクトでは、各実施機関が作成する年間活動計画に基づいて多岐に渡る分野について数多くの活動を実施している。しかし、それらの多くが、実施機関の要請に基づくものであり、いわば場当たりの実施となっている。そのような状況では、プロジェクト専門家の各種活動への関与の度合いは限定的にならざるを得ず、結果として、プロジェクト効果(有効性)の発現に影響を及ぼしており、限られたリソースを用いてどのようにプロジェクト効果を最大化していけるかが今後の課題となっている。こうした現状に鑑み、プロジェクトでは、今後の協力の方向性を検討し、残りの協力期間においてより重視すべき分野の絞り込みを図るなど、プロジェクト専門家の関与の度合いを高めていけるような環境の整備が求められている。

(2) 外部条件

本プロジェクトでは、1) 法規範文書の整合性の確保に向けた MOJ 及び OOG の取組が継続して行われる、2) 法・司法改革に向けた政策的な枠組みに従った法務・司法関係機関の取組が継続して行われるという点を、プロジェクト活動に影響を及ぼす可能性のある要因、すなわち外部条件として取り上げている。これに関し、本調査時点で、プロジェクト開始以降、特段大きな問題の発生は認められなかった。

4-3 効率性

本プロジェクトの効率性は、以下の事実に基づき、「中程度」と判断した。

(1) 成果の達成状況

プロジェクトの活動は、各実施機関が年始に作成した年間活動計画に基づき実施されてきた。上述「3-2 成果の達成状況」に記したとおり、成果3については、現時点での成果発現は認められなかったものの、成果1については、7指標中3指標において進捗が確認され、成果2については、成果2についても全19指標において進捗が認められるなど、プロジェクトは、期待される成果発現に向けて、着実な進捗を見せている。

(2) 投入の量、質、タイミング

1) ベトナム側投入

2015年2月に署名されたR/Dにおいて合意されたベトナム側からの投入には、1)カウンターパートの配置、2)専門家の執務スペース及び必要な設備の提供、3)プロジェクト活動の実施経費の負担が挙げられていた。こうした計画に対し、ベトナム側では、プロジェクトダイレクター(1名)、プロジェクトマネジャー(4名)、各実施機関において任命されたワーキングメンバーを含む合計50名をカウンターパートとして任命した。専門家の執務スペースについては、当初ベトナム側からのインプットの一つと考えられていたが、実際には、日本側負担で手当されている。また、プロジェクト活動の実施経費の負担(コスト・シェア)については、本調査期間中に、OOG、SPC及びSPP等3機関からの支出状況を確認することができた。詳細は、上述「3-1 投入実績」を参照されたい

2) 日本側投入

R/Dによれば、日本側のインプットとして、1)専門家、2)研修、3)機材供与の3点が挙げられていた。本調査時点で、全投入が計画どおり執行されていることを確認した。カウンターパート職員及びプロジェクト専門家を含むプロジェクト関係者16名への質問票調査では、新しく赴任した専門家は現地の事情/状況把握やベトナム側との信頼関係構築にも時間を要することから、現地派遣期間をより長期に(延長)して欲しいとの声が聞かれたものの、専門家の派遣数、派遣のタイミングは適切であるという回答が寄せられた。また、前半の協力期間中に実施した本邦研修に関しては、質問票の回答者の7割が、研修数、タイミング、頻度、研修教材について「適切であった」と回答している。

(3) プロジェクト活動の効率性にプラスの影響を及ぼした要因

プロジェクト活動の効率性にプラスの影響を及ぼした要因として、以下の点を確認した。

(成果1及び成果2)

(a) 人的側面

- 専門家の豊富な知見及び実務経験
- 長期に渡る関係で築き上げられた日本及びベトナムの良好な関係
- 日本側ベトナム側双方の強いコミットメント(責任感)

(b) マネジメント側面

- プロジェクト目標や関係機関や社会のニーズに基づき作成された年間活動計画)の存在
- ベトナム国内での研修、本邦研修、専門家の個別指導など多様な支援

(成果2)

(a) マネジメント側面

- 各実施機関にある程度の裁量を与えた柔軟な実施運営管理
- 3年目からの内部の行政手続の簡素化
- 他の実施機関との意見交換を行うための定期会合の実施
- リーダーからの強いサポート

(4)プロジェクト活動の効率性にマイナスの影響を及ぼした要因

プロジェクト活動の効率的実施にマイナスの影響を及ぼした要因として、以下の点が確認された。

(成果1)

(a) マネジメント側面

- カウンターパートへの連絡手段が限定的。
これにより、対象機関が抱える問題や課題の十分な理解が困難であった。
- 組織内部での不十分な調整と報告

(b) その他の要因(より効果的な活動実施に向けたリクエスト)

- 日本や日本の経験に限定せず、多種多様な情報提供

(成果2)

(a) マネジメント側面

- 連続性のないアドホックな活動の実施
- 広範の活動
特定の課題に対する集中的な取り組みが困難となった。
- カウンターパートとプロジェクト専門家との間の活動実施のタイミング調整
- 複雑な行政手続

4-4 インパクト

未だプロジェクト実施期間中であり、実施によるインパクトの発現は最小限に留まっているものの、プロジェクト活動の実施を受け、実施機関による独自の取り組みも進みつつある。よって、本プロジェクトのインパクトは「やや低い」と評価した。

(1) 上位目標の達成の見込み

本調査時点で、プロジェクトはまだ実施段階にあり、活動の実施を通じて期待される成果の達成に向けた活動が進められている状況である。したがって、プロジェクトの実施によりもたらされるインパクトを評価するのは時期尚早である。しかし、プロジェクト目標が協力期間の終了までに成功裏に達成され、その後も実施機関により継続的に事業効果が維持・発現していくことで、プロジェクト終了後 3～5 年の間に、上位目標でもある「整合性が確保された法規範文書を土台とした、予測可能性があり、かつ信頼性の高い法・司法制度の整備が図られ、ベトナムの成長・発展を支える社会基盤の構築が促進される」可能性は高い。

プロジェクトが想定するインパクトを発現させるためには、法規範文書の整合性確保や統一的な法の適用に向けたカウンターパート機関相互の協力・連携体制の強化が必要である。また、プロジェクトでは、残りの協力期間を通じ、限られたリソースを用いてプロジェクト効果を最大化していく方法を検討していく必要がある。

(2) 副次的効果(スピノフ効果)

カウンターパート機関では、プロジェクト活動中または活動後に様々な議決や通達を作成しているが、こうした活動に加え、プロジェクトの活動終了後に、独自に数々の活動を実施していることも本調査により明らかとなった。

- プロジェクトでの活動後、法規範文書の審査プロセスに関する執務参考資料の作成、違法の法規範文書に関するガイドブックが作成された、または現在作成中である。
- 本邦研修への参加を通じて得た知識を元に、法規範文書の審査に関する条件や要件についての報告書を作成し、政府に提出している。

(3) マイナスのインパクト

本調査時点で、プロジェクトの実施によるマイナスのインパクトは認められない。

4-5 持続性

プロジェクト効果の持続性については、以下の理由から、「中程度」と判断した。

(1) 政策及び制度的側面(高い)

プロジェクトを取り巻く政策環境は、2015 年 4 月のプロジェクト開始時点から変更はない。これまで、第 48 号及び第 49 号決議がカウンターパート機関による政策実施の根幹として位置づけら

れており、長年、法・司法改革については内外から多くの注目を集めてきた。2014年3月12日には、ベトナム共産党中央委員会政治局により、決議No. 92号-KL/TWが制定され、その中で、2020年に向けた法・司法改革への継続的な取り組みについての指針が示されている。また、ベトナム政府は、その社会経済開発政策において、更なる社会経済の発展に向けた司法制度の効果及び質的向上の重要性も強調している。これらの政策による指針に基づき、プロジェクト実施機関は、職員の知識やスキルの向上、制度強化、さらには法規範文書の改訂を通じた組織力強化に向けたゆまぬ努力を続けている。司法改革を実現していくためのこうした取り組みは、今後も継続される見込みである。

以上より、プロジェクト活動及びプロジェクト活動により発現した効果は、今後も引き続きベトナム政府による指示が得られる可能性は高いといえる。

(2) 組織的側面(中程度)

法・司法関係機関の組織体体制について、プロジェクト開始時点から大きな変更はみられないが、プロジェクト開始以降、ベトナム側のイニシアティブの下で様々な形で改善が図られている。その一例が、人民裁判所の組織体制の改編である。人員体制に関しては、本調査時点で、大幅な職員の削減などは見られない。一方で、政府主導の下で行政改革が推し進められている状況においては、将来的な職員の増員の可能性は低い。これらの点から、プロジェクト効果の組織面における持続性は、「中程度」と判断した。

(3) 財政的側面(やや低い)

ベトナム法・司法分野には、JICA プロジェクトに加え、カナダの NLD プロジェクト、ドイツの GIZ による支援、アメリカによる GIG プロジェクト、韓国 KOICA が支援を行っている。こうした状況の下、本プロジェクトでは、2015年のプロジェクト開始に向けた R/D での合意事項に基づき、活動経費のコスト・シェアスキームを導入した。上記「3-1 投入実績」で記したとおり、プロジェクト活動は、JICA と実施機関とのコスト・シェアの下で実施されてきた。前半の活動における実施機関(OOG、SPC、SPP)による支払総額は、プロジェクトによる支出の3割程度³⁵に留まっているものの、過去の JICA 支援プロジェクトにおいて、全額プロジェクト負担であったことを考慮すれば、大きな一歩といえる。本調査時点での財政面における持続性は、高いとは言えないものの、今後の実施機関の全面的な対応による改善が期待される。

また、上述のとおり、プロジェクト活動は、これまでアドホックな形で進められており、故にプロジェクト活動による効果発現が限定的であったとの指摘がある。こうしたことが政府の財政面におけるバックアップの度合いにも影響を及ぼしている可能性も考えられる。今後、プロジェクト効果に対する財政的持続性を確保していくためには、課題の改善に向け継続的・集中的な取り組みを行っていくべき分野を特定し、それを年間活動計画に反映していく必要がある。また、それと同時に、活動やプロジェクト効果の継続性を担保していくための仕組みの構築、そのためのノウハウやプロセ

³⁵ OOG、SPC 及び SPP が提出したデータを元に算出。

スに対する助言の提供も必要であろう。

(4) 技術的側面(中程度)

「3-2 成果の達成状況」において述べたとおり、プロジェクトはこれまでベトナム国内及び日本におけるワークショップや研修を通じた能力強化に取り組んできた。これらの活動で得た知識やスキルは、実際の実務に活用されているとの報告が挙げられている。

将来の活動に向けて改善の余地はあるものの、ワークショップやセミナーの結果やそこで得られた知見は、各機関の上層部への報告にとどまらず、TV 会議システムやウェブサイトへの掲載など色々な媒体を通じて、他の職員に対する共有が図られている。また、プロジェクト活動への参加がきっかけとなり、マニュアル類が作成されるなど、職員の更なる能力強化に向け実施機関の自助努力による取り組みも始まっている。また、法令起草、法規範文書の審査、法令施行に関する活動については、今後プロジェクトから更なる支援実施も計画されている。こうした日本及びベトナム双方による継続的な活動の実施、プロジェクト効果の持続性に寄与するものである。

一方で、長期的な視点から技術面における持続性を確保していくためには、知識やスキルを組織レベルに蓄積していくことが重要である。そうしていくためにも、ある課題や問題に対してより深く調査・研究・分析する活動やスキルの定着のためのマニュアル作成等の活動実施の可能性を探っていく必要がある。

4-6 結論

評価結果に基づき、プロジェクト実施により期待される成果発現に向けた兆しが認められることから、調査団では、プロジェクトはその目標達成に向け着実に進捗していると結論づけた。一方で、プロジェクト目標の達成に向けて、PDM の改正やプロジェクト活動の戦略的なアプローチに基づく絞り込み等、今後対応すべき課題も認められた。評価 5 項目に基づく中間レビューの結果を下表に示す。

基準	評価	要約
妥当性	高い (政策的側面) 低い (プロジェクト計画)	プロジェクトは、ベトナム政府及び日本の政策に整合しているほか、ベトナムの法・司法分野のニーズにも合致している。一方で、プロジェクト目標や成果の記載が不明瞭な部分があり、測定指標が明確に定義づけられていないなど、プロジェクト計画には改善に向けた課題が認められた。
有効性	やや低い	プロジェクト目標に向けて進捗しているものの、プロジェクト活動が多岐広範にわたっていることから、プロジェクト目標達成レベルが現時点で限定的である。
効率性	中程度	プロジェクト活動の実施における効率性は、全体として中程度である。研修や専門家派遣、機材供与やその管理を始め、投入のタイミング、質、量は共に適切であり、スケジュールどおり行われた。一方で、マネジメントにおいて一部課題が認められた。
インパクト	やや低い	協力期間の中間地点であることから、プロジェクトの実施によ

		り発現が期待されるインパクトの測定は時期尚早であるが、調査期間中にはインパクト発現に向けた兆候が確認された。
持続性	中程度	政策・制度面及び組織面における持続性は、それぞれ「高い」、「中程度」と評価した。財政面の持続性については、プロジェクト効果の持続性に向けて現時点では十分な財源が確保されていないことから、評価は「やや低い」とした。技術面の持続性については、組織レベルでの能力強化がその持続性確保に向けて依然課題であることから「中程度」とした。

*評価は5段階で実施した(高い、比較的高い、中程度、やや低い、低い)。

第5章 提言及び教訓

1 提言(PDMの改訂)

中間レビューの結果、PDMの曖昧な表現がプロジェクト活動の阻害要因になったことが明らかになった。そのためプロジェクトデザインの再検討をすべきである。たとえば成果1の曖昧な表現が活動内容の特定を困難にし、効果的な活動を阻害した側面があった。残り2年間で具体的成果を出すためにも、プロジェクトの目標・成果を明確にし関係当事者間の理解や認識を深める必要がある。

また、評価項目「妥当性」の部分で指摘したように、プロジェクトデザインの再検討に際し、以下の二つの取組みがあわせて検討されるべきである。

(1) ワーキンググループの設置

これまでプロジェクト現地専門家はカウンターパート機関が開催するセミナーに参加し技術的助言をすることを主な活動としてきた。

今後、より効果的な技術協力を行うため、ワーキンググループを設置し、カウンターパート機関とプロジェクト専門家が特定の分野・課題について協議・分析し、関連活動の成果をモニタリングするような活動が行われるべきである。

(2) カウンターパート機関間の共同活動の実施

前フェーズの終了時評価において、カウンターパート機関間の共同活動が提言されていたが、本プロジェクトでは特に実施されていない。

2013年憲法で争訟原則の保障が明記されたところ、これを反映した新しい制度や実務が導入されている。そのため、訴訟機関及び関係者間において同原則が整合的かつ統一的に適用されるよう、同原則の適切な理解が必要である。関係当事者間の理解が区々で不当な運用がなされれば、訴訟手続きが歪曲され、不当かつ非効率な運用をもたらし、訴訟遅延や正義に反する結果となりかねない。

このような問題に対処し、関係当事者の共通理解を醸成するため共同活動を行うべきである。これにより知見や経験、技術が多角的にもたらされ争訟原則の理解促進・定着が期待される。

2 教訓

(1) 新たな協力分野である成果1については、中間レビューを通じていくつかの問題点や課題が指摘された。このことは、新規分野にもかかわらず十分な調査・分析等が不足していたことを意味している。

したがって、新たな協力分野に取り組むにあたっては、PDM 策定前に十分な調査や分析がなされるべきであるし、必要に応じて、プロジェクト実施中においても必要な調査・分析が行えるような活動も検討されなければならない。

(2) PDM の曖昧な表現や記述により、プロジェクト目標との関連が必ずしも明確でない活動にまで手を広げることを余儀なくされていた。その結果、個別活動の効果だけでなく、プロジェクト全体の効果を遡減させるような方向となり、プロジェクト活動の負担になっていた。

そのため、PDM 上の表現はできるだけ明確にし、個々の活動が成果や目標へと結びつくようなデザインが検討されるべきである。

(3) 法整備支援における PDM 上の指標は定量的な内容よりはむしろ定性的なものになる傾向がある。できるだけ客観的な評価が可能となるよう、指標の在り方については再検討が必要である。

そのため、たとえばプロジェクト活動において指標設定の活動を導入することも検討されるべきである。

付 属 資 料

1. 評価グリッド
2. プロジェクト・デザイン・マトリックス(PDM) (和文)
3. 評価報告書(英文)
4. 中間評価調査ミニッツ(英文)

付属資料1. 評価グリッド

ベトナム国 2020年を目標とする法・司法改革支援プロジェクト
評価グリッド(1)

(1) 実績の検証・事業管理・実施プロセス

調査項目	調査項目		必要なデータ	情報収集方法	情報源		
	大項目	小項目			資	E	C
(1) 実績の検証	アウトプットは計画どおり産出されたか。	成果1	<p>【Before】 プロジェクト開始前の①事前審査、②事後監査、③整備運用状況の監督を行う人材の能力(状況)</p> <p>【After】 指標(1)「MOJの開催する内部人材向けセミナー等が現場の課題を踏まえ、対象者のニーズに合った形で企画・立案・実施される」の達成状況</p> <p>指標(2)「MOJの開催する他の省庁や省レベル人民委員会の法務部門向けセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される」の達成状況</p> <p>指標(3)「MOJの執務参考資料が以下の点を考慮して作成される」の達成状況 ①法規範文書の不統一な運用・適用の状況の分析、 ②法規範文書の不統一な運用・適用の原因の分析、 ③法規範文書の不統一な運用・適用の状況及び原因を踏まえた改善策、 ④改善策を実施するための必要な措置。」の達成状況 ⇒ 執務参考資料と法規範文書の関係性</p> <p>指標(4)「MOJの執務参考資料が関係職員に活用される」の達成状況</p> <p>指標(5)「FOOGの開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で企画・立案・実施される」の達成状況</p> <p>指標(6)「FOOGの執務参考資料が以下の点を考慮して作成される」の達成状況 ①法規範文書の不統一な運用・適用の状況の分析、 ②法規範文書の不統一な運用・適用の原因の分析、 ③法規範文書の不統一な運用・適用の状況及び原因を踏まえた改善策、 ④改善策を実施するための必要な措置。 ⇒ 執務参考資料と法規範文書の関係性</p> <p>指標(7)「FOOGの執務参考資料が関係職員に活用される」の達成状況</p>	<p>文献調査、質問票調査</p> <p>文献調査</p> <p>文献調査</p> <p>質問票調査</p> <p>質問票調査</p> <p>文献調査</p> <p>文献調査、質問票調査</p> <p>質問票調査</p>	●	●	●
		成果2	<p>2013年憲法並びに第48号決議の趣旨に従い、</p> <p>1) 2020年の法・司法改革の実現を見据えて各機関で作成する工程表に基づき、</p> <p>2) 民事紛争解決に資する実体法および手続き法の草案、並びに刑事手続き法の草案が整備されると共に、</p> <p>3) 民事に関する適切な紛争解決の基準となる法規範文書および刑事に関する適切な手続の基準となる法規範文書の適切な理解が促進され、</p> <p>4) 統一的な運用に向けた助言・指導能力および裁判・執行実務の能力が向上する。</p> <p><ポイント> 注目すべき点が3点。</p> <p>プロジェクトの活動を通じて、1) 草案が整備されたかどうか、2) 法規範文書の適切な理解が促されたかどうか、3) 統一的な運用に向けた助言や指導能力、裁判・執行実務の能力が向上したかどうか。</p> <p>3) 草案整備【SPP】 指標(3)「改正刑事訴訟法の草案が、以下の点を考慮したものに改善される。」の達成状況 (活動2-4-1)</p> <p>①2013年憲法並びに第48号および第49号決議の内容 ②ベトナムの市場経済の発展 ③実務上の問題点 ⇒ 上記の法案における、①～③の具体的な視点 ⇒ 改正法の起草に対する本プロジェクトの協力実績 ⇒ 上述の改正法の起草状況(起草されているかどうか) ⇒ 個々の草案における上記①～③の反映状況</p> <p>4) 草案整備【MOJ】 指標(4)「財産登録法、国際私法制定に向けた実務上の問題が整理される。」の達成状況 (活動2-2-2)</p> <p>⇒ 左記の注目点の何に呼応するものか。</p> <p>3) 法規範文書の適切な理解促進【SPC】 指標(6)「判例法理の形成に向けた論点が整理される」の達成状況 (活動2-3-3)</p>	<p>質問票調査</p> <p>文献調査、質問票調査</p> <p>文献調査、質問票調査</p> <p>文献調査</p> <p>質問票調査</p> <p>文献調査、質問票調査</p> <p>文献調査、質問票調査</p> <p>文献調査、質問票調査</p>	●	●	●
		3) 法規範文書の適切な理解促進【SPC】 指標(6)「整理された判例法理の形成に向けた論点について、法規範文書への反映及び/又は実務の改善に向けた取り組みが行われる」の達成状況	文献調査、質問票調査	●	●	●	
		3) 法規範文書の適切な理解促進【SPC】 指標(7)「国際的な民事紛争解決に向けた実務上の問題点が整理される」の達成状況	文献調査、質問票調査	●	●	●	
		⇒ 左記の注目点の何に呼応するものか。					

			3) 法規本文書の適切な理解促進【SPC】 指標(6)「整理された判例法理の形成に向けた論点について、法規本文書への反映及び／又は実務の改善に向けた取り組みが行われる」の達成状況	文献調査、質問票調査		●	●	●
			3) 法規本文書の適切な理解促進【SPC】 指標(7)「国際的な民事紛争解決に向けた実務上の問題点が整理される」の達成状況 ⇒ 左記の注目の何に呼応するものか。	文献調査、質問票調査		●	●	●
			3) 法規本文書の適切な理解促進【SPC】 指標(8)「整理された国際的な民事紛争解決に向けた実務上の問題点について、法規本文書への反映及び／又は実務の改善に向けた取り組みが行われる」の達成状況	文献調査、質問票調査		●	●	●
			4) 助言・指導能力の向上【MOJ】 指標(9)「MOJの開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される」の達成状況 ⇒ 確認された「課題」 ⇒ それらの課題に対するMOJのアプローチ ⇒ セミナーによる対応(概要)	文献調査		●		
			【MOJ】 指標(10)「実施されたセミナーにおいて扱われた内容について、法規本文書への反映及び／又は実務の改善に向けた取り組みが行われる」の達成状況 ⇒ 左記の注目の何に呼応するものか。	質問票調査			●	●
			4) 助言・指導能力の向上【SPC】 指標(11)「SPCの開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される」の達成状況 ⇒ 確認された「課題」 ⇒ それらの課題に対するSPCのアプローチ ⇒ セミナーによる対応(概要)	文献調査		●		
			【SPC】 指標(12)「実施されたセミナーにおいて扱われた内容について、法規本文書への反映及び／又は実務の改善に向けた取り組みが行われる」の達成状況 ⇒ 左記の注目の何に呼応するものか。	文献調査、質問票調査		●	●	●
			4) 助言・指導能力の向上【SPP】 指標(13)「SPPの開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される」の達成状況 ⇒ 確認された「課題」 ⇒ それらの課題に対するSPPのアプローチ ⇒ セミナーによる対応(概要)	文献調査		●		
			【SPP】 指標(14)「実施されたセミナーにおいて扱われた内容について、法規本文書への反映及び／又は実務の改善に向けた取り組みが行われる」の達成状況 ⇒ 左記の注目の何に呼応するものか。	文献調査、質問票調査		●	●	●
			4) 助言・指導能力の向上【VBF】 指標(15)「VBFの開催するセミナーや研修等が、法整備の現場の課題(特に人権保護及び私法アクセスに関する課題)を踏まえ、対象者のニーズに合った形で、企画・立案・実施される」の達成状況	文献調査		●		
			【VBF】 指標(16)「実施されたセミナーや研修において扱われた内容について、弁護士マニュアルやガイドライン等への反映及び／又は実務の改善に向けた取り組みが行われる」の達成状況 ⇒ 左記の注目の何に呼応するものか。	文献調査、質問票調査		●	●	●
			3) 法規本文書の適切な理解促進【VBF】 指標(17)「弁護士マニュアルやガイドライン等が以下の点を考慮して作成される。」の達成状況 ①人権保護と私法アクセスの向上への貢献 ②2013年憲法並びに第48号及び第49号決議の内容 ③国民に対する法的サービスの充実 ④実務上の問題点	文献調査、質問票調査		●	●	●
			3) 法規本文書の適切な理解促進【VBF】 指標(18)「弁護士マニュアルやガイドライン等が、弁護士が活用出来る状態に置かれている。」の達成状況	文献調査、質問票調査		●	●	●
			4) 執行能力向上【VBF】 指標(19)「弁護士が、弁護士マニュアルやガイドライン等を活用して業務を行っている」の達成状況	文献調査、質問票調査		●	●	●
			指標(1)「各機関の分析が以下の点を考慮して実施される」 ①法の統一的な適用及び執行の確保に向けた取り組み ②各種紛争が適切に解決される仕組みに向けた取り組み ③人権を重視した適正な手続の実現に向けた取り組み ④司法アクセス野花に向けた取り組み	質問票調査		●	●	
		成果3 各機関において、①法規本文書の起草・審査・監査、②法規本文書の適切な理解の促進及び統一的な運用に向けた助言・指導、並びに③法規本文書の適切な理解に基づいた裁判・執行実務の実現に向けた助言・指導に関する業務を改善するための、2021年以降に各機関が実施すべき活動が、本プロジェクトの成果を踏まえて分析・検討される。 <ポイント> ①～③(あるべき姿)の実現に向けた助言・指導について、今後どのように更なる改善を図っていくかを分析・検討できるようになっているかどうか。						
(2) 事業実施体制	事業実施の仕組み	プロジェクトはどのような体制の下で実施されているのか。	1) プロジェクト開始時点での実施体制	文献調査、インタビュー調査		●	●	○
			2) プロジェクト実施後の実施体制の変更	文献調査、インタビュー調査		●	●	○
			3) 実施体制変更の場合、プロジェクト実施上の課題	文献調査、インタビュー調査		●	●	●
	意思決定システム	プロジェクト活動に関する意思決定はスムーズかつ適切に行われてきたか？	1) プロジェクト活動に関する意思決定システム ⇒ メカニズムの有無、構造、設立時期など	文献調査、質問票調査		●	●	●
			2) プロジェクトの活動に関する意思決定 ⇒ 意思決定の適切性(時期やタイミング)、留意点	文献調査、質問票調査		●	●	●
			3) 協議概要	文献調査		●		
協力・連携体制	他機関とどのように連携しているのか。	他関係機関との協力・連携体制	インタビュー調査		●	●		
モニタリング体制	どのような体制で活動を実施・モニタリングしているか。	活動の実施・モニタリング体制、モニタリングの具体的方法など(JOC、ワーキンググループ会議など)	文献調査、質問票調査		●	●		
(3) 実施プロセス	プロジェクト関係者との間のコミュニケーション	関係者とのコミュニケーションは円滑に行われているか。	⇒ 専門家とJICA事務所、専門家とOPのコミュニケーションの状況(良好かどうか) ⇒ 情報交換、意見交換、プロジェクト実施に影響を与える問題などを話し合う場 ⇒ コミュニケーション上の問題点・課題	質問票調査		●	●	
	関係者のプロジェクトへの関わり方・度合	関係者のプロジェクトへの関与の度合い(積極性)に問題はないか。	1) ベトナム側のプロジェクト活動に対する関与のレベル ⇒ プロジェクト開始当初と現時点のCPの関与レベルの変化 2) モチベーションを維持するための工夫 ⇒ 効果的なインプットなど	質問票調査 インタビュー調査、質問票調査		●	●	
	促進・阻害要因	活動にプラス・マイナスに働いた要因はあるか	1) 効果的な活動を後押しした要因 2) 活動の実施を阻害した要因	インタビュー調査、質問票調査 インタビュー調査、質問票調査		●	●	●

●:メイン ○:サブ

ベトナム国 2020年を目標とする法・司法改革支援プロジェクト

評価グリッド(2)

(2) 5項目評価

調査項目	調査項目		必要なデータ	情報収集方法	情報源		
	大項目	小項目			資	Ex	Cl
妥当性	優先度	ベトナム政府の掲げる開発計画・政策との整合性	本プロジェクトのベトナム政府の国家開発計画及び政策との整合性 政策変更の有無 ⇒2013年憲法での言及 ⇒第48号決議、第49号決議での言及 ⇒国家5カ年計画における言及	文献調査	●		
		日本の援助政策、JICAの援助実施方針との整合性	我が国の対ベトナム政策における本プロジェクトの位置づけ 我が国の援助政策(方針)との整合性	文献調査	●		
		法・司法改革に対するベトナム国内の動き	法・司法改革に対する政府、国際社会の動き ⇒詳細計画策定調査以降のVN側の動き(法律の制定など)	文献調査、インタビュー調査	●	●	○
	アプローチの適切性	本プロジェクトの目標とその目標を達成するためのアプローチ	本プロジェクトの目標 アプローチ	文献調査	●		
	ニーズ	事業実施前、評価時点でのニーズ、ニーズとの整合性	C/P機関及び当該セクターにおける重要課題、ニーズ ⇒ 組織的な能力の強化が求められる背景(理由) 日本のどのような経験・技術の比較優位	文献調査、インタビュー調査	●	●	○
	優位性	日本がベトナムの法・司法セクターに支援を行う優位性	日本のどのような経験・技術の比較優位	文献調査	●		
有効性	プロジェクト目標の達成	プロジェクト目標の達成への論理性	成果とプロジェクト目標の因果関係、道筋	文献調査	●		
		プロジェクト目標: 2013年憲法並びに第48号決議及び第49号決議の趣旨に従い、法規範文書相互の不整合の抑制・是正、並びに法規範文書の適切な理解及び統一的な運用・適用の実現を図るための法務・司法関係機関の組織的な能力が向上し、適切かつ効率的な法規範文書の運用・適用の基盤が整備される。 <ポイント> 本プロジェクトの目的:法務・司法関係機関の組織的な能力の向上。	指標(1)「MQJ」における法規範文書の事前審査プロセスが、以下の点を考慮したものに改善される。」の達成状況 ①より幅広い利害関係者からの意見を踏まえている。 ②運用・適用段階における留意点が考慮されている。 ③法規範文書の整合性確保の視点からの審査が行われている。 ④法規範文書の統一的な運用・適用の実現の視点からの審査が行われている。 ⇒プロジェクト開始時点での事前審査プロセス(内容) ⇒現在の事前審査プロセス(内容)・課題 ⇒①～④の反映状況	文献調査、質問票調査	●	●	●
			指標(2)「MQJ」における法規範文書等の事後審査プロセスが、以下の点を考慮したものに改善される。」の達成状況 ①より幅広い利害関係者からの意見を踏まえている。 ②法規範文書の不統一な運用・適用の状況及び原因が分析されている。 ③法規範文書の不統一な運用・適用の原因を踏まえた改善策が検討され、改善策を実現するための必要な措置が行われている。 ⇒プロジェクト開始時点での事後審査プロセス(内容) ⇒現在の事後審査プロセス(内容) ⇒現時点で認められる改善点・課題 ⇒①～③の反映状況	文献調査、質問票調査	●	●	●
			指標(3)「MQJ」における法規範文書等の整備・運用状況の監督が、以下の点を考慮したものに改善される。」の達成状況 ①より幅広い利害関係者からの意見を踏まえている。 ②法規範文書の不統一な運用・適用の状況及び原因となる法規範文書の未整備の実態が分析される。 ③法規範文書の不統一な運用・適用の原因となる法規範文書の未整備を改善するための必要な措置が行われている。 ⇒プロジェクト開始時点での法規範文書等の運用状況の監督(内容) ⇒現在の監督(内容) ⇒現時点で認められる改善点・課題 ⇒①～③の反映状況	文献調査、質問票調査	●	●	●
		指標(4)「OQG」における法規範文書の事前検討プロセスが、以下の点を考慮したものに改善される。」の達成状況 ①関係者間の調整が強化されている。 ②より幅広い利害関係者からの意見を踏まえている。 ③運用・適用段階における留意点を考慮している。 ④法規範文書の整合性確保の視点からの検討が行われている。 ④法規範文書の統一的な運用・適用の実現の視点からの検討が行われている。 ⇒プロジェクト開始時点での事前検討プロセス(内容) ⇒現在の事前検討プロセス(内容) ⇒現時点で認められる改善点・課題 ⇒①～④の反映状況	文献調査、質問票調査	●	●	●	

			<p>指標(5)「法規範文書の起草・実施に関して、政府・首脳が監督、指導、事前検討を行う際に、OOGがより良い支援を行えるようになる」</p> <p>⇒「よりよい支援」の定義 ⇒プロジェクト開始当初からの改善点(変化)</p>	文献調査、インタビュー調査	●	●	
			<p>指標(6)「工程表に基づいて、民事事件解決手続きの改善が行われる」</p> <p>①SPCが透明性の高い適切な手続きを実施し、審理における法令の統一的な適用に貢献する。 ⇒「透明性の高い」、「適切な手続き」の定義</p> <p>②SPPが、法令の厳正かつ統一的な執行の保証に貢献する。</p> <p>③VBFが、調和の取れた法令のと統一的な適用、人権保護及び司法アクセスの向上に貢献する。 ⇒「調和の取れた法令」の定義、 ⇒VBFの業務による司法アクセス数の増加の測定の可否</p>	文献調査、インタビュー調査	●	●	●
			<p>指標(7)「工程表に基づいて、行政事件解決手続きの改善が行われる」の達成状況</p> <p>①SPCが透明性の高い適切な手続きを実施し、心理における法令の統一的な適用に貢献する。 ⇒「透明性の高い」、「適切な手続き」の定義</p> <p>②SPPが、法令の厳正かつ統一的な執行の保証に貢献する。</p> <p>③VBFが、調和の取れた法令のと統一的な適用、人権保護及び司法アクセスの向上に貢献する。 ⇒「調和の取れた法令」の定義、 ⇒VBFの業務による司法アクセス数の増加の測定の可否</p>	文献調査、インタビュー調査	●	●	●
			<p>指標(8)「工程表に基づいて、刑事事件解決手続きの改善が行われる」の達成状況</p> <p>①SPCが透明性の高い適切な手続きを実施し、審理における法令の統一的な適用に貢献する。 ⇒「透明性の高い」、「適切な手続き」の定義</p> <p>②SPPが、法令の厳正かつ統一的な執行の保証に貢献する。</p> <p>③VBFが、調和の取れた法令のと統一的な適用、人権保護及び司法アクセスの向上に貢献する。 ⇒「調和の取れた法令」の定義、 ⇒VBFの業務による司法アクセス数の増加の測定の可否</p>	文献調査、インタビュー調査	●	●	●
			<p>指標(9)「改正民事訴訟法において改正された内容が、民事裁判において適切に運用されている。」の達成状況</p> <p>⇒改正年 ⇒改正された内容(概要) ⇒改正された内容の適用(運用)状況・課題</p>	質問票調査		●	●
			<p>指標(10)「改正行政事件訴訟法において改正された内容が、行政裁判において適切に運用されている。」の達成状況</p> <p>⇒改正年 ⇒改正された内容(概要) ⇒改正された内容の適用(運用)状況・課題</p>	質問票調査		●	●
			<p>指標(11)「改正刑事訴訟法において改正された内容が、刑事裁判において適切に運用されている。」の達成状況</p> <p>⇒改正年 ⇒改正された内容(概要) ⇒改正された内容の適用(運用)状況・課題</p>	質問票調査		●	●
	外部条件の影響 特に今後も注意深くモニタリングすべき点は何か	想定された外部条件の影響	<p>成果からプロジェクトに至るまでに想定されていた外部条件 (成果2)「支援対象の実体法、手続法、組織法の立法化が大幅に遅延しない」</p> <p>⇒プロジェクト開始前の立法計画(想定/予測)</p>	文献調査、質問票調査	●	●	
効率性	成果の発現状況	プロジェクトの実績	評価グリッド「実績・実施プロセス」での成果の達成状況の検証結果	文献調査	●		
	投入の質・量・タイミング	ベトナム側の投入	1) カウンターパートの配置	文献調査	●		
			⇒ C/P配置実績(人数、部署、配置期間) プロジェクトダイレクター、マネージャー、リーダー以外のCP				
			⇒ C/P配置の時期、タイミング、関わり方の適切性、遅延の場合その理由	質問票調査		●	
			2) 施設及び設備	文献調査	●		
			⇒ 投入実績				
			3) ローカルコスト負担	質問票調査			●
			⇒ ローカルコスト負担額(2015～評価時点)－人件費除く				
			⇒ ローカルコスト支出の時期、タイミング、負担割合の適切性	文献調査、質問票調査		●	

		<p>指標(5)「法規本文書の起草・実施に関して、政府・首脳が監督、指導、事前検討を行う際に、OOGがより良い支援を行えるようになる」</p> <p>⇒「よりよい支援」の定義 ⇒プロジェクト開始当初からの改善点(変化)</p> <p>指標(6)「工程表に基づいて、民事事件解決手続きの改善が行われる」</p> <p>①SPCが透明性の高い適切な手続きを実施し、審理における法令の統一的な適用に貢献する。 ⇒「透明性の高い」、「適切な手続き」の定義</p> <p>②SPPが、法令の厳正かつ統一的な執行の保証に貢献する。</p> <p>③VBFが、調和の取れた法令のと統一的な適用、人権保護及び司法アクセスの向上に貢献する。 ⇒「調和の取れた法令」の定義、 ⇒VBFの業務による司法アクセス数の増加の測定の可否</p> <p>指標(7)「工程表に基づいて、行政事件解決手続きの改善が行われる」の達成状況</p> <p>①SPCが透明性の高い適切な手続きを実施し、心理における法令の統一的な適用に貢献する。 ⇒「透明性の高い」、「適切な手続き」の定義</p> <p>②SPPが、法令の厳正かつ統一的な執行の保証に貢献する。</p> <p>③VBFが、調和の取れた法令のと統一的な適用、人権保護及び司法アクセスの向上に貢献する。 ⇒「調和の取れた法令」の定義、 ⇒VBFの業務による司法アクセス数の増加の測定の可否</p> <p>指標(8)「工程表に基づいて、刑事事件解決手続きの改善が行われる」の達成状況</p> <p>①SPCが透明性の高い適切な手続きを実施し、審理における法令の統一的な適用に貢献する。 ⇒「透明性の高い」、「適切な手続き」の定義</p> <p>②SPPが、法令の厳正かつ統一的な執行の保証に貢献する。</p> <p>③VBFが、調和の取れた法令のと統一的な適用、人権保護及び司法アクセスの向上に貢献する。 ⇒「調和の取れた法令」の定義、 ⇒VBFの業務による司法アクセス数の増加の測定の可否</p> <p>指標(9)「改正民事訴訟法において改正された内容が、民事裁判において適切に運用されている。」の達成状況</p> <p>⇒改正年 ⇒改正された内容(概要) ⇒改正された内容の適用(運用)状況・課題</p> <p>指標(10)「改正行政事件訴訟法において改正された内容が、行政裁判において適切に運用されている。」の達成状況</p> <p>⇒改正年 ⇒改正された内容(概要) ⇒改正された内容の適用(運用)状況・課題</p> <p>指標(11)「改正刑事訴訟法において改正された内容が、刑事裁判において適切に運用されている。」の達成状況</p> <p>⇒改正年 ⇒改正された内容(概要) ⇒改正された内容の適用(運用)状況・課題</p>	文献調査、インタビュー調査	●	●	
			文献調査、インタビュー調査	●	●	●
			文献調査、インタビュー調査	●	●	●
			質問票調査		●	●
			質問票調査		●	●
			質問票調査		●	●
	外部条件の影響 特に今後も注意深くモニタリングすべき点は何か	想定された外部条件の影響 成果からプロ目に至るまでに想定されていた外部条件 (成果2)「支援対象の実体法、手続法、組織法の立法化が大幅に遅延しない」 ⇒プロジェクト開始前の立法計画(想定/予測)	文献調査、質問票調査	●	●	
効率性	成果の発現状況	プロジェクトの実績	評価グリッド「実績・実施プロセス」での成果の達成状況の検証結果	文献調査	●	
	投入の質・量・タイミング	ベトナム側の投入	1) カウンターパートの配置 ⇒ C/P配置実績(人数、部署、配置期間) プロジェクトダイレクター、マネージャー、リーダー以外のCP ⇒ C/P配置の時期、タイミング、関わり方の適切性、遅延の場合その理由	文献調査	●	
			2) 施設及び設備 ⇒ 投入実績	文献調査	●	
			3) ローカルコスト負担 ⇒ ローカルコスト負担額(2015~評価時点) - 人件費除く ⇒ ローカルコスト支出の時期、タイミング、負担割合の適切性	質問票調査		
			文献調査、質問票調査		●	
		日本側の投入	1) 専門家派遣 ⇒ 専門家派遣実績(人数、MM、分野など) ⇒ 派遣のタイミング、質、量の適切性	文献調査	●	
			2) 本邦研修 ⇒ 開催時期、内容、参加者数、主な参加者	質問票調査		●
			3) 現地国内研修、ワークショップ ⇒ 開催時期、内容、参加者数、主な参加者 ⇒ 研修実施のタイミング、質(内容)、回数の適切性	文献調査	●	
			4) 現地活動費 ⇒ 現地活動費(実績)、適切性	質問票調査		●
			文献調査	●		

	関係者のプロジェクトへの関わり方・度合	関係者のプロジェクトへの関与の度合い(積極性)に問題はないか。	評価グリッド「実績・実施プロセス」での検証結果	文献調査	●			
	外部条件の影響	想定された外部条件の影響	活動から成果に至るまでに想定されていた外部条件(活動⇒成果1)「法務・司法関係機関の職員の異動や離職が頻繁に発生しない。」は満たされたか。活動への影響。 ⇒影響 ⇒今後も注意深くモニタリングすべき点	文献調査、質問票調査	●	●	●	
	活動の効率性を高めるための工夫(仕掛け)	効率的・効果的な事業の実施に向けたプロジェクト側の取り組み(工夫)	1) 複数の機関を対象とする活動の効果的・効率的実施に向けた工夫 2) 本プロジェクトの実施において考慮した過去の法整備案件からの教訓 3) その他活動効果を高めるための工夫	文献調査、質問票調査 文献調査、質問票調査 文献調査、インタビュー調査	●	●	●	
		既存のリソース、現地リソースの活用状況	1) 前プロジェクトの成果(活動)のうち、本プロジェクトで引き継いだもの 2) その他、本プロジェクトで活用された既存リソース(ドナーのリソースも含む)、及び内容、効果(プラス/マイナス)	文献調査、質問票調査 文献調査、質問票調査	●	●	●	
	成果の発現に影響を及ぼした要因(出来事)	活動実施にプラスの影響を及ぼした要因	プロジェクト期間中のどのような取り組みが、プラスの影響を及ぼしたのか プロジェクト活動を促進した外部要因は認められるか。 ⇒実施プロセスの中で偶発的に生じた出来事、その結果生じたプラスの影響	文献調査、質問票調査 文献調査、質問票調査	●	●	●	
		活動の実施への阻害要因	1) 計画上の問題 ⇒具体的な事例、プロジェクト側の対応 2) 業実施運営・管理上の問題 ⇒実施プロセスの中で発生した出来事によるマイナスの影響、具体的な事例、プロジェクト側の対応	文献調査、インタビュー調査 文献調査、インタビュー調査	●	●		
インパクト	上位目標の達成の見込みはあるか。	上位目標の達成予測 整合性が確保された法規範文書を土台とした、予測可能性があり、かつ信頼性の高い法・司法制度の整備が図られ、ベトナムの成長・発展を支える社会基盤の構築が促進される。 <ポイント> 前半:本プロジェクトによる効果、 後者:事業効果の持続による更なる効果(Outcome)	指標(1)「国際機関等が公表している法務・司法に関する国際比較指標が、プロジェクト開始時と比較して改善する」の達成状況 ⇒参照すべき資料(出所) ⇒プロジェクト開始時点での数値(順位など) ⇒中間レビュー時点での数値(順位など) 指標(2)「国際機関などが公表している弁護士業務に関する国際比較指標が、プロジェクト開始時と比較して改善する。」 ⇒参照すべき資料(出所) ⇒プロジェクト開始時点での数値(順位など) ⇒中間レビュー時点での数値(順位など)	文献調査 文献調査	●			
		留意点	指標(3)「改善された事前審査プロセスに則った法規範文書の前審査が実施される。」の達成状況 ⇒改善された事前審査プロセス(概要) ⇒中間レビュー時点での事前審査達成状況・課題 指標(4)「改善された事後審査プロセスに則った法規範文書の事後審査が実施される。」の達成状況 ⇒改善された事後審査プロセス(概要) ⇒中間レビュー時点での事前審査達成状況・課題	文献調査、質問票調査 インタビュー調査、質問票調査	●	●	●	
			上位目標の達成に向けて留意すべき点		インタビュー調査	●	●	
		外部条件の影響	想定された外部条件の影響	プロ目から上目に至るまでに想定されていた外部条件「法・司法改革に向けた政策的な枠組みに従った法務・司法関係機関の取り組みが継続して行われる」の影響(予測)	質問票調査		●	●
		特に今後も注意深くモニタリングすべき点は何か		プロ目から上目に至るまでに想定されていた外部条件「法規範文書の整合性の確保に向けたMOJ及びOOGの取り組みが継続して行われる」の影響(予測)	質問票調査		●	●
	波及効果は見られるか。	プロジェクトの実施による想定外の(予期せぬ)波及効果 (プロジェクトに関わったことで、C/Pが独自に始めた試みなど)	プロジェクト関係者(C/P)の職場での自発的な新しい試み 政策、制度面への波及効果(事業の実施により、政策・制度レベルで発生した新しい動き) 社会面への波及効果(納税者など):事業実施の結果生じた新たな社会現象 本プロジェクトの成果・手法が他ドナーの活動に採用された事例	インタビュー調査 インタビュー調査 インタビュー調査 文献調査、質問票調査		○	●	
持続性	事業効果(成果)	本事業による成果(効果)の定義	本事業による成果(効果)を見る視点	文献調査	●			
	政策面・制度面	本事業成果(効果)を継続・支持していくための政策的な枠組み	法・司法分野における今後のベトナム政府による政策・方針の方向性 本プロジェクトの効果を継続していくための政策的なサポートを今後も得られる可能性、政策に関する今後の変更の可能性	文献調査、質問票調査 文献調査、質問票調査	●	○	●	
		事業効果の継続・普及のためにベトナム側が行っている取り組み	具体的な取り組み内容 ⇒成果を継続していくために求められる取り組み ⇒C/P機関における取組状況	文献調査、インタビュー調査		●	●	
	組織面	C/P機関における組織改編の行方	C/P機関における組織体制について ⇒組織改編の頻度(近々の組織改編年と予測)	質問票調査			●	
	人員体制	人員体制	実施機関の人員体制が維持・改善される可能性 ⇒プロジェクト開始前～現在までの人員体制の変遷 ⇒職員増員の予定(計画)の有無	文献調査、質問票調査	●	○	●	

財政面	実施機関の財政収支(過去3年)	実施機関MOJ、SPP、SPC、OOG等の予算の推移	文献調査	●		
	今後の財源確保に向けた動き (将来の追加財源の有無)	本事業の効果を継続させていくために求められる予算規模、内部での予算確保の動き	文献調査、インタビュー調査	●	●	○
	技術面における効果	⇒ 本事業により強化された能力 ⇒ プロジェクトの進展によりさらに強化が期待される能力 ⇒ 今後の能力向上に向けた課題	文献調査、インタビュー調査	●	●	●
	本事業で習得したスキル・ノウハウ維持に向けた施策	実施機関が習得・蓄積した知見を維持・継続、発展させていくための工夫や施策	インタビュー調査			●
技術面	プロジェクトC/Pの継続配置の予測	C/Pの配置状況の現状・予測、技術の継承の可能性 ⇒ 育成した人材の配置状況、人事異動の頻度、引継ぎの方法(人事異動時の対策) 成果(品)の活用状況、継承方法、定着の見込み(制度化含む)	インタビュー調査		●	●
	その他	阻害要因	インタビュー調査		●	●

●:メイン ○:サブ

プロジェクトデザインマトリックス(PDM) Ver1.0(2014年12月24日)
 プロジェクト名:2020年を目標とする法・司法改革支援プロジェクト
 実施機関:司法省(MOJ)、首相府(OOG)、最高人民裁判所(SPC)、最高人民検察院(SPP)、ベトナム弁護士連合会(VBF)
 プロジェクト期間:5年間
 ターゲットグループ:MOJ、OOG、SPC、SPP、VBFの法務・司法関係機関職員
 プロジェクトサイト:ハノイ

プロジェクトの要約 Narrative Summary	指標 Objectively Verifiable Indicators	指標の入手手段 Means of Verification	外部条件 Important Assumptions
上位目標(Overall Goal) 整合性が確保された法規範文書を土台とした、予測可能性があり、かつ信頼性の高い法・司法制度の整備が図られ、ベトナムの成長・発展を支える社会基盤の構築が促進される。	1. 国際機関等が公表している法務・司法に関する国際比較指標が、プロジェクト開始時と比較して改善する。 2. 国際機関等が公表している弁護士業務に関する国際比較指標が、プロジェクト開始時と比較して改善する。 3. 改善された事前審査プロセスに則った法規範文書の事前審査が実施される。 4. 改善された事後監査プロセスに則った法規範文書の事後監査が実施される。	1. 国際機関等が公表している法務・司法に関する国際比較指標 2. 国際機関等が公表している弁護士業務に関する国際比較指標 3. 事前審査の実施記録及び関係者へのインタビュー 4. 事後監査の実施記録及び関係者へのインタビュー	
プロジェクト目標(Project Purpose) 2013年憲法並びに第48号決議及び第49号決議(*1)の趣旨に従い、法規範文書相互の不整合の抑制・是正、並びに法規範文書の適切な理解の促進及び統一的な運用・適用の実現を図るための法務・司法関係機関(*2)の組織的な能力が向上し、適正かつ効率的な法規範文書の運用・適用の基盤が整備される。	1. MOJにおける法規範文書の事前審査プロセスが、以下の点を考慮したものに改善される。 ▶ より幅広い利害関係者からの意見を踏まえている。 ▶ 運用・適用段階における留意点が考慮されている。 ▶ 法規範文書の整合性確保の視点からの審査が行われている。 ▶ 法規範文書の統一的な運用・適用の実現の視点からの審査が行われている。 2. MOJにおける法規範文書等の事後監査プロセスが、以下の点を考慮したものに改善される。 ▶ より幅広い利害関係者からの意見を踏まえている。	1. MOJの事前審査プロセス記録及び関係者へのインタビュー 2. MOJの事後審査プロセス記録及び関係者へのインタビュー 3. MOJの法規範文書等の整備・運用状況の監督に関する記録及び関係者へのインタビュー 4. OOGの事前検討プロセス記録及び関係者へのインタビュー	法・司法改革に向けた政策的な枠組みに従った法務・司法関係機関の取組が継続して行われる。 法規範文書の整合性の確保に向けたMOJ及びOOGの

	<p>➤ 法規範文書の不統一な運用・適用の状況及び原因が分析されている。</p> <p>➤ 法規範文書の不統一な運用・適用の原因を踏まえた改善策が検討され、改善策を実施するための必要な措置が行われている。</p> <p>3. MOJ における法規範文書等の整備・運用状況の監督が、以下の点を考慮したものに改善される。</p> <p>➤ より幅広い利害関係者からの意見を踏まえている。</p> <p>➤ 法規範文書の不統一な運用・適用の状況及びその原因となる法規範文書の未整備の実態が分析されている。</p> <p>➤ 法規範文書の不統一な運用・適用の原因となる法規範文書の未整備を改善するための必要な措置が行われている。</p> <p>4. OOG における法規範文書の事前検討プロセスが以下の点を考慮したものに改善される。</p> <p>➤ 関係者間の調整が強化されている。</p> <p>➤ より幅広い利害関係者からの意見を踏まえている。</p> <p>➤ 運用・適用段階における留意点を考慮している。</p> <p>➤ 法規範文書の整合性確保の視点からの検討が行われている。</p> <p>➤ 法規範文書の統一的な運用・適用の実現の視点からの検討が行われている。</p> <p>5. 法規範文書の起草・実施に関して、政府・首相が監督、指導、事前検討を行う際に、OOG がより良い支援を行えるようになる。</p> <p>6. 工程表に基づいて、民事事件解決手続の改善が行われる。</p> <p>➤ SPC が透明性の高い適切な手続を実施し、審理における法令の統一的な適用に貢献する。</p> <p>➤ SPP が、法令の厳正かつ統一的な執行の保証に貢献する。</p> <p>➤ VBF が、調和の取れた法令の統一的な適用、人権保護および司法アクセスの向上に貢献する。</p>	<p>5. OOG の法規範文書等の運用状況の監督に関する記録及び関係者へのインタビュ</p> <p>6. 民事事件改善手続の改善に関する工程表実施状況及び関係者へのインタビュ</p> <p>7. 行政事件解決手続に関する工程表実施状況及び関係者へのインタビュ</p> <p>8. 刑事事件解決手続に関する工程表実施状況及び関係者へのインタビュ</p> <p>9. 民事裁判に関する統計情報及び関係者へのインタビュ</p> <p>10. 行政裁判に関する統計情報及び関係者へのインタビュ</p> <p>11. 刑事裁判に関する統計情報及び関係者へのインタビュ</p>	<p>取組が継続して行われる。</p>
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	<p>7. 工程表に基づいて、行政事件解決手続の改善が行われる。</p> <ul style="list-style-type: none"> ➢ SPC が透明性の高い適切な手続を実施し、審理における法令の統一的な適用に貢献する。 ➢ SPP が、法令の厳正かつ統一的な執行の保証に貢献する。 ➢ VBF が、調和の取れた法令の統一的な適用、人権保護および司法アクセスの向上に貢献する。 <p>8. 工程表に基づいて、刑事事件解決手続の改善が行われる。</p> <ul style="list-style-type: none"> ➢ SPC が透明性の高い適切な手続を実施し、審理における法令の統一的な適用に貢献する。 ➢ SPP が、法令の厳正かつ統一的な執行の保証に貢献する。 ➢ VBF が、調和の取れた法令の統一的な適用、人権保護および司法アクセスの向上に貢献する。 <p>9. 改正民事訴訟法において改正された内容が、民事裁判において適切に運用されている。</p> <p>10. 改正行政事件訴訟法において改正された内容が、行政裁判において適切に運用されている。</p> <p>11. 改正刑事訴訟法において改正された内容が、刑事裁判において適切に運用されている。</p>	
<p>成果(Outputs)</p> <p>(1) 法令間の不整合や多義的かつ不明確な規定の存在を抑制・是正し、かつ法規範文書の適切な理解の促進及び統一的な運用を実現するために、MOJ 及び OOG による民事、経済、その他関連法規範文書の①事前審査、②事後監査、③整備・運用状況の監督を行う人材の能力が強化される。</p>	<p>1. MOJ の開催する内部人材向けセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。</p> <p>2. MOJ の開催する他の省庁や省レベル人民委員会の法務部門向けのセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。</p> <p>3. MOJ の執務参考資料が以下の点を考慮して作成される。</p> <ul style="list-style-type: none"> ➢ 法規範文書の不統一な運用・適用の状況の分析 ➢ 法規範文書の不統一な運用・適用の原因の分析 ➢ 法規範文書の不統一な運用・適用の状況及び原因を踏まえた改善策 	<p>1. MOJ が内部人材向けに開催するセミナー等の資料及び関係者へのインタビュー</p> <p>2. MOJ が他の省庁や省レベルの人民委員会の法務部門向けに開催するセミナー等の資料及び関係者へのインタビュー</p> <p>3. MOJ の執務参考資料及び関係者へのインタビュー</p>

		<p>➢ 改善策を実施するための必要な措置</p> <p>4. MOJ の執務参考資料が関係職員に活用されている。</p> <p>5. OOG の開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。</p> <p>6. OOG の執務参考資料が以下の点を考慮して作成される。</p> <p>➢ 法規範文書の不統一な運用・適用の状況の分析</p> <p>➢ 法規範文書の不統一な運用・適用の原因の分析</p> <p>➢ 法規範文書の不統一な運用の状況及び原因を踏まえた改善策</p> <p>➢ 改善策を実施するための必要な措置</p> <p>7. OOG の執務参考資料が関係職員に活用されている。</p>	<p>4. MOJ 作成の新聞、雑誌及びウェブサイトに並びに関係者へのインタビュ</p> <p>ー</p> <p>5. 関係者へのインタビュ</p> <p>ー</p> <p>6. OOG の執務参考資料及び関係者へのインタビュ</p> <p>ー</p> <p>7. 関係者へのインタビュ</p> <p>ー</p>	
(2)	<p>2013 年憲法並びに第 48 号及び第 49 号決議の趣旨に従い、2020 年の法・司法改革の実現を見据えて各機関で作成する工程表に基づき、民事紛争解決に資する実体法及び手続法の草案、並びに刑事手続法の草案が整備されると共に、民事に関する適切な紛争解決の基準となる法規範文書及び刑事に関する適切な手続の基準となる法規範文書の適切な理解が促進され、統一的な運用に向けた助言・指導能力及び裁判・執行実務の能力が向上する。</p>	<p>1. 各機関が作成する計画が、以下の点を考慮して作成されている。</p> <p>➢ 各機関における、2020 年の法・司法改革の実現の観点からのレビュー</p> <p>➢ 各機関における、前年度までの活動の分析</p> <p>➢ 各機関における、目標年度を見据えた明確なプロセス</p> <p>➢ 各機関における、2020 年の法・司法改革の実現の観点からの優先順位付け</p> <p>2. 改正民法、改正民事判決執行法、改正国家賠償責任法、改正民事訴訟法及び改正行政事件訴訟法の草案が、以下の点を考慮したものに改善される。</p> <p>➢ 2013 年憲法並びに第 48 号及び第 49 号決議の内容</p> <p>➢ ベトナムの市場経済の発展</p> <p>➢ 実務上の問題点</p> <p>3. 改正刑事訴訟法の草案が、以下の点を考慮したものに改善される。</p> <p>➢ 2013 年憲法並びに第 48 号及び第 49 号決議の内容</p> <p>➢ 実務上の問題点</p> <p>➢ 人権に対するより一層の配慮</p> <p>4. 財産登録法、国際私法制定に向けた実務上の問題点が整理される。</p>	<p>1. 各機関の計画、前年度までの分析結果及び関係者へのインタビュ</p> <p>ー</p> <p>2. 改正民法、改正民事判決執行法、改正国家賠償法、改正民事訴訟法、改正行政訴訟法の草案</p> <p>3. 改正刑事訴訟法の草案</p> <p>4. 財産登録法、国際私法制定に関する報告書</p> <p>5. 判例法理の形成に向けた論点が整理された報告書</p> <p>6. 判例法理の形成に向けた論点が反映された法規範文書及び又は実務の改善に向けた取組が記載された執務参考資料並びに関係者へのインタビュ</p> <p>ー</p> <p>7. 国際的な民事紛争解決に向けた論点が整理された報告書</p> <p>8. 国際的な民事紛争解決に向けた論点が反映された法規範文書及び又は実務の改善に向けた取組が</p>	<p>支援対象の実体法・手続法・組織法の立法化が大幅に遅延しない。</p>

	<p>5. 判例法理の形成に向けた論点が整理される。</p> <p>6. 整理された判例法理の形成に向けた論点について、法規範文書への反映及び又は実務の改善に向けた取組が行われる。</p> <p>7. 国際的な民事紛争解決に向けた実務上の問題点が整理される。</p> <p>8. 整理された国際的な民事紛争解決に向けた実務上の問題点について、法規範文書への反映及び又は実務の改善に向けた取組が行われる。</p> <p>9. MOJ の開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。</p> <p>10. 実施されたセミナーにおいて扱われた内容について、法規範文書への反映及び又は実務の改善に向けた取組が行われる。</p> <p>11. SPC の開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。</p> <p>12. 実施されたセミナーにおいて扱われた内容について、法規範文書への反映及び又は実務の改善に向けた取組が行われる。</p> <p>13. SPP の開催するセミナー等が、現場の課題を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。</p> <p>14. 実施されたセミナーにおいて扱われた内容について、法規範文書への反映及び又は実務の改善に向けた取組が行われる。</p> <p>15. VBF の開催するセミナーや研修等が、法整備や現場の課題（特に人権保護及び司法アクセスに関する課題）を踏まえ、対象者のニーズに合った形で、企画・立案・実施される。</p> <p>16. 実施されたセミナーや研修において扱われた内容について、弁護士マニキュアルやガイドライン等への反映及び又は実務の改善に向けた取組が行われる。</p> <p>17. 弁護士マニキュアルやガイドライン等が以下の点を考慮して作成されている。</p>	<p>記載された執務参考資料並びに関係者へのインタビュアー</p> <p>9. MOJ の開催するセミナー等の資料及び関係者へのインタビュアー</p> <p>10. 9.のセミナーで扱われた内容が反映された法規範文書及び又は実務の改善に向けた取組が記載された執務参考資料</p> <p>11. SPC の開催するセミナー等の資料及び関係者へのインタビュアー</p> <p>12. 11.のセミナーで扱われた内容が反映された執務参考資料及び又は実務の改善に向けた取組が記載された執務参考資料並びに関係者へのインタビュアー</p> <p>13. SPP の開催するセミナー等の資料及び関係者へのインタビュアー</p> <p>14. 13.のセミナーで扱われた内容が反映された執務参考資料及び又は実務の改善に向けた取組が記載された執務参考資料並びに関係者へのインタビュアー</p> <p>15. VBF の開催するセミナーや研修等の資料及び関係者へのインタビュアー</p> <p>16. 15.のセミナーや研修等で扱われた内容が反映された弁護士マニキュアル・ガイドライン等及び又は実務の改善に向けた取組が記載された執務参考資料並びに関係者へのインタビュアー</p>
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(3)	<p>各機関において、①法規範文書の起草・審査・監査・監督、②法規範文書の適切な理解の促進及び統一的な運用に向けた助言・指導、並びに③法規範文書の適切な理解に基づいた裁判・執行実務の実現に向けた助言・指導に関する業務を改善するための、2021年以降に各機関が実施すべき活動が、本プロジェクトの成果を踏まえて分析・検討される。</p>	<p>1. 各機関の分析が、以下の点を考慮して実施される。</p> <ul style="list-style-type: none"> ➤ 法の統一的な適用及び執行の確保に向けた取組 ➤ 各種紛争が適切に解決される仕組みの整備に向けた取組 ➤ 人権を重視した適正な手続の実現に向けた取組 ➤ 司法アクセスの強化に向けた取組 	<p>1. 各機関の分析結果及び関係者へのインタビュー</p>	
活動(Activities)		(Inputs)	ベトナム側	法務・司法関係機関の職員の異動や離職が頻繁に発生しない。
(1)	MOJと協力し、法規範文書の不整合や多義的かつ不明確な規定の存在を抑制・是正し、かつ法規範文書の適切な理解の促進及び統一的な運用を実現する業務について、より効果的・効率的な業務を実現するための分析・検討を行い、その結果を取りまとめる。	日本側 長期専門家(チームアドバイザー(検察)、裁判官、弁護士、調整員、+α) 短期専門家 アドバイザーグループ 本邦研修の機会	MOJ、OOG、SPC、SPP: ・プロジェクトダイレクター ・プロジェクトマネージャー ・コーディネーター ・ワーキンググループメンバー	
1-	MOJが、長期専門家と協議の上、法規範文書の不整合や多義的かつ不明確な規定の存在を抑制・是正し、かつ法規範文書の適切な理解の促進及び統一的な運用を実現するための活動の対象となる法規範文書等を選定する。			
2)				

(1-1-3)	MOJ が、(1-1-1)で分析した改善策を踏まえ、(1-1-2)で合意した法規範文書等を対象とした年間活動計画を作成する。	日本で行うセミナー・ワークショップ用の会議室 JICANET 上記に関する費用 プロジェクト活動に係る費用の一部	・C/P 機関にて開催されるセミナー・ワークショップ用の会議室 ・プロジェクトに関する事務的な作業に必要な資材 ・プロジェクトに関する連絡・調整に必要な費用
(1-1-4)	JCC において、(1-1-3)で作成した年間活動計画を確認する。		
(1-1-5)	MOJ が、長期専門家と協力し、(1-1-3)で作成した活動計画に基づき、ワークショップ/セミナー等を開催する。	VBF: ・プロジェクトマネージャー ・コーディネーター ・ワーキンググループメンバー	・C/P 機関にて開催されるセミナー・ワークショップ用の会議室 ・プロジェクトに関する事務的な作業に必要な資材 ・プロジェクトに関する連絡・調整に必要な費用
(1-1-6)	MOJ が、長期専門家と協力し、(1-1-1)で分析した改善点をふまえ、他の省庁や省レベル人民委員会の法務部門の法規範文書等の起草能力の向上及び又は運用能力の向上を目的としたセミナーを開催する。		
(1-1-7)	MOJ が、長期専門家と協力し、(1-1-4)及び(1-1-5)で実施したセミナー等の内容や教訓を踏まえ、執務参考資料を作成する。		
(1-2-1)	OOG が長期専門家と協力し、法規範文書の不整合や多義的かつ不明確な規定の存在を抑制・是正しかつ法規範文書の適切な理解の促進及び統一的な運用を実現する業務について、より効果的・効率的な業務を実現するための分析・検討を行い、その結果を取りまとめる。		
(1-2-2)	OOG が、長期専門家と協議の上、法規範文書の不整合や多義的かつ不明確な規定の存在を抑制・是正しかつ法規範文書の適切な理解の促進及び統一的な運用を実現するための活動の対象となる法規範文書等を選定する。		
(1-2-3)	OOG と長期専門家が、(1-2-1)で分析した改善策を踏まえ、(1-2-2)で合意した法規範文書等を対象とした活動計画を作成する。		

(1)	OOG が、長期専門家と協力し、(1-2-3)で作成した活動計画に基づき、ワークショップ/セミナー等を開催する。
2-4)	
(1)	OOG が、長期専門家と協力し、(1-2-4)で実施したセミナー等の内容や教訓を踏まえ、執務参考資料を作成する。
2-5)	
(2)	MOJ,SPC,SPP 及び VBF が、長期専門家と協力し、各機関において、本プロジェクト期間の各年度(日本の予算年度。以下同じ。)当初に、2020 年の法・司法改革の実現のためのロードマップを踏まえた①成果 2 についての 5 年間計画及び②年間活動計画を作成する。
1)	
(2)	JCC において、(2-1-1)で作成した計画を確認する。
- 1-2)	
(2)	JCC において、(2-1-1)で作成した①5 年計画、②年間活動計画の前年度の実施状況の確認を行う。
- 1-3)	
(2)	MOJ が、長期専門家と協力し、関係機関と連携の上、改正民法、改正民事判決執行法及び改正国家賠償責任法のそれぞれ(関連法規範文書及びその他指導的文書を含む)について、最終草案を作成するためのセミナー等を開催する。
- 2-1)	
(2)	MOJ が、長期専門家と協力し、関係機関と連携の上、財産登録法、国際私法の制定に関する情報を収集し分析するとともに、結果を取りまとめる。
- 2-2)	
(2)	MOJ が、長期専門家と協力し、関係機関と連携の上、法規範文書の適切な理解の促進に向けた助言・指導機能を向上するためのセミナー等を企画、実施する。

2-	
3)	
(2	SPC が、長期専門家と協力し、関係機関と連携の上、改正民事訴訟法及び改正行政事件訴訟法のそれぞれ(関連法規範文書及びその他指導的文書を含む)について、最終草案を作成するためのセミナー等を開催する。
3-	
1)	SPC が、長期専門家と協力し、関係機関と連携の上、法規範文書の適切な理解に基づく裁判実務の実現に向けた助言・指導機能を向上するためのセミナー等を企画、実施する。
(2	
-	SPC が、長期専門家と協力し、関係機関と連携の上、法の統一的な適用を可能とする判例法理の形成に向け、情報を収集し分析するとともに、結果を取りまとめる。
3-	
3)	SPC が、長期専門家と協力し、関係機関と連携の上、国際的な民事紛争解決のための課題を分析するためのセミナー等を開催する。
(2	
-	SPP が、長期専門家と協力し、関係機関と連携の上、改正刑事訴訟法(関連法規範文書及びその他指導的文書を含む)の最終草案を作成するためのセミナー等を開催する。
4-	
4-	
1)	SPP が、長期専門家と協力し、関係機関と連携の上、法規範文書の適切な理解に基づく訴追・公判実務の実現又は民事・行政・刑事裁判実務の改善に向けた助言・指導能力を向上するためのセミナー等を企画、実施する。
(2	
-	弁護士が、調和のとれた法令の統一的な適用促進、人権保護及び司法アクセス向上の役割を果たすことを目指し、VBF が、単独あるいは他の関連機関と連携の上、長期専門家と協力し、法規範文書の適切な理解に基づく弁護士業務の改善に向けたVBFの助言・指導能力を向上するためのセミナー・研修等を企画、実施する。
5-	
1)	

(前提条件)
実施機関に大きな組織改編が生じない。

実施機関の所管業務に大きな変更が生じない。

(2)	弁護士が、調和のとれた法令の統一的な適用促進、人権保護及び司法アクセス向上の役割を果たすことを目指し、VBF が、単独あるいは他の関連機関と連携の上、長期専門家と協力し、本プロジェクトの支援対象である法規範文書を分析し、会員の意見を集約し、これらの法規範文書の改善あるいは統一的な適用のための提案を取りまとめるためのセミナー等を開催する。
(2)	VBF が、長期専門家と協力し、弁護士マニユアル・ガイドライン等を作成するため、WG を立ち上げる。
5-3)	
(2)	弁護士が、調和のとれた法令の統一的な適用促進、人権保護及び司法アクセス向上の役割を果たすことを目指し、VBF が立ち上げた WG が、長期専門家と協力し、弁護士マニユアル・ガイドライン等を作成する。
4)	
(2)	VBF が、長期専門家と協力し、関係機関と連携の上、国際的な取引や民事紛争解決に携わる弁護士の養成に関する課題を分析・検討するためのセミナー・研修等を開催する。
5)	
(3)	MOJ,OOG,SPC,SPP 及び VBF が、長期専門家と協力し、各機関において、年度ごとの本プロジェクトの活動の分析結果を総括する。
1)	
(3)	MOJ,OOG, SPC,SPP 及び VBF が、長期専門家と協力し、各機関において、2021 年以降の各機関の実務を改善する取組について分析・検討する。
2)	
(3)	MOJ,OOG, SPC,SPP 及び VBF が、長期専門家と協力し、各機関において、総括や分析・検討結果について、報告書等を作成する。
3)	

(*1) 第 48 号決議及び第 49 号決議とは、ベトナム共産党中央委員会政治局決議 2005 年第 48 号(Resolution No.48/NQ-TW of 24th May, 2005)および第 49 号(Resolution No.49/NQ-TW of 2nd June, 2005)を指す。
(*2) 法務・司法関係機関とは、司法省(MOJ)、首相府(OOG)、最高人民裁判所(SPC)、最高人民検察院(SPP)及びベトナム弁護士連合会(VBF)を指す。

Mid-term Review Report
The Project for Harmonized, Practical Legislation and
Uniform Application of Law Targeting Year 2020
(PHAP LUAT 2020)

Hanoi, Vietnam

18 January 2018

Mid-term Review Team

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1. Mission Schedule
2. Project Design Matrix (PDM)
3. List of Interviewees
4. Expenditure details from Vietnam Side
5. List of Experts Dispatched
6. Local Cost borne by Japanese Side
7. List of Equipment Provided
8. Record of Training / Workshop / Meetings (April 2015- December 2017)

ACRONYMS AND ABBREVIATIONS

BPR	Bureau of Legal Normative Documents Post-Review
BLEM	Bureau of Legal Enforcement and Monitoring
C/P	Counterpart
CED	Civil Economic Law Department
CIDA	Canadian International Development Agency
CJED	Civil Judgment Enforcement General Department
GIZ	(Bilateral organization of the Government of Germany)
GALD	Department of General Affairs in Legal Development
ICD	International Cooperation Department
ILD	International Law Department
JCC	Joint Coordinating Committee
MOJ	Ministry of Justice
NRAST	National Registration Agency of Secured Transactions
ODA	Official Development Assistance
OOG	Office of Government
PDM	Project Design Matrix
R/D	Record of Discussion
SCD	State Compensation Department
SPC	Supreme People's Court
SPP	Supreme People's Procuracy
VBF	Vietnam Bar Federation
NLD	National Legislative Development

Summary of Mid-term Review

I. Background	
Country: Vietnam	Project title: The Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020 (PHAP LUAT 2020)
Issue/Sector: Governance	
Department: Japan International Cooperation Agency (JICA) Industrial Development and Public Policy Department Governance Group, Law and Justice Team	Cooperation scheme: Technical Cooperation Project
Period of Cooperation: April 2014 to March 2020 (Five years)	Total Cost (at the time of evaluation): 750 million (approximately)
Supporting Organization in Japan: Supreme Court of Japan, Ministry of Justice International Cooperation Department, The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), Japan Federation of Bar Associations	Partner Country's Implementing Organization: Ministry of Justice (MOJ), Office of Government (OOG), Supreme People's Procuracy (SPP), Supreme People's Court (SPC), Vietnam Bar Federation (VBF)
<p>1-1 Background</p> <p>Since adopting "Doi Moi policy" in 1986, Vietnamese government has enhanced the transition to a market economy, and developed its legal systems accordingly as a part of policies of openness. In 2005, the Resolution No. 48-NQ/TW and No.49-NQ/TW of the Politburo of the Central Committee of the Communist Party were announced, and Judicial Reform has proceeded concretely from then on.</p> <p>Japan International Cooperation Agency (hereinafter referred to as "JICA") operated several technical assistance projects, such as "Legal Technical Assistance Project (phase 1) (1996 – 1999)" and subsequent phases of the same project (2000 – 2003 and 2003 – 2007), aiming to support legislative drafting work in civil and economic areas, and to achieve capacity development for legal practitioners in relevant organizations. During these terms, the above phases achieved certain results, for example, revised Civil Code (June 2005), revised Civil Procedure Code (November 2004) and manuals for legal practitioners that were jointly made by Japanese experts and partner organizations. At the scene where enacted new Legal Normative Documents were actually applied, however, relevant officers often faced difficulties on understanding and applying new legal normative documents properly, and the necessity for improving quality of actual practices at field level, such as adjudication work or law enforcement practice was still recognized. Thus, "Legal and Judicial System Reform Project (Phase 1)" had been operated from April 2007 to March 2011 together with Ministry of Justice (hereinafter referred to as "MOJ"), Supreme People's Court (hereinafter referred to as "SPC"), Supreme People's Procuracy ((hereinafter referred to as "SPP") and Vietnam Bar Federation (hereinafter referred to as "VBF") (joined from 2009) as counterpart organizations (hereinafter referred to as "C/P"s). Continuously, phase 2 of this project ("Phase 2") was conducted from April 2011 to March 2015 in order to accomplish favorable situation where central judicial authorities/organizations achieve improved institutional and human resource capacities to grasp the challenges in practices nationwide, establish the countermeasures to overcome those challenges, and incorporate these countermeasures into their workflow.</p>	

The terminal evaluation team of Phase 2 confirmed that certain results were found in improvement of local practices of C/Ps, especially in the areas selected as "Advanced Activities Area" where central level authorities/organizations and local level authorities/organizations had a good communication in order to abstract the actual challenges in practice and to come up with countermeasures to these challenges. On the other hand, the above team also confirmed that there was still a problem in the practices of other administrative authorities of other areas, especially at local level, in unified understanding and application of legal normative documents, and pointed out a further room for improvement in the drafting work and implementation of legal normative documents conducted by legal and judicial authorities. Therefore, as the subsequent project of Phase 2, JICA has decided to launch the new project "The Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020 (PHAP LUAT 2020)" (hereinafter referred to as "the Project") aiming to support Judicial Reform Strategy of Vietnam based on pre-existing results of cooperation in the past.

The Project, in anticipation of the target year 2020 for Legal and Judicial Reform in Vietnam, takes an approach that puts on a stress to establish new partnership between Vietnam and Japan after this project ends as well as keeping comprehensive and developmental cooperation based on the various reforms rooted from new Constitution 2013. Besides, bearing in mind that Japanese Official Development Assistance (hereinafter referred to as "ODA") to Vietnam that has been showing rapid economic growth is requested to contribute to the creation of favorable business environment, JICA welcomes the Office of the Government (hereinafter referred to as "OOG") as a new C/P in this project in addition to pre-existing four C/Ps, and decides to get involved in activities aiming to minimize and rectify obstructive factors for doing business in Vietnam.

1-2 Summary of the Project

(1) Overall Goal

The establishment of Vietnam's social foundation for growth is promoted through the development of predictable and reliable legal and judicial systems based on legal normative documents with ensured consistency.

(2) Project Purpose

Institutional capacity for legal and judicial authorities/ organization* is developed for minimizing and rectifying inconsistency in legal normative documents as well as for promoting appropriate understanding and undertaking uniform implementation and application of legal normative documents in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam; thereby, appropriate and efficient process and application of legal normative documents are realized. *MOJ, OOG, SPC, SPP and VBF

(3) Output

- 1) Capacity of human resources at MOJ and OOG is strengthened for better (1) review/verification, (2) post-checking, and (3) monitoring the implementation of civil, economic, and other related legal normative documents so that inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of legal normative documents are minimized and rectified as well as promotion of appropriate understanding and uniform implementation of legal normative documents is realized.
- 2) Based on the work plan formulated by each implementing agency for the implementation of the legal and judicial reform up to 2020, which is in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and

No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam, substantive laws and procedural laws which contribute to settling civil cases are drafted and the Criminal Procedure Code is drafted. In addition, appropriate understanding of legal normative documents on civil cases and criminal procedures is promoted and capacity for giving advice and guidance on uniform implementation and conducting adjudication procedure is enhanced.

- 3) Each organization analyzes and examines activities to be conducted after 2021 taking into consideration the Outputs of the Project in order to improve practices of (1) drafting, reviewing/verifying, post-checking and monitoring the implementation of legal normative documents, (2) giving advice and guidance on promoting appropriate understanding and uniform implementation of legal normative documents, and (3) giving advice and guidance for realizing adjudication and legal procedures based on appropriate understanding of legal normative documents.

(3) Inputs

Japanese side:

Expert (Short-term expert) :8 (22)	Provision of Equipment: JPY 1,342,174
Trainees received: 135	Local Operation Cost: USD 1,820,174

Vietnamese side:

Counterpart officers: 47	Local Operation Cost: USD 482,477
Facilities / Equipment: Office facility is prepared by the Project on its own.	

II. Evaluation Team

EDAGAWA Mitsushi (Mr.)	Leader	Senior Advisor, Attorney-at-Law, JICA
MORINAGA Taro (Mr.)	Legal and Judicial System	Director, International Cooperation Department Research and Training Institute, Ministry of Justice
MATSUDO Ayano (Ms.)	Cooperation Planning	Deputy Assistant Director, Law and Justice Team, Governance Group, Industrial Development and Public Policy Department, JICA
NAKAMURA Yumiko (Ms)	Evaluation Consultant	Consultant, Tekizaitekisho LLC
Period of Review: 07 January 2018 - 18 January 2018		Type of Evaluation: Mid-term review

III. Results of Evaluation

3-1 Achievement of the Outputs

Achievement level of expected Outputs was assessed referring the latest PDM agreed in February 2015 between the Government of Vietnam and Government of Japan. A total of 27 indicators set forth to assess the achievement level of the expected outputs, including seven (7) for Output 1, nineteen (19) for Output 2, and one (1) for Output 3, and three indicators have already achieved as of the Mid-term Review, while twenty-two (22) amongst all were assessed “in progress”, two (2) were “no progress” meaning “not yet started”.

Output	Indicator	Assessment as of Mid-term Review
Output 1	1. MOJ plans, design and holds seminars and other events to meet the needs of the internal human resources, taking into consideration the challenges faced by local practitioners.	MOJ, particularly BPR, GALD, and BLEM, formulated the annual work plan and implemented a number of seminars and workshops in cooperation with the Project. Most of them were policy-driven; however, they were directly linked to the designated

	(In Progress)	duties and responsibilities and addressed those issues that participating officers encountered in their day-to-day duties and that they are likely to face in future.
	MOJ plans, design and holds seminars and other events to meet the needs of other ministries and legal departments of the People's Committees at the ministry level, taking into consideration the challenges faced by local practitioners. (In Progress)	Based on the work plan, BPR, BLEM and GALD of MOJ held training activities for officers at legal departments of line ministries and other organizations aiming to extract needs and opinions for further improvement on the draft of legal normative documents and to study the present situation of law enforcement.
	3. MOJ's reference materials are developed taking into consideration the following points: ➤ The analysis on the situations of inconsistent implementation and application of legal normative documents. ➤ The analysis on the causes of inconsistent implementation and application of legal normative documents. ➤ Remedial measures based on the identified situations and causes of inconsistent implementation and application of legal normative documents. ➤ Necessary facilitation to take remedial measures. (No Progress)	No activities concerning development of referential materials have been done yet in the past two years to date, thus no output is generated yet.
	4. MOJ's reference materials are used by relevant staff. (No Progress)	There was no record of use admitted at the time of the Mid-term review due to the reason mentioned in the above.
	5. OOG plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners. (In Progress)	OOG implemented approximately ten activities per year based on the annual work plan to collect opinions from relevant parties regarding enacted legal normative documents and future revision of existing laws.
	6. OOG's reference materials are developed taking into consideration the following points: ➤ The analysis on the situations of inconsistent implementation and application of legal normative documents. ➤ The analysis on the causes of inconsistent implementation and application of legal normative documents. ➤ Remedial measures based on the identified situations and causes of inconsistent implementation and application of legal normative documents. ➤ Necessary facilitation to take remedial measures. (No Progress)	No activities concerning development of referential materials have been done yet in the past two years to date, thus no output is generated yet.
	7. OOG's reference materials are used by relevant staff. (No Progress)	There was no record of use admitted at the time of the Mid-term review due to the reason mentioned in the above.
Output 2	1. The work plan formulated by each organization takes into consideration the following points: ➤ Each organization's review on the achievement of the legal and judicial reform up to 2020. ➤ Each organization's analysis on the activities in previous years. ➤ Each organization's process to achieve the goal of the target year. ➤ Each organization's prioritized activities for the purpose of attaining the legal and judicial reform up to 2020. (In Progress)	Each department of MOJ in consultation with Japanese expert formulated the annual plan for the project activities taking into consideration of their policy priorities such as Resolution No. 48 and No. 49 and duties and responsibilities of respective departments.
	2. The drafts of the revised Civil Code, revised Law on Civil Judgment Execution, revised State	Revised Civil Code was adopted by the National Assembly in November 2015, and revised State

<p>Compensation Liability Law, revised Civil Procedure Code, and the revised Administrative Procedure Law are improved taking into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➤ The development of Vietnam’s market economy. ➤ The challenges in practical implementation <p style="text-align: right;">(Achieved)</p>	<p>Compensation Liability Law was adopted in June 2017. As for revised Law on Civil Judgment Execution, it had already adopted in 2014 before the Project started. Primary features of these revised law is summarized as follows:</p> <p>[Revised Civil Code] Reestablishment of definition on legal entity, clarification of personal rights in provisions, reestablishment of definition on property.</p> <p>[Revised State Compensation Liability Law] Expanded coverage for compensation, clarification and simplification of procedure, expansion of period for statute of limitation, and among others.</p> <p>Revised Civil Procedure Code, and revised Administrative Procedure Law were adopted by the National Assembly in November 2015.</p> <p>[Revised Civil Procedure Code] Introduction of simplified procedure by people’s jurors, introduction of the adversarial principle.</p> <p>[Revised Administrative Procedure Law] Introduction of dispute adversarial principles, grant of rights on guidance for inconsistency between laws, responding adjudication related to nonresidents and foreign corporations.</p>
<p>3. The draft of the revised Criminal Procedure Code is improved taking into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➤ The challenges in practical implementation. ➤ Enhanced protection of human rights. <p style="text-align: right;">(Achieved)</p>	<p>The revised Criminal Procedure Code was adopted by the National Assembly in November 2015. However, as mentioned in the earlier section, it was found that there were some mistakes in provisions of Penal Code, thus it was returned for further review, and it led to the delay in promulgation of laws till January 2018. Primary features of the revised Criminal Procedure Code is summarized as follows:</p> <p>[Revised Civil Procedure Code] Inclusion of basic principle on respect, protect, ensure the citizen rights and human rights toward more efficiency and transparency, adversarial principles at trial, clear procedure in application of coercive measures in criminal proceedings, international cooperation in criminal proceedings.</p>
<p>4. Practical challenges are identified and analyzed for the development of the Law on Property Registration and Law on Private International Law.</p>	<p>[Law on Property Registration] JICA dispatched survey mission team to Vietnam for three times to date and studied the status of current registration practice done by NRAFT. Findings and results were summarized in the report and submitted to the MOJ management.</p> <p>[Private International Law] To date, ILD in cooperation with the Project held seminar on Private International Law once a year. The seminars focused on the theme of provisions on international private law in the revised Civil Code and bankruptcy which has been increasing in Vietnam in recent years. Further analytical work will be scheduled to identify future direction and</p>

	(In Progress)	areas to be covered by International Civil Law of Vietnam in the remaining cooperation period.
5. Issues regarding the formation of judicial precedents are synthesized.	(In Progress)	Through the project activities, it was found that writing methods is one of the major issues in the formation of judicial precedents. As of the Mid-term review, SPC had already chosen sixteen precedents, and analytical work by SPC in cooperation with relevant academics has been in progress.
6. The synthesized issues regarding the formation of judicial precedents are reflected to legal normative documents and/or improvement of practical implementation is undertaken.	(In Progress)	SPC officially introduced the judicial precedent system on 28 October 2015. In early 2018, SPC plans to hold a meeting to discuss issues related to the judicial precedent system, and revise the said decision based on results of discussion and issues such as problem in selection of court precedents.
7. Practical challenges in the settlement of international civil cases are identified and analyzed.	(In Progress)	SPC conducted a number of activities related to international civil cases, particularly on international commercial disputes and intellectual property right. Through the activities, it became clear that that lack of knowledge and experience of judges in the field related to the international issues and areas that needed to be strengthened are the current challenge. Analytical work by SPC in cooperation with Japanese experts are being in progress at the time of the Mid-term review.
8. The identified and analyzed challenges in the settlement of international civil cases are reflected to legal normative documents and/or improvement of practical implementation is undertaken.	(In Progress)	Based on the results of the seminars implemented, recommendations will be made for future legislation of the related legal normative documents.
9. MOJ plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.	(In Progress)	Based on the annual work plan formulated by MOJ, a number of seminars and workshops were held both at the national level at the local level during the project period covered aiming to identify issues and challenges in the area of legislation and law enforcement.
10. Issues taken up in MOJ's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken.	(In Progress)	For further improvement of practical implementation, MOJ put the results of training activities into a written form and submit it to the MOJ management. In addition, the report is shared with other officers concerned via internal network. Moreover, two referential materials including the guidance on 2015 Civil Code and guidance on property right were/is being developed. The former was already developed and is ready to distribute to organization concerned ¹ .
11. SPC plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.	(In Progress)	Trainings and seminars were held seven times on average per year according to the annual plan, so-called Work Plan, formulated by SPC during the project period covered.
12. Issues taken up in SPC's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken.	(In Progress)	In addition to the introduction of judicial precedent system in 2015, the Project provided technical advice and relevant information on the adversarial principles, and SPC in collaboration with the Project published the book on adversarial principles.

¹ CED with JICA's financial support printed 1,500 copies and plans to distribute them to 1) relevant organizations up to district level including law departments, civil judgement enforcement departments, prosecutors office, court, members of national assembly, people's committee, 2) training participants, 3) legislative department in line ministries, 4) Law Committee of National Assembly, 5) other government organizations, and 6) Universities (Source: Results of interview to CED in 08 January 2018).

<p>13. SPP plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners. (In Progress)</p>	<p>Based on the annual plan, SPP implemented a total of 40 activities for the purpose of strengthening practical skills and understanding of prosecutors.</p>
<p>14. Issues taken up in SPP's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken. (In Progress)</p>	<p>Report after the seminar/workshop is made mentioning the opinions, ideas, and recommendations raised from training participants and submitted it to the leaders of SPP and relevant departments for taking into consideration in developing laws, legal normative documents and guidance of implementation of the Criminal Procedure Code. The report is also shared to provincial People's Procuracies who continuously conduct intensive training to its officials and lower level via TV conference system and is available on the SPP website for public access. Currently, SPP together with Ministry of Public Security have been currently working on preparation of a Decree guiding implementation of audio/video recording system in interrogation.</p>
<p>15. VBF plans, design and holds seminars, training courses and other events to contribute to the legal policy and legislation development and to meet the needs of the participants, taking into consideration the challenges faced by local practitioners (particularly challenges regarding the protection of human rights and access to justice). (In Progress)</p>	<p>VBF conducted a number of activities such as surveys both in Hanoi and in other provinces to study the current situation of lawyers' activities and administration of local bar associations, seminars on the dispute principles held jointly with SPP and SPC and working session for the development of "Lawyer's Manual".</p>
<p>16. Issues taken up in VBF's seminars, training courses, and other events are reflected to the Lawyer's Manual and other professional and skills guidelines and/or improvement of practical implementation is undertaken. (In Progress)</p>	<p>Results of discussions and opinions obtained from the working session for the manual development were reported to be reflected into the manual which was developed in 2017.</p>
<p>17. The Lawyer's Manual and other professional and skills guidelines are developed taking into consideration the following points: ➤ Contribution to the protection of human rights and better access to justice. ➤ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➤ Enhanced legal services to the citizens. ➤ The challenges in practical implementation. (Achieved)</p>	<p>VBF developed the "Lawyer's Manual" comprising with three volumes by the end of 2017, and made 1,700 copies for each volume as of the Mid-term review.</p>
<p>18. The Lawyer's Manual and other professional and skills guidelines are at the disposal of lawyers for utilization. (Achieved)</p>	<p>A total of 1,700 copies were distributed to the relevant organizations and stakeholders : 1) Members of Lawyers Councils: one copy per member; 2) 63 local bar associations (one copy per eight members); 3) Relevant organizations and ministries at the central level: one copy for each; 4) Writers of the manual: one copy each; 5) Manual development committee members: one copy each; and, 6) Relevant mass-media: one copy each.</p>
<p>19. The Lawyer's Manual and other professional and skills guidelines are used by lawyers. (In Progress)</p>	<p>The Manual was distributed to the members of VBF already and it is reported to be or being used by lawyers.</p>

Output 3	<p>1. Each organization conducts an analysis taking into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Activities for uniform application and enforcement of laws and ordinances. ➤ Activities for establishing a framework which enables appropriate dispute settlements. ➤ Activities for realizing legal procedures which underscore human rights. ➤ Activities for strengthening access to justice. <p style="text-align: center;">(No tangible result is generated)</p>	No tangible result is generated yet as activities related to this indicator are schedule to be implemented in the remaining project period.
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3-2 Prospect of Achievement of the Project Purpose

The Review Team confirmed that four out of eleven indicators set in the PDM for measuring level of achievement of the Project Purpose have being in progress.

Indicator	Assessment as of Mid-term Review
<p>1. MOJ's review of legal normative documents is improved in the following aspects:</p> <ul style="list-style-type: none"> ➤ Opinions from a wider range of stakeholders are taken into consideration. ➤ Attention in given to any possible issues which may arise during the implementation and application stage. ➤ The reviews are conducted from a view point of ensuring consistency of legal normative documents. ➤ The reviews are conducted from a view point of realizing uniform implementation and application of legal normative documents. <p style="text-align: center;">(In Progress)</p>	<p>It was reported that a couple of substantial improvement of legal normative documents was admitted at practical work; however, there is no objective data and information was obtained during the Mid-term review.</p>
<p>2. MOJ's post-checking of legal normative documents is improved in the following aspects:</p> <ul style="list-style-type: none"> ➤ Opinions from a wider range of stakeholders are taken into consideration. ➤ The situations and causes of inconsistent implementation and application of legal normative documents are analyzed. ➤ Remedial measures are considered and facilitation for taking such measures is conducted based on the identified causes of inconsistent implementation and application of legal normative documents. <p style="text-align: center;">(In Progress)</p>	<p>The following effect were reported to have been generated from the project activities:</p> <ol style="list-style-type: none"> 1) capacity of responsible officers for post-review of legal normative documents at BPR has enhanced; 2) the number of illegal document identified during the post-review has been increased; 3) identification of illegal documents became promptly proceeded; and among others. <p>Meanwhile, there was no objective data and information obtained during the Mid-term review. It is required to set out objective indicators.</p>
<p>3. MOJ's monitoring law implementation is improved in the following aspects:</p> <ul style="list-style-type: none"> ➤ Opinions from a wider range of stakeholders are taken into consideration. ➤ The situations of inconsistent implementation and application of legal normative documents and the insufficient development of legal normative documents as their causes are analyzed. ➤ Remedial measures are taken for improving the situations of insufficient development of legal normative documents, which can be a cause of inconsistent implementation and application of legal normative documents. <p style="text-align: center;">(In Progress)</p>	<p>With the knowledge and understanding obtained from the project activities, BLEM developed a proposal on issues to be concerned before law enforcement, and submitted it to the government. In addition, in order to improve monitoring the law enforcement, BLEM plans to implement the following activities such as 1) conducting policy analysis and subsequent research activities to submit a proposal for the Law on Enforcement of Legal Normative Document, and 2) developing a manual on monitoring of law enforcement.</p>
<p>4. OOG's verifications of legal normative documents are improved in the following aspects:</p> <ul style="list-style-type: none"> ➤ Coordination among different stakeholders is enhanced. 	<p>It was reported that capacity of officers responsible for examination of legal normative documents at OOG has enhanced as a result of the project</p>

<ul style="list-style-type: none"> ➤ Opinions from a wider range of stakeholders are taken into consideration. ➤ Attention is given to any possible issues which may arise during the implementation and application stage. ➤ The verifications are conducted from a view point of realizing uniform implementation and application. ➤ The verifications are conducted from a view point of realizing uniform implementation and application. <p style="text-align: right;">(In Progress)</p>	<p>activities including participating seminars and workshop; however, there was no objective data and information obtained during the Mid-term review. It is required to set out objective indicators.</p>
<p>5. OOG's capacity to support to the government and Prime Minister in supervising, directing and verifying when drafting and implementing legal normative documents is enhanced.</p> <p style="text-align: right;">(Unable to assess)</p>	<p>No specific and/or substantial outcome regarding the improved capacity to support the government and Prime Minister in supervising, directing and verifying was admitted at the time of the Mid-term review. There is room for the improvement of the indicator.</p>
<p>Based on the work plan, civil proceedings are improved.</p> <ul style="list-style-type: none"> ➤ SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. ➤ SPP contributes to ensuring that laws are strictly and uniformly observed. ➤ VBF contributes to the harmonized legislation, uniform application of law, protection of human rights, and better access to justice. <p style="text-align: right;">(Too early to assess)</p>	<p>No specific and/or substantial outcome of the project activities was admitted at the time of the Mid-term review. There is room for the improvement of the indicator.</p>
<p>7. Based on the work plan, administrative proceedings are improved.</p> <ul style="list-style-type: none"> ➤ <input type="checkbox"/> SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. ➤ <input type="checkbox"/> SPP contributes to ensuring that laws are strictly and uniformly observed. ➤ <input type="checkbox"/> VBF contributes to harmonized legislation, uniform application of law, the protection of human rights, and better access to justice. <p style="text-align: right;">(Too early to assess)</p>	<p>No specific and/or substantial outcome of the project activities was admitted at the time of the Mid-term review.</p>
<p>8. Based on the work plan, criminal proceedings are improved.</p> <ul style="list-style-type: none"> ➤ <input type="checkbox"/> SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. ➤ <input type="checkbox"/> SPP contributes to ensuring that laws are strictly and uniformly observed. ➤ <input type="checkbox"/> VBF contributes to harmonized legislation, uniform application of law, the protection of human rights, and better access to justice. <p style="text-align: right;">(Too early to assess)</p>	<p>No specific and/or substantial outcome of the project activities was admitted at the time of the Mid-term review.</p>
<p>9. Civil adjudications are appropriately held in accordance with the revised Civil Procedure Code.</p> <p style="text-align: right;">(Too early to assess)</p>	<p>It has not been long since the revised Civil Procedure Code was enforced in July 2016 and thus it is too early to assess the appropriateness of the law enforcement.</p>
<p>10. Administrative adjudications are appropriately held in accordance with the revised Administrative Procedure Law.</p> <p style="text-align: right;">(Too early to assess)</p>	<p>it has not been long since the revised Administrative Procedure Law was enforced in July 2016 and thus it is too early to assess the appropriateness of the law enforcement.</p>
<p>11. Criminal adjudications are appropriately held in accordance with the revised Criminal Procedure Code.</p> <p style="text-align: right;">(Too early to assess)</p>	<p>It is only two weeks passed since the revised Criminal Procedure Code was enforced in January 2018, and thus it is too early to assess the appropriateness of the law enforcement.</p>

3-3. Prospect for Achievement of Overall Goal

The Review Team collected preliminary information and data related to the indicators set for Overall Goal during the Mid-term review.

Indicator	Assessment as of Mid-term Review
1. The performance of the international comparative indicators on legal and judicial practices publicized by international organizations etc. improves from that of the project inception.	According to the World Justice Project on Rule of Law Index, global ranking of Vietnam has improved from 64 out of 102 countries in the world in 2015 to 67 out of 113 countries in 2016 as of Mid-term review. In its report, it was praised that “the biggest mover was Vietnam, rising 7 positions to 67th globally”.
2. The performance of the international comparative indicators on lawyers’ practices publicized by international organizations etc. improves from that of the project inception.	No data is available.
3. The reviews ² /verifications ³ are conducted in accordance with the improved review/verification process.	No tangible result is generated yet since related work and activities are still in the progress through the project activities.
4. The supervisions and post-checking are conducted in accordance with the improved supervision and post-checking process.	Ditto

Rule of Law Ranking

Categories	2015	2016
2015	2016	81/113
Absence of Corruption	56/102	67/113
Open Government	86/102	92/113
Fundamental Rights	69/102	68/113
Order and Security	35/102	35/113
Regulatory Enforcement	2016	91/113
Civil Justice	76/102	80/113
Criminal Justice	39/102	51/113
Ranking	64/102	67/113

(source: World Justice Project on Rule of Law Index 2015 and 2016)

*Ranking of Vietnam / Total number of countries

4. Evaluation by the Five Criteria

4-1 Relevance: Policy aspect “High”, PDM design “Low”

- Government policies and strategies in the field of law and judicial sector remained unchanged since the Project started in April 2015, and the Project activities are well aligned with those policies. The “Resolution No. 48-NQ/TW” of the Politburo of the Central Committee of the Communist Party of Vietnam and “Resolution No. 49-NQ/TW 2005” emphasizes the necessity of further improvement of legislative duties and strengthening the rule of law in Vietnam toward 2020. The “Socio-Economic Development Strategy for the period of 2011-2020” also stresses the importance of the government’s endeavor to push forward legislative and judiciary

² The term “review”, which is undertaken by MOJ, is the procedure prescribed in Articles 36 and 63 of the Law No. 17/2008/QH12 “the Law on Promulgation of Legal Normative Documents”.

³ The term “verification”, which is undertaken by OOG, is the procedure prescribed in Article 2 of the Decree No. 74/2012/ND-CP, Article 17 of the Decree No. 08/2012/ND-CP “the Working Regulations of the Government”, and Article 29 of the Decree No. 24/2009/ND-CP “Detailing and Providing Measures for the Implementation of the Law on Promulgation of Legal Normative Documents”.

reform law development process, and improve the quality of legal system. The policies upheld by the Government of Japan such as “Country Assistance Policy for Vietnam” and the “Basic Policies on Legal Technical Assistance” put a great focus on further assistance toward improving the judicial and legal system in Vietnam to ensure justice, fairness, neutrality, and transparency of the Governance as well as the assistance for legal development and operation in the fields of basic and economic laws.

- According to the results of the survey conducted by JETRO in 2015, it was pointed out that “inadequate legal and law system/unclear application of laws and regulations” was one of the major risks that the Japanese companies in Vietnam encountered during day-to-day business and investment. As such, needs for improvement law and judicial sector in Vietnam is still high.
- Moreover, Japan has supported continuously the legal system development in Vietnam through technical assistance project over decades since 1990’s, and has accumulated knowledge and understanding on the issues that judicial and legal institutions are facing. With a long history of cooperation, support system has been set up in cooperation with advisory group members, and clear and strategic linkage has been already developed between activities in Vietnam and training in Japan. Such comprehensive and united framework of cooperation is one of the strengths of the technical assistance by the Government of Japan.
- Meanwhile, as the project activities have gone ahead, it became clear that the project activities are to be narrowed down and indicators in the PDM needs to be further verified.

4-2 Effectiveness: Fair

- The Review Team confirmed that there are some positive signs in four (4) indicators out of eleven (11) in total set forth in the PDM as of the Mid-term review. Based on the current level of achievement, the Effectiveness of the Project is assessed as “Fair”.
- In terms of technical transfer from the project experts to counterpart officials, it has been so far conducted in a smooth and effective manner. Meanwhile, their involvement in each activity initiated by counterpart organizations remain limited due to the fact that these activities tend to be implemented on an ad-hoc basis.
- Regarding those assumptions set in the PDM, no major effect has been observed since the Project started in April 2015.

4-3 Efficiency: Moderate

- To date, three (3) out of seven indicators for Output 1 and all of nineteen (19) indicators are confirmed to be in progress, and none is achieved so far for Output 3. As such, the Review Team confirmed that the project activities made steady progress and are moving forward to generate expected outcomes.
- Inputs from Japanese side including dispatching experts, provision of equipment, and providing training opportunities in Japan were executed in an appropriate and efficient manner.
- In terms of inputs from Vietnam side, all input except provision of office space were executed as per the originally agreed plan.

4-4 Impact: Fair

- It is difficult to predict the prospect of achievement of the Overall Goal at the time of the Mid-term review since the Project is still in the middle of implementation stage. However, the Review Team assess the Impact of the Project is “Fair” based on the fact that there are some initiatives have already undertaken by the counterpart organizations on their own.
- These include: 1) Referential materials such as process of examination on legal normative document and guidebook on illegal legal normative document were/is being developed after the project activities; 2) With knowledge and understanding obtained through the training in Japan, a report was developed concerning conditions and requirements for examinations of legal normative documents, and submitted it to the Government.
- On the other hand, there is no negative impact admitted as of the Mid-term review.

4-5 Sustainability: Moderate

(1) Policy and Institutional Sustainability: High

- The policy environment for the Project has remained unchanged since the Project started in April 2015, and the effect generated by the Project is likely to be supported continuously by the Government of Vietnam. To date, Resolution No. 48 and No. 49 have been the foundation of the policy implementation by the counterpart organizations, and the Politburo Conclusion No. 92-KL/TW of March 12, 2014 provides guidance on continuous engagement of legal and judicial reform toward 2020. Moreover, the Government of Vietnam in its policy document for socio-economic development stresses the importance of the improvement of the effectiveness and quality of legal system to realize further socio-economic development.

(2) Organizational Sustainability: Moderate

- Organizational setting of legal and judicial institutions also remained unchanged.
- As is seen in the organizational renovation of the people's court, organizational setting in the law and judicial sector has been improved since the Project started.
- Meanwhile, it is also the fact that the Government has made every effort to rationalize the administration structure, and there is little possibility for the increase of the government officers in future.

(3) Financial Sustainability: Fair

- The Project introduced the cost-sharing scheme based on the agreement (R/D) signed in 2015 before the Project started. Based on the agreement, the expenses arose in the course of the project activities have been borne by counterpart organizations; namely OOG, SPC, and SPP. Although the total expenses that the counterpart organizations spent for the project activities during the project period covered accounted for only 30 % of the total expenditure borne by the project, it is considered a big step forward compared with the situation in the previous JICA projects where the project activities were fully funded only by Japanese side.
- In order to secure the financial sustainability of the project effect, it is necessary to identify areas to be focused for further improvement, and reflect it to the annual work plan. It is, at the same time, vital to provide advice on developing mechanism, know-how, and process required to ensure the continuity of activities and sustainability of the project effect.

(4) Technical Sustainability: Moderate

- Knowledge and skills acquired through the Project have been put into practice.
- Results of the workshops and seminars as well as information and knowledge obtained during the project activities were reported to the management of each organization, and are also shared to relevant officers in many ways through report distribution, TV conference system, and the website. Moreover, several initiatives have been undertaken by counterpart organizations on their own as seen in the case of development of manuals to strengthen practical skills of the relevant officers.
- To secure technical sustainability in the longer term, it is vital to accumulate the knowledge and skills at the organizational level. In order to do so, the possibility of implementation of activities such as in-depth research and analysis and manual development need to be explored.

4-6 Promoting and Inhibiting Factors

- The following issues were pointed out as factors affect implementation of the project activities.
Promoting Factors: Human Factors including 1) Expert's in-depth knowledge and abundant practical experience, 2) Favorable relationship between Japan and Vietnam established through the long-term relationship, 3) Strong commitment from both side, 4) Plan formulated based on the Project Purpose and needs of relevant organization and needs from the society; 5) Variety of interventions such as trainings in Vietnam, Training in Japan, individual consultation by experts; and 6) Simplified administrative procedure from the third year and among others.
- Inhibiting Factors: 1) Limited access to the counterpart officials that resulted in insufficient understanding on issues of the target organizations; 2) Insufficient inter-organizational coordination and reporting; 3) Ad-hoc

activities without any continuity; 4) Wide-ranging activities. Difficulty in focusing on specific issues in implementing activities; 5) Difficulty in coordinating the timing of the activities' implementation between counterpart organizations and the Project and among others.

5. Results of Evaluation

5-1 Conclusion

Based upon the findings of the evaluation, the Review Team concluded that Project Purpose is in progress toward achievement with some good signs of generating expected outputs of the Project. Meanwhile, it was found that there are some issues to be addressed such as revision of the PDM and narrowing down areas to be focused with strategic approach to achieve the ultimate goal of the Project. Results of the terminal evaluation by the five evaluation criteria are summarized below:

Criteria	Evaluation	Summary
Relevance	High (Policy Aspect) Low (Design)	The Project coincides with policies of the Government of Vietnam and Japan as well as with the needs in the legal and judicial sector in Vietnam. However, regarding the project design, description of the Project Purpose and Outputs is ambiguous and some of verifiable indicators are not clearly defined.
Effectiveness	Fair	The Project has been making a progress to fulfill the expected goal of the Project. It was found, however, that the project activities covered several different issues in various areas and it led to the limited level of achievement of the Project Purpose.
Efficiency	Moderate	The efficiency of implementation of project activities as a whole is moderate. The timing, quality and quantity of inputs, including trainings, experts, and provision / management of equipment, were appropriate and on schedule. It was found that issues lie in the area of management.
Impact	Fair	Although it is premature to assess the level of achievement of expected impact as of the Mid-term review, there are some favourable signs recognized during the survey.
Sustainability	Moderate	In terms of Policy and Institutional aspect is "high", Organizational sustainability is "moderate". Financial sustainability is "fair" since the financial source is not fully secured for continuity of the project effect. As for the technical sustainability, it was assessed as "moderate" as strengthening the capacity at the organizational level is still an issue.

* Ranking according to the five-grade evaluation: High, Relatively high, Moderate, Fair, and Low.

5-2 Recommendation

Revision of PDM

As a result of the Mid-term review, whose purpose is to review the progress of the project activities and find out any obstacles, it is found that the ambiguity and vagueness that lie in the expressions used in the PDM are hindering the Project's effects to be fully expressed; thus, there is a need to re-examine the project design. For instance, the vague expressions found in the Output-1 caused difficulties in defining the appropriate project activities, thus lowering the effects of the Project. In order to generate tangible results of the Project within the remaining Project period, revision of the PDM to streamline the concepts and

expressions so as to enhance clear understanding and perception among the participants to this project is strongly recommended.

Future Activities

In addition to the revision of the Project Purpose and the Outputs as well as the project activities and the indicators that follow, as explained in the “Relevance”, among others, below two initiatives are to be included in the project design.

(a) Formation of Working Groups

To date, the experts have focused mainly on providing technical advice by taking part in the seminars held by the counterpart organisations. In order to conduct technical assistance more effectively, it is advised to form working groups where the counterpart organisations and the experts thoroughly discuss, analyse specified areas of concern, identify target issues and monitor the outcomes of relevant activities.

(b) Implementation of Joint Activities among counterpart agencies

In the Recommendation of the terminal evaluation of the previous project, implementation of the joint activities among counterpart organisations are recommended; however, it is not included in the current Project. The introduction of new systems and practices reflecting the adversarial principle expressly guaranteed by the new Constitution, requires proper understanding by each of the parties and relevant agencies which at its core should be consistent and unified. Undue discrepancy among the relevant stakeholders will easily result in unwanted distortion and ineffectiveness, inefficiency of the procedure and may eventually lead to delay and injustice. One of the most effective ways to create necessary common understanding is the implementation of a joint effort among different stakeholders which can mobilize multi-faceted knowledge, experience and skills. Therefore, implementation of the joint activities among counterpart organisations is recommended in order to deepen common understanding.

5-3 Lessons Learned

- (1) Several issues and challenges are pointed out regarding the project design such as the concerning Output-1, which is a newly introduced component from this Project, as a result of the Mid-term review. Lessons learned from the findings regarding the Output-1 include that when introducing new components to a project, in-depth situation and needs survey and analysis should be conducted before designing the PDM. Further, in the event it becomes necessary, the project should not hesitate to conduct additional survey and analysis.
- (2) The ambiguous concepts and vague expressions used in the PDM allowed the Project to engage in activities the purport of which was not always distinct and the effectiveness and the contribution to the achievement of the overall objective of the Project thereof was not clear enough. This led to the overburdening of the Project which not only made the effects of individual activities questionable but also resulted in diminishing the effectiveness and the efficiency of the intervention by the Project in its entirety.

(3) As outputs of the project in the judicial sector tend to be qualitative rather than quantitative, indicators of the PDM need to be well examined. It is thus recommended to include identification and examination of indicators as part of the project activities.

1. INTRODUCTION

1-1 Background of the Project and the Purpose of the Mid-term review

Since adopting "Doi Moi policy" in 1986, Vietnamese government has enhanced the transition to a market economy, and developed its legal systems accordingly as a part of policies of openness. In 2005, the Resolution No. 48-NQ/TW and No.49-NQ/TW of the Politburo of the Central Committee of the Communist Party were announced, and Judicial Reform has proceeded concretely from then on.

Japan International Cooperation Agency (hereinafter referred to as "JICA") operated several technical assistance projects, such as "Legal Technical Assistance Project (phase 1) (1996 – 1999)" and subsequent phases of the same project (2000 – 2003 and 2003 – 2007), aiming to support legislative drafting work in civil and economic areas, and to achieve capacity development for legal practitioners in relevant organizations. During these terms, the above phases achieved certain results, for example, revised Civil Code (June 2005), revised Civil Procedure Code (November 2004) and manuals for legal practitioners that were jointly made by Japanese experts and partner organizations. At the scene where enacted new Legal Normative Documents were actually applied, however, relevant officers often faced difficulties on understanding and applying new legal normative documents properly, and the necessity for improving quality of actual practices at field level, such as adjudication work or law enforcement practice was still recognized. Thus, "Legal and Judicial System Reform Project (Phase 1)" had been operated from April 2007 to March 2011 together with Ministry of Justice (hereinafter referred to as "MOJ"), Supreme People's Court (hereinafter referred to as "SPC"), Supreme People's Procuracy ((hereinafter referred to as "SPP") and Vietnam Bar Federation (hereinafter referred to as "VBF") (joined from 2009) as counterpart organizations (hereinafter referred to as "C/P"s). Continuously, phase 2 of this project ("Phase 2") was conducted from April 2011 to March 2015 in order to accomplish a favorable situation where central judicial authorities/organizations achieve improved institutional and human resource capacities to grasp the challenges in practices nationwide, establish the countermeasures to overcome those challenges, and incorporate these countermeasures into their workflow.

The terminal evaluation team of Phase 2 confirmed that certain results were found in improvement of local practices of C/Ps, especially in the areas selected as "Advanced Activities Area" where central level authorities/organizations and local level authorities/organizations had a good communication in order to abstract the actual challenges in practice and to come up with countermeasures to these challenges. On the other hand, the above team also confirmed that there was still a problem in the practices of other administrative authorities of other areas, especially at local level, in unified understanding and application of legal normative documents, and pointed out a further room for improvement in the drafting work and implementation of legal normative documents conducted by legal and judicial authorities. Therefore, as the subsequent project of Phase 2, JICA has decided to launch the new project "The Project for Harmonized, Practical Legislation and Uniform

Application of Law Targeting Year 2020 (PHAP LUAT 2020)" (hereinafter referred to as "the Project") aiming to support Judicial Reform Strategy of Vietnam based on pre-existing results of cooperation in the past.

The Project, in anticipation of the target year 2020 for Legal and Judicial Reform in Vietnam, takes an approach that puts on a stress to establish new partnership between Vietnam and Japan after this project ends as well as keeping comprehensive and developmental cooperation based on the various reforms rooted from new Constitution 2013. Besides, bearing in mind that Japanese Official Development Assistance (hereinafter referred to as "ODA") to Vietnam that has been showing rapid economic growth is requested to contribute to the creation of favorable business environment, JICA welcomes the Office of the Government (hereinafter referred to as "OOG") as a new C/P in this project in addition to pre-existing four C/Ps, and decides to get involved in activities aiming to minimize and rectify obstructive factors for doing business in Vietnam.

1-2 Purpose of the Review

In order to review the progress of the Project activities and discuss necessary revisions of Project Design Matrix (hereinafter referred to as "PDM"), JICA dispatched a Mid-term review mission.

The objectives of the Mid-term review are as follows:

1. To review the progress of the Project activities and the prospects for achieving the Project Purpose based on the Record of Discussions (hereinafter referred to as "R/D") and the PDM;
2. To review the Project in terms of the five evaluation criteria of Relevance, Effectiveness, Efficiency, Impact and Sustainability;
3. To discuss plans of the Project activities for the remaining Project term; and
4. To discuss necessary revisions for PDM, if necessary.

1-3 Member of the Mid-term Review Team

Name	Position	Affiliation	Duration
EDAGAWA Mitsushi (Mr.)	Leader	Senior Advisor, Attorney-at-Law, JICA	14-19 January 2018
MORINAGA Taro (Mr.)	Legal and Judicial System	Director, International Cooperation Department Research and Training Institute Ministry of Justice	14-18 January 2018
MATSUDO Ayano (Ms.)	Cooperation and Planning	Deputy Assistant Director, Law and Justice Team, Governance Group, Industrial Development and Public Policy Department, JICA	14-19 January 2018
NAKAMURA Yumiko (Ms.)	Evaluation Analysis	Consultant, Tekizaitekisho	08 -18 January 2018

1-4 Mission Schedule

A series of meetings and discussions were held between 08 January 2018 and 18 January 2018 among governmental authorities of Vietnam, organization concerned including development partners, and JICA experts. The detailed schedule of the Mid-term review is shown in Attachment-1.

1-5 Outline of the Project

Cooperation period:	April 2015 to March 2020 (Five years)
Project Sites:	Hanoi
Implementing agencies:	MOJ, OOG, SPC, SPP, VBF
Project Purpose	Institutional capacity for legal and judicial authorities/ organization* is developed for minimizing and rectifying inconsistency in legal normative documents as well as for promoting appropriate understanding and undertaking uniform implementation and application of legal normative documents in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam; thereby, appropriate and efficient process and application of legal normative documents are realized. (*MOJ, OOG, SPC, SPP and VBF)
Output	[Output-1] Capacity of human resources at MOJ and OOG is strengthened for better (1) review/verification, (2) post-checking, and (3) monitoring the implementation of civil, economic, and other related legal normative documents so that inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of legal normative documents are minimized and rectified as well as promotion of appropriate understanding and uniform implementation of legal normative documents is realized.
	[Output-2] Based on the work plan formulated by each implementing agency for the implementation of the legal and judicial reform up to 2020, which is in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam, substantive laws and procedural laws which contribute to settling civil cases are drafted and the Criminal Procedure Law is drafted. In addition, appropriate understanding of legal normative documents on civil cases and criminal procedures is promoted and capacity for giving advice and guidance on uniform implementation and conducting adjudication procedure is enhanced.
	[Output-3] Each organization analyzes and examines activities to be conducted after 2021 taking into consideration the Outputs of the Project in order to improve practices of (1) drafting, reviewing/verifying, post-checking and monitoring the implementation of legal normative documents, (2) giving advice and guidance on promoting appropriate understanding and uniform implementation of legal normative documents, and (3) giving advice and guidance for realizing adjudication and legal procedures based on appropriate understanding of legal normative documents.

Source: Project Design Matrix (Ver. 1)

2. EVALUATION METHODS

2-1 Methods of Evaluation

(1) Process of Evaluation

The Mid-term review was carried out in accordance with the “JICA Evaluation Guideline” (Ver.2) provided in May 2016 using the PDM. In the review, the Review Team assesses the status of the project progress and evaluate the project activities from five different perspectives. Firstly, Evaluation Grid was prepared as a basic referential document for data collection which lists evaluation questions, indicators, data to be collected, and information sources⁴. Followed by data and information collection through desk review, questionnaire survey, and interview survey conducted in Japan and Vietnam, the Review Team analyzed information collected based on the indicators set in the PDM signed in February 2015 and five evaluation criteria, namely “Relevance”, “Effectiveness”, “Efficiency”, “Impact”, and “Sustainability”. Results of analysis including recommendation and lessons learned were shared and discussed with relevant organizations in the second week of the survey. The details of each evaluation criterion are described as follows:

Table 1 Five Evaluation Criteria

Criteria	Definition
Relevance	Criterion to verify whether Outputs, Project Purpose, and Overall Goal of the Project are in line with the policy propriety, needs and concerns of the recipient country, and the aid policy of the government of Japan at the time of evaluation.
Effectiveness	Criterion to measure the level of achievement of the Project Purpose described in the PDM.
Efficiency	Criterion to measure how efficiently various inputs are converted into outputs of the Project. This criterion also examines the appropriateness of input in view of its amount, contents, and timing.
Impact	Criterion to estimate the extent to which Overall Goal of the Project will be achieved in 3-5 years after the completion of the Project, and to verify intended and unintended, direct and indirect, positive and negative changes attributed to the project activities.
Sustainability	Criterion to verify whether or not the Project effect will be sustained after the completion of the Project in view of the policy, organizational, financial, and technical aspects.

Source: JICA Evaluation Guideline (Ver.1) and JICA Evaluation Handbook (Ver.1.1) May 2016.

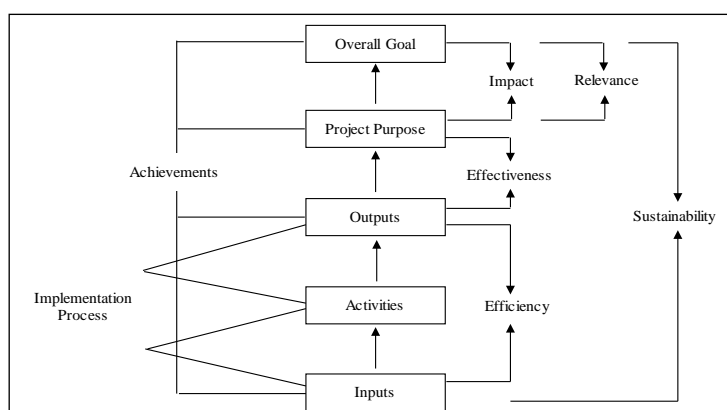


Figure1 Relationship between the Five Evaluation Criteria and PDM
 “Practical Methods for Project Evaluation”, March 2004

⁴ The Grid consists of three parts: 1) “Progress”; 2) Implementation Process”; and 3) “5 Evaluation Criteria”.

2-2 Data Collection Methods

(1) Key Informant:

- Central level: relevant officials of MOJ, OOG, SPC, SPP, VBF;
- Project Office: Japanese experts.

(2) Data Collection Methods

The following data collection methods were employed for the evaluation.

1) Literature Review/ Desk Review:

Documents related to the project activities were reviewed, which include Detailed Planning Survey Report in the Project (2014), R/D signed in 03 February 2015, PDM (Attachment-2), project monitoring reports and monthly reports submitted by the Project, and among others.

2) Questionnaire Survey:

Considering the time constraint of the survey, the Review Team prepared questionnaires and sent to counterpart organizations prior to the field survey in order to collect necessary information such as record of inputs by both sides, data and information related to the predetermined indicators in the PDM, and information on implementation process. The Review Team collected questionnaires answered from a total of 16 officers including 11 from Vietnamese counterpart officials and five Japanese experts, and carried out key informant interview referring to the results of questionnaire survey.

3) Key Informant Interviews:

Interview survey was conducted from 08 January 2018 to 12 January 2018 to officers concerned including from five different organizations, namely MOJ, OOG, SPC, SPP, and VBF, an officer of the National Legislative Development (hereinafter referred to as “NLD”) Project of Canada. Interviewees are listed in Attachment-3.

3. ACHIEVEMENT OF THE PROJECT

3-1 Results of Inputs

3-1-1 Input from Vietnam Side

(1) Assignment of Counterpart Personnel

According to the R/D signed on 03 February 2015, one Project Director (Director of Department of International Cooperation, MOJ), four Project Coordinators were to be assigned from department concerned of the following organizations, namely OOG, SPC, SPP, and VBF. For this plan, one Project Director from MOJ, Four Project Managers from the said organizations in the above, a total of fifty working members including twenty-five from MOJ, four from OOG, three from SPC, one from Bac Ninh People's Court, five from SPP, seven from Hai Phong People's Procuracy, and five from VBF were appointed as the project counterpart when the Project started. At the time of Mid-term review, implementation structure remains unchanged although three counterpart officers were retired⁵.

(2) Office space for Japanese experts

Office space is prepared by the project site on its own expenses.

(3) Local Operational Cost

The Government of Vietnam agreed on the condition to take necessary measures to provide running expenses necessary for the implementation of the Project. Based on the agreement, each organization has borne some of the expenses incurred during the project period covered either in money-wise or through in-kind contribution.

As of the Mid-term review, the following organization namely OOG, SPC, and SPP have spent VND 10,945,000,000 (USD 482,477 equivalent) for the project activities between April 2015 and October 2017 (Attachment-4). With regard to the expenditure details for MOJ and VBF were remained unknown as data were not submitted by the responsible organizations at the time of the Mid-term review.

3-1-2 Input from Japanese side

(1) Dispatching Expert

A total of thirty Japanese experts including eight long-term experts were dispatched to Vietnam for twenty one (21) times (totally 132 days) between April 2015 and December 2017. The assigned areas of experts vary and include Legal Reform, Improvement of Court Practice, Capacity Development of Lawyers, Civil Code, Court Precedent, International Commercial Disputes, Intellectual Property Law, among others (Attachment-5).

(2) Training in Japan

The Project offered twelve training programs to MOJ, SPP, SPC, OOG, VBF in Japan between April 2015 and December 2017 and in which a total of 125 officers participated. Training sessions covered several topics and issues that raised during the project activities including issues on improvement of reviewing capacity of

⁵ Source: Data provided by the Project Office

legal normative documents, on property registration, family affairs cases at family court, disposal of non-performing loans (bad loans), etc.

Table 2 Training Record (April 2015-December 2017)

No.	Training courses	Period	Participants
2015			
1	OOG Training	11 Sep., 2015 - 16-Sep., 2015	10
2	MOJ Training	24 Nov., 2015 - 02 Dec., 2015	10
3	SPP Training	03 Dec., 2015 - 15 Dec., 2015	10
4	VBF Training	18 Jan., 2016 - 25 Jan., 2016	15
2016			
1	SPP Training	04 Jul., 2016 - 15 Jul., 2016	10
2	OOG Training	19 Jul., 2016 - 28 Jul., 2016	10
3	MOJ Training	05 Sep., 2016 - 16 Sep., 2016	10
4	SPC Training	07 Nov., 2016 - 18 Nov., 2016	10
5	VBF Training	05 Dec., 2016 - 12 Dec., 2016	20
2017			
1	SPC Training	23 May., 2017 - 02 Jun., 2017	10
2	OOG Training	18 Jul., 2017 - 28 Jul., 2017	10
3	MOJ Training	22 Nov., 2017 - 30 Nov., 2017	10
Total			135

Source: Data provided by the Project

(3) Local Operation Cost

The Japanese side has borne part of the necessary expenses for the implementation of project activities. Total cost from April 2015 to October 2017 was USD 1,710,398. Details are shown in Attachment-6.

(4) Provision of Equipment

A total of fifteen Desk-top computers in USD 12,033 equivalent were procured by the Project during the project period covered and kept at fourteen (14) local bar association and VBF in good condition (Attachment-7).

3-2 Achievement of the Project Outputs

The extent of achievements is primarily assessed based on indicators set in the latest PDM which was agreed with the R/D signed in February 2015. Detailed activities carried out during the project period covered are listed in Attachment-8.

3-2-1 Output 1

(1) Background

Government of Vietnam has been undertaking the legal reform since 1990s and has made a steady progress in legal system development through the modification of basic and important laws during the past two decades. Meanwhile, legal reform in the area of investment and business has become an urgent issue to deal with foreign

investment and businesses which has been growing and increasing in recent years in Vietnam⁶.

To respond the situation, a number of activities were planned to enhance capacity of examination and post-review of legal normative documents concerning investment and business under the Output-1 based on the accumulated experience obtained through previous JICA cooperation in the legal sector.

(2) Progress of activities

[First Year: 2015]

The activities were implemented both at national level and local level by each department concerned, namely Bureau of Legal Normative Documents Post-Review (hereinafter referred to as “BPR”), Bureau of Legal Enforcement and Monitoring (hereinafter referred to as “BLEM”) and Department of General Affairs in Legal Development (hereinafter referred to as “GALD”) of MOJ as well as law department of OOG, in accordance with the work plan formulated by counterpart organizations at the beginning of the year. Areas of activities varied ranging from legislation, post-review of the legal normative documents, function, tasks and structure of legislative organization, to law enforcement. The Project assisted their initiatives taken by each department concerned technically through providing advice and guidance on various occasions such as seminars and workshops upon request but their involvement in each activity were limited.

[Second Year: 2016]

OOG and MOJ worked together respectively with the Project based on the work plan for the second year to conduct surveys and seminars on the various areas including post-review of legal normative documents, surveillance on the law enforcement, examination of revised laws in the field of agriculture, business and investment. The Project had made a certain progress in close communication and collaboration with counterpart officials in spite of their extensive and wide-ranging activities. At the same time, the broadness of the activities led to narrowing down the focus of the project activities in 2016 onward, in particular, the Project determined to 1) select target area to be focused for Output-1 taking into consideration the legal normative documents which the Project supports the work of legislation under Output-2, which results in making linkage between Output 1 and Output 2 activities, for the purpose of utilizing the limited resources in an efficient and intensive way. The outline is presented in the table below.

Table 3 Proposed direction by the Project for the second year

Output	Directions
Output-2	MOJ: Civil Code, Law on Property Registration, Law on Civil Judgment Execution SPC: Judicial Precedents, Family Court Support
Output-1	MOJ: Legal normative document targeted for Output-1 activities will be selected out of those related to Output-2 activities. OOG: Legal normative document will be selected which related to the specialized area of project experts.

⁶ Results of survey conducted by JETRO to Japanese companies in Vietnam indicate that “inadequate legal and law system/unclear application of laws and regulations” became the major risk that they encountered during day-to-day business and investment.

[Third Year: 2017]

With these decisions made upon the findings from the activities, direction of Output-2 activities of the Project has shifted from support of the work of drafting basic laws, namely the Civil Code, to drafting support on laws related to the above mentioned basic laws supported as part of the Output-2 activities, in particular, Law on Property Registration. However, it was decided later that the said law would not be included in the legislation plan for 2018, which means that there is no certain prospect of legislation of the law within the year ahead. It resulted in suspending selection procedure of legal normative documents for Output-1 activities of the Project.

In such situation, the Project intervention was limited to the support to the activities as it's been in the previous years, such as supporting seminars and workshops held by BELM and BPR for effective law enforcement and post-review on legal normative documents. OOG, on the other hand, continued to hold hearings from several stakeholders with respect to the revised laws as a part of examination of legal normative documents.

(3) Achievement Status

A total of seven indicators were predetermined to assess the level of achievement of Output-1. Three out of seven indicators show preferable progress at the time of Mid-term review. The following table shows the overview of the achievement status.

Table 4 Achievement of PDM indicators at Output level

Output-1	
Capacity of human resources at MOJ and OOG is strengthened for better (1) review/verification, (2) post-checking, and (3) monitoring the implementation of civil, economic, and other related legal normative documents so that inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of legal normative documents are minimized and rectified as well as promotion of appropriate understanding and uniform implementation of legal normative documents is realized.	
Indicator	Assessment at this point
1. MOJ plans, design and holds seminars and other events to meet the needs of the internal human resources, taking into consideration the challenges faced by local practitioners.	[In progress] MOJ, particularly BPR, GALD, and BLEM, formulated at the beginning of the year taking into consideration of the policy directions that MOJ upholds, and implemented a number of seminars and workshops in cooperation with the Project during the project period covered as mentioned above. Most of them were policy-driven; however, they were directly linked to the designated duties and responsibilities, and addressed those issues that participating officers encountered in their day-to-day duties and that they are likely to face in future. In this regard, these activities met the current as well as potential needs of internal human resources.
2. MOJ plans, design and holds seminars and other events to meet the needs of other ministries and legal departments of the People's Committees at the ministry level, taking into consideration the challenges faced by local practitioners.	[In progress] Based on the work plan formulated at the beginning of the year, BPR, BLEM and GALD of MOJ held seminars and workshops respectively for officers concerned at legal departments of line ministries and other organizations for the purpose of extracting needs and opinions for further

	improvement on draft of legal normative documents as well as studying the present situation of law enforcement.
3. MOJ's reference materials are developed taking into consideration the following points: <ul style="list-style-type: none"> ➤ The analysis on the situations of inconsistent implementation and application of legal normative documents. ➤ The analysis on the causes of inconsistent implementation and application of legal normative documents. ➤ Remedial measures based on the identified situations and causes of inconsistent implementation and application of legal normative documents. ➤ Necessary facilitation to take remedial measures. 	[No progress] No activities concerning development of referential materials have been done yet in the past two years to date, thus no output is generated yet.
4. MOJ's reference materials are used by relevant staff.	[No progress] There was no record admitted at the time of the Mid-term review due to the reason mentioned in the above.
5. OOG plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.	[In progress] During the project period covered, OOG implemented approximately ten activities per year based on the annual work plan to collect opinions from relevant parties regarding enacted legal normative documents and future revision of existing laws. Activities during the project period included seminars to verify implementation status of legal normative documents. Detailed activities implemented during the project period covered are listed in Attachment 8.
6. OOG's reference materials are developed taking into consideration the following points: <ul style="list-style-type: none"> ➤ The analysis on the situations of inconsistent implementation and application of legal normative documents. ➤ The analysis on the causes of inconsistent implementation and application of legal normative documents. ➤ Remedial measures based on the identified situations and causes of inconsistent implementation and application of legal normative documents. ➤ Necessary facilitation to take remedial measures. 	[No progress] There was no activity conducted concerning development of referential materials in the past two years; thus, no output is generated yet. Meanwhile, it became clear as a result of the interviews conducted during the Mid-term review that OOG with support from GIZ had already started developing a manual on examination of legal normative documents. As a result of the interviews conducted during the Mid-term review, it became clear that the detailed scope of the project activities agreed in the PDM related to OOG including developing referential materials was not well understood by OOG.
7. OOG's reference materials are used by relevant staff.	[No progress] There was no record admitted at the time of the Mid-term review due to the reason mentioned in the above.

(4) Other donor's activities

Government of Canada through the NLD project has provided technical support since 2013 for seven-year cooperation⁷ until September 2020 aiming to “address the issues of quality, consistency and transparency in the law-making process and to make legislation more enforceable and effective”. The target group of the NLD project varies including organizations at legislative level such as Law Committee of National Assembly and OOG, and line ministries such as MOJ, Ministry of Finance (MOF), and Ministry of Agriculture and Rural Development (MARD)⁸.

The Project is consisted with four component such as 1) Strategic planning and management, 2) Research and policy consultation, 3) Legislative drafting, 4) Systematization and Codification. During the first phase,

⁷ Project phase is divided into two: the first phase is between 2013 and 2015, and five years for the second phase between 2015 and 2020.

⁸ Project budget was estimated CND 15 million (Source: NLD Project website)

along with the preparation of Law on Promulgation of Legal Normative Documents, the Project carried out comprehensive review on legislative procedures and developed technical overview on major documents. Subsequently during the second phase, NLD implemented activities according to each component mentioned in the above including 1) seminars and workshops related to capacity building on legislative drafting; 2) development of two handbooks for policy development and legislative drafting; 3) development database called LIMS for codification; 4) introducing Results Based Monitoring system(RBM); and 5) workshops for gender equality⁹.

(5) Findings and Issues related to Output 1

- Modality of cooperation

In the first half of the project period, the activities were implemented as per the annual work plan formulated and submitted by MOJ and OOG at the beginning of the year. Although those activities were directly linked to their duties and responsibilities at work, and at the same time, dealt with issues regarding verification and post-review of legal normative documents, scope of the activities that Japanese expert could be involved in was limited to sharing knowledge and information through participation in workshops and seminars as well as providing technical advices through day-to-day communication.

- Direction of cooperation

Areas targeted for Output-1 is the new areas added from this Project inviting OOG as one of the counterparts. The Project in cooperation with MOJ and OOG has made every single effort to cope with issues regarding inconsistency in legal normative documents in the past two years; however, there was increasing needs of streamlining of resources. Under the situation, the Project made a shift from targeting the areas of basic laws in general to narrowing down to more specified areas of the said sector for future cooperation. As such, the Project explored the possibility of targeting the laws related to the basic laws that are previously supported by the Project as part of the Output-2 activities, namely the Civil Code. This facilitated also to make a linkage between areas targeted for Output-1 and laws targeted for Output-2. One of the options at the time was to focus on the field of property registration in accordance with the decision made by MOJ. However, it turned out that the said law was not included in the legislation plan for 2018, thereby became difficult to select legal normative document for Output-1 either. For this reason, the Project was still in the way to identify the areas to be focused even at the time of the Mid-term review.

- Activities implemented on a continuous basis

Although the ultimate goal set by the Project is in line with the policy direction of each organization, the intention between the Project and project counterpart organizations toward the activities are not necessarily the same. It can be attributed to the fact that there are two different plans existing such as annual work plan and the

⁹ The project held the workshop for development of handbook for two days between 21-22 November 2016, and has been working on development of a handbook for policy development as well as legislative drafting handbook in Vietnamese. The handbook is to be finalized in 2018 and will be distributed to all administration level. For database development, NLD provided VND 70,000 for procurement. (Source: Results of interview to the project field manager on 09 January 2018)

PDM. Although annual activity plan is developed in accordance with the ultimate objective of the Project and is reported to be quite effective to guide project activities to be implemented in an effective way, it tends to be developed according to needs and policy priorities at the time of formulation. It leads to the situation where continuation of relevant activities over years in line with the agreed PDM becomes sometimes difficult.

3-2-2 Output 2

(1) Background

Output 2 aims at providing in-depth technical assistance on the basis of experiences and outputs accumulated from previous cooperation such as support to legislation of basic laws and support to human resource development in the legal sector, and is consisted with four components such as: 1) Providing support toward law-making, 2) Promoting appropriate understanding of legal normative documents, 3) Enhancing capacity for giving advice and guidance on uniform implementation of legal normative documents, and 4) Strengthening capacity of conducting adjudication procedure. Summary of achievement status by each implementation agency is shown in the table below.

(2) MOJ

1) Progress of activities

[First Year: 2015]

Based on the annual work plan, Civil Economic Law Department (hereinafter referred to as “CED”), National Registration Agency of Secured Transactions (hereinafter referred to as “NRAST”), Civil Judgment Enforcement General Department (hereinafter referred to as “CJED”), International Law Department (hereinafter referred to as “ILD”), and State Compensation Department (hereinafter referred to as “SCD”) of MOJ in cooperation with the Project implemented a number of workshops and seminars to synthesize opinions from relevant organizations on the legal normative document including the revised State Compensation Liability Law, and Civil Code¹⁰.

[Second Year: 2016]

Following activities in the first year, the Project has continuously supported initiatives undertaken by each department concerned for the purpose of 1) summarizing issues on legal normative documents for future modification including State Compensation Liability Law, 2) strengthening understanding the issues of corporate bankruptcy, property registration, and Private International Law, 3) dissemination of 2015 Civil Code, and 4) improvement in procedure for civil judgment execution.

JICA dispatched the study mission teams to Vietnam twice and surveyed the current situation regarding property registration system, its practices in Vietnam, and understanding on property registration among stakeholders¹¹.

¹⁰ These laws were adopted by National Assembly in November 2015; however, Penal Code and Criminal Procedure Code were determined to be re-examined due to a few mistakes found in the Penal Code.

¹¹ Through the activities in the first year, it became clear that there was an increasing need in MOJ to establish law on property registration to promote implementation and application of the property registration system with promulgation of 2015 Civil Code. To address the issue, MOJ initiated necessary preparation for legislation of law on property registration, and requested the Project for further technical input to reinforce the theoretical and practical aspect of the said law. Upon the request from MOJ, the Project in

[Third Year: 2017]

JICA in cooperation with the Project dispatched another study mission team to Vietnam in April 2017 on the property registration system. Besides, the Project provided technical input on the enforcement of State Compensation Liability Law, Law on Civil Judgment Execution, enactment of Government Decision, and Private International Law, and conducted further studies on Law on Property Registration. See Attachment-8 for detailed information.

2) Achievement status

Five indicators were established to assess the level of achievement on the project activities related to MOJ. As a result of assessment conducted during the Mid-term review, it was confirmed that one out of five indicators were achieved, and the rest were progressing steadily. The following table shows the overview of the achievement status.

<p>Output-2 Based on the work plan formulated by each implementing agency for the implementation of the legal and judicial reform up to 2020, which is in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam, substantive laws and procedural laws which contribute to settling civil cases are drafted and the Criminal Procedure Code is drafted. In addition, appropriate understanding of legal normative documents on civil cases and criminal procedures is promoted and capacity for giving advice and guidance on uniform implementation and conducting adjudication procedure is enhanced.</p>	
<p>1. The work plan formulated by each organization takes into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Each organization’s review on the achievement of the legal and judicial reform up to 2020. ➤ Each organization’s analysis on the activities in previous years. ➤ Each organization’s process to achieve the goal of the target year. ➤ Each organization’s prioritized activities for the purpose of attaining the legal and judicial reform up to 2020. 	<p>[In Progress]</p> <p>Each department of MOJ in consultation with Japanese expert formulated the annual plan for the project activities taking into consideration of their policy priorities such as Resolution No. 48 and No. 49, duties and responsibilities of respective departments. In the process of formulating the plan, International Cooperation Department (ICD) of MOJ has played an important role in coordinating activities among departments and relevant donors providing assistance in the same field.</p>
<p>2. The drafts of the revised Civil Code, revised Law on Civil Judgment Execution, revised State Compensation Liability Law, revised Civil Procedure Code, and the revised Administrative Procedure Law are improved taking into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➤ The development of Vietnam’s market economy. ➤ The challenges in practical implementation 	<p>[Achieved]</p> <p>Revised Civil Code was adopted by the National Assembly in November 2015, and revised State Compensation Liability Law was adopted in June 2017. As for revised Law on Civil Judgment Execution, it had already adopted in 2014 before the Project started.</p> <p>Characteristics of revised laws are as follows¹²: [Revised Civil Code]</p>

consultation with JICA office dispatched the study mission team. Subsequently, JICA determined to provide additional support toward MOJ’s initiative toward preparation of Law on Property Registration based on the following reasons: 1) the said law was included in the scope of the previous cooperation, and in which the Project supported legislating the law, 2) Significant socio-economic impact both in Japan and in Vietnam is expected, 3) the direction of the support is well aligned with the strategy on “Infrastructure and Systems Export” upheld by the Government of Japan, which pursues.

¹² Source: comments from Japanese experts and counterpart officers collected through questionnaire survey conducted prior to the field survey.

	<p>Reestablishment of definition on legal entity, clarification of personal rights in provisions, reestablishment of definition on property.</p> <p>[Revised State Compensation Liability Law] Expanded coverage for compensation, clarification and simplification of procedure, expansion of period for statute of limitation, and among others.</p> <p>As seen in the characteristics mentioned above, revised laws are improved in several ways taking into consideration the development of market economy, the No.48-NQ/TW and No. 49-NQ/TW 2005 of the Politburo of the Central Committee of the Communist Party of Vietnam, and 2013 Constitution.</p>
<p>4. Practical challenges are identified and analyzed for the development of the Law on Property Registration and Law on Private International Law.</p>	<p>[In Progress] [Law on Property Registration] To support MOJ’s initiatives for future legislation of Law on Property Registration, JICA dispatched survey mission team to Vietnam for three times to date, and studied the status of current registration practice done by NRAST. Findings and results were summarized in the written form and submitted to the MOJ management for their review.</p> <p>[Private International Law] Challenges and issues were discussed through seminars on Private International Law organized by ILD in cooperation with the Project held seminar once a year between 2015 and 2017. To date, the seminars cover the theme of provisions on international private law in the revised Civil Code and bankruptcy which has been increasing in recent years, and further analytical work will be scheduled to identify future direction and areas to be covered by International Civil Law of Vietnam in the remaining cooperation period.</p>
<p>9. MOJ plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.</p>	<p>[In Progress] Based on the annual work plan formulated by MOJ, a number of seminars and workshops were held both at the national level at the local level during the project period covered aiming to identify issues and challenges in the area of legislation and law enforcement. Activities implemented in the past two years are listed in Attachment 8.</p>

<p>10. Issues taken up in MOJ's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken.</p>	<p>[In Progress] Results and issues identified during the seminars were reported to the top management of MOJ in a written form after the events, and results together with seminar materials were put on the network within MOJ to share the information with other officers concerned. It is also reported that some of the seminars implemented during the project period contributed to development of legal normative documents such as decrees and decisions. Besides, two referential materials including the guidance on 2015 Civil Code and guidance on property right were/is being developed. The former was already developed and is ready to distribute to organization concerned¹³.</p>
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(3) SPC

1) Progress of activities

[First Year: 2015]

Based on the annual plan formulated by SPC together with the Project, seminars and trainings as well as survey were conducted in the first year of cooperation to study the current status of law enforcement, strengthen skills and knowledge required at practice, and increase understanding on specific issues such as court precedents and disputes adversarial principle. Areas focused during the activities include civil procedure, administrative procedure, and international civil and commercial disputes.

Japanese expert participated in those seminars and provided technical inputs and relevant information and materials upon SPC's request.

[The Second Year: 2016]

The Project offered SPC the training in Japan for the first time in three years, in which a total of ten officers learned about how family affairs and juvenile cases are being dealt in family courts.

During the second year of the Project, SPC took an initiative in holding seminars regarding those revised laws adopted by the National Assembly in 2015, issues and disputes related to the intellectual property right, and judicial precedents¹⁴.

[The Third Year: 2017]

Activities were planned and conducted in the area of criminal disputes, judicial precedents, duties and responsibilities of judges. Following the previous year, the Project has continuously provided technical support.

¹³ CED with JICA's financial support printed 1,500 copies and plans to distribute them to 1) relevant organizations up to district level including law departments, civil judgement enforcement departments, prosecutors office, court, members of national assembly, people's committee, 2) training participants, 3) legislative department in line ministries, 4) Law Committee of National Assembly, 5) other government organizations, and 6) Universities (source: Results of interview to CED in 08 January 2018).

¹⁴ Continuous support by the Project and the previous JICA's legal projects helped SPC possess comprehensive knowledge and understanding from the fundamental issues to the practical issues and also contributed to the development of the foundation of judicial precedents.

2) Achievement status

Eight indicators were established to assess the level of achievement on the project activities related to SPC. As a result of assessment conducted during the Mid-term review, it was confirmed that one indicator was achieved already, and the others were progressing steadily. The following table shows the overview of the achievement status.

<p>1. The work plan formulated by each organization takes into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Each organization's review on the achievement of the legal and judicial reform up to 2020. ➤ Each organization's analysis on the activities in previous years. ➤ Each organization's process to achieve the goal of the target year. ➤ Each organization's prioritized activities for the purpose of attaining the legal and judicial reform up to 2020. 	<p>[In Progress]</p> <p>SPC in consultation with Japanese expert formulated the annual plan for the project activities based on the followings¹⁵: 1) their policy priorities such as Resolution No. 48 and No. 49, 2) information collected from activities implemented in the past, 3) comments from general public and law practitioners, and 4) duties and responsibilities of SPC, and among others.</p>
<p>2. The drafts of the revised Civil Code, revised Law on Civil Judgment Execution, revised State Compensation Liability Law, revised Civil Procedure Code, and the revised Administrative Procedure Law are improved taking into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➤ The development of Vietnam's market economy. ➤ The challenges in practical implementation 	<p>[Achieved]</p> <p>Revised Civil Procedure Code, and revised Administrative Procedure Law were adopted by the National Assembly in November 2015..</p> <p>[Revised Civil Procedure Code]</p> <p>Introduction of simplified procedure by people's jurors, introduction of the adversarial principle.</p> <p>[Revised Administrative Procedure Law]</p> <p>Introduction of dispute adversarial principles, grant of rights on guidance for inconsistency between laws, responding adjudication related to nonresidents and foreign corporations.</p> <p>As seen in their characteristics mentioned in the above, revised laws are improved in several ways taking into consideration the development of market economy, the No.48-NQ/TW and No. 49-NQ/TW 2005 of the Politburo of the Central Committee of the Communist Party of Vietnam, and 2013 Constitution.</p>
<p>5. Issues regarding the formation of judicial precedents are synthesized.</p>	<p>[In Progress]</p> <p>Through local seminars and the training in Japan, the Project provided stakeholders several opportunities to learn about the path to introducing judicial precedents in Vietnam, basic ideas of judicial precedents, and classification of precedents¹⁶, and found writing methods as a major issue in the formation of judicial precedents.</p> <p>As of the Mid-term review, SPC had already chosen sixteen precedents based on the Decision No. 03/2015/NQ-HDTP issued on 28 October 2015, and started analyzing them in cooperation with relevant academics.</p>
<p>6. The synthesized issues regarding the formation of judicial precedents are reflected to legal normative</p>	<p>[In Progress]</p> <p>SPC officially introduced the judicial precedent system according to the Decision No. 03/2015/NQ-HDTP issued</p>

¹⁵ In developing annual plan of the organization, Chief Justice of SPC calls for a meeting and instructs toward activities in the coming year.

¹⁶ During the project period covered, SPC held seminars on judicial precedents for four times between 2015 and 2017 in addition to the training in Japan held between 22 May 2017 and 03 June 2017.

documents and/or improvement of practical implementation is undertaken.	on 28 October 2015. In early 2018, SPC plans to hold a meeting to discuss issues related to the judicial precedent system, and revise the said decision based on results of discussion and issues such as problem in selection of court precedents. The Project will continuously support SPC's initiatives in promoting court precedent system and improving practical skills of relevant officers in the latter half of the project period ¹⁷ .
7. Practical challenges in the settlement of international civil cases are identified and analyzed.	[In Progress] SPC in cooperation with the Project has picked out the topic related to international civil disputes in 2015 and 2016, and implemented activities in a step-wise manner. More specifically, surveys were conducted before holding seminars and workshops in order to grasp the present situation and needs at the ground. In the past two years, international commercial disputes and intellectual property right were chosen by SPC as the theme of the seminar. Through these activities, it became clear that that lack of knowledge and experience of judges in the field related to the international issues and areas that needed to be strengthened are the current challenge. Analytical work by SPC in cooperation with Japanese experts are being in progress at the time of the Mid-term review.
8. The identified and analyzed challenges in the settlement of international civil cases are reflected to legal normative documents and/or improvement of practical implementation is undertaken.	[In Progress] Based on the results of the seminars implemented, recommendations will be made for future legislation of the related legal normative documents.
11. SPC plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.	[In Progress] Trainings and seminars were held seven times on average per year according to the annual plan, so-called Work Plan, formulated by SPC during the project period covered.
12. Issues taken up in SPC's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken.	[In Progress] In addition to the introduction of judicial precedent system in 2015, it was reported that technical inputs and information in relation to the adversarial principles were provided by the Project. Moreover, by the time of the Mid-term review, SPC in collaboration with the Project published the book on adversarial principles. ¹⁸

(4) SPP

1) Progress of activities

[First Year: 2015]

In the first year of the Project, SPP held seminars for officials of headquarters and their branch offices including Hai Phong People's Procuracy to exchange views and opinions regarding the revised Penal Code, the revised Criminal Procedure Code, and Law on Organization of People's Procuracies¹⁹, and also provided skill-up training programs for public prosecutors in criminal, civil, administrative, trade and labor field and

¹⁷ Source: Results of questionnaire survey to SPC.

¹⁸ Source: Results of questionnaire survey to Japanese experts

¹⁹ The law on Organization of People's Procuracies was promulgated in November 2014, and Criminal Procedure Code was promulgated in January 2015. The law prescribes establishment of four layered administrative settings under SPP, in which Superior People's Procuracies was newly added between SPP and Provincial Procuracies.

international laws. For these activities carried out by SPP, the Project provided technical advice and relevant information upon their request.

[The Second Year: 2016]

The Project supported SPP’s continuous effort on dissemination of the revised laws enacted in 2015, capacity development of public prosecutors in the area of supervision of investigation, adjudication, and execution of criminal cases and civil cases,, and enhancing understanding on newly introduced system for audio/video recording and criminal liability of legal entities, Japanese experiences on training and fostering prosecutors and investigators. Support by the Project during the period provide technical advices , sharing information and experience in Japan.

[The Third Year: 2017]

The Project assisted SPP in holding training programs aiming to increase understanding on the revised laws and to strengthen practical skills for prosecutors through intensive training seminars.

In 2017, SPP placed more focus on strengthening application of the revised laws rather than the dissemination of those laws. In the situation, the Project had more occasions to provide technical advises and to share the information and experiences in Japan.

2) Achievement status

Four indicators were established to assess the level of achievement on the project activities related to SPP, and one was achieved already, and the rest was progressing steadily. The following table shows the overview of the achievement status.

<p>1. The work plan formulated by each organization takes into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Each organization’s review on the achievement of the legal and judicial reform up to 2020. ➤ Each organization’s analysis on the activities in previous years. ➤ Each organization’s process to achieve the goal of the target year. ➤ Each organization’s prioritized activities for the purpose of attaining the legal and judicial reform up to 2020. 	<p>[In Progress]</p> <p>SPP in consultation with Japanese expert formulated the annual plan for the project activities based on the followings: 1) their policy priorities such as Resolution No. 48 and No. 49, 2) Direction of the Prosecutor General on the annual works and tasks of the sector; 3) information and needs from departments in SPP and local procuracies, and 4) comments from training participants, and among others²⁰.</p>
<p>3. The draft of the revised Criminal Procedure Code is improved taking into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➤ The challenges in practical implementation. ➤ Enhanced protection of human rights. 	<p>[Achieved]</p> <p>The revised Criminal Procedure Code was adopted by the National Assembly in November 2015. However, as mentioned in the earlier section, it was found that there were some mistakes in provisions of Penal Code, thus it was returned for further review, and it led to the delay in promulgation of laws till January 2018.</p> <p>Primary features of the revised Criminal Procedure Law are summarized as follows: Inclusion of basic principle on respect, protect, ensure the citizen rights and human rights toward more efficiency and transparency, adversarial principles at trial, clear</p>

²⁰ Source: Results of interview to SPP conducted 11 January 2018.

	<p>procedure in application of coercive measures in criminal proceedings, , international cooperation in criminal proceedings.</p> <p>From the above, it can be said that revised Criminal Procedure Code was improved in consideration of the points mentioned in the left.</p>
13. SPP plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.	<p>[In Progress]</p> <p>Based on the annual plan, SPP implemented a total of 40 activities for the purpose of strengthening practical skills and understanding of prosecutors. Theme of the seminars and trainings were determined in accordance with the needs at the time, and in line with the project purpose and the overall goal set in the PDM²¹.</p>
14. Issues taken up in SPP's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken.	<p>[In Progress]</p> <p>Report after the seminar/workshop is made mentioning the opinions, ideas, and recommendations raised from training participants and submitted it to the leaders of SPP and relevant departments for taking into consideration in developing laws, legal normative documents and guidance of implementation of the Criminal Procedure Code; and to provincial People's Procuracies who continuously conduct intensive training to its officials and lower level²². The knowledge and information of seminar/workshop is available on the SPP website for public access. Currently, SPP together with Ministry of Public Security have been currently working on preparation of a Decree guiding implementation of audio/video recording system in interrogation.</p>

(5) VBF

1) Progress of activities

[First Year: 2015]

VBF conducted several surveys to study the current institutional settings of lawyer's association in provinces as well as the present situation on lawyers' activities. Japanese expert also took part in these surveys and conduct hearings to deepen the understanding on the current situation related to the VBF.

Besides, with knowledge and information obtained from the said activities, the Project in collaboration with VBF members started preparation for the development of referential materials, so-called "Lawyer's Manual".

[The Second Year: 2016]

Following activities in the first year of cooperation, several activities were implemented by VBF in cooperation with the Project, which include surveys on lawyer's practicing, workshop on the revised Civil Procedure Code, seminars on Lawyers' ethics and judicial precedent system.

²¹ SPP continuously supported Hai Phong People's Procuracy in holding mock court activities under the name of contest for prosecutor's competency.

With knowledge obtained from the training in Japan held in 2012, Hai Phong People's Procuracy initiated the mock court activities as a method of competency evaluation and as one of training methods since 2013.

²² SPP utilizes the TV conference system installed in sharing information to local authorities.

Hearing session was also held by VBF with participation of their stakeholders to discuss the detailed structure of the Manual.

[The Third Year: 2017]

VBF had continuously worked on developing other two volumes of the Manual, and all of them was completed in 2017²³. Besides, the seminar was conducted in the province inviting a lecture from Japan.

2) Achievement status

Six indicators were established to assess the level of achievement on the project activities related to VBF, and two indicators were achieved, and other are in progress. The following table shows the overview of the achievement status.

<p>1. The work plan formulated by each organization takes into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Each organization’s review on the achievement of the legal and judicial reform up to 2020. ➤ Each organization’s analysis on the activities in previous years. ➤ Each organization’s process to achieve the goal of the target year. ➤ Each organization’s prioritized activities for the purpose of attaining the legal and judicial reform up to 2020. 	<p>[In Progress]</p> <p>VBF in consultation with Japanese expert formulated the annual plan for the project activities based on the followings: 1) their policy priorities such as Resolution No. 48 and No. 49, 2) information collected from activities implemented in the past, 3) duties and responsibilities of VBF and among others.</p>
<p>15. VBF plans, design and holds seminars, training courses and other events to contribute to the legal policy and legislation development and to meet the needs of the participants, taking into consideration the challenges faced by local practitioners (particularly challenges regarding the protection of human rights and access to justice).</p>	<p>[In Progress]</p> <p>A number of surveys were carried out by VBF in cooperation with the Project during the first year of cooperation to study the current situation of lawyers’ activities and administration of bar association at provinces. Besides, VBF held seminars and training workshops both in Hanoi and in other provinces. Of those, the seminar on the dispute principles held jointly with SPP and SPC as well as the working session for the development of “Lawyer’s Manual” is included.</p>
<p>16. Issues taken up in VBF’s seminars, training courses, and other events are reflected to the Lawyer’s Manual and other professional and skills guidelines and/or improvement of practical implementation is undertaken.</p>	<p>[In Progress]</p> <p>Results of discussions and opinions obtained from the working session for the manual development were reported to be reflected into the manual which was developed in 2017.</p>
<p>17. The Lawyer’s Manual and other professional and skills guidelines are developed taking into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Contribution to the protection of human rights and better access to justice. ➤ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➤ Enhanced legal services to the citizens. ➤ The challenges in practical implementation. 	<p>[Achieved]</p> <p>As mentioned above, the Lawyer’s Manual was developed in 2017 which replaced the lawyers’ manual developed more than ten years ago²⁴. At the time of the Mid-term review, VBF printed out 1,700 copies for each volume.</p>
<p>18. The Lawyer’s Manual and other professional and skills guidelines are at the disposal of lawyers for utilization.</p>	<p>[Achieved]</p>

²³ The Manual is consisted with three volumes: 1) Lawyers and their role, 2) Skills required for criminal, administrative, and civil proceedings, 3) Skills required for consultation in the investment, economic and commercial field

²⁴ Source: Minutes of Meeting on JCC 2 held in April 2016.

	<p>A total of 1,700 copies were distributed to the relevant organizations and stakeholders²⁵:</p> <ul style="list-style-type: none"> • Members of Lawyers Councils: one copy per member; • 63 local bar associations (one copy per eight members); • Relevant organizations and ministries at the central level: one copy for each; • Writers of the manual: one copy each • Manual development committee members: one copy each; and • Relevant mass-media: one copy each
<p>19. The Lawyer’s Manual and other professional and skills guidelines are used by lawyers.</p>	<p>[In Progress]</p> <p>The Manual was distributed to the members of VBF already and it is reported to be or being used by lawyers. Periodical monitoring is needed be conducted to evaluate the effect of application of the Manual in their law practicing.</p>

(6) Findings and Issues related to Output 2

[MOJ]

- Clear direction of support on legislation

As for the support toward law-making, the Project, in its second year, determined to implement it in close collaboration with those planned activities under Output-1. With the decision, the “Property Registration Law” was chosen as the next target. However, as it mentioned in the earlier section, it turned out that legislation of the said law was not included in the 2018 legislative plan. In the situation, no clear direction is made for future legislation support yet as of the Mid-term review.

- Unified activities

A number of counterpart organizations have been involved in the project activities, and implemented wide range of activities with various topics by respective organizations individually for the purpose of realizing the objectives of "law-drafting", “promoting understanding”, and “enhancing capacity”.

[SPC]

- Clear target for cooperation

It is assessed that the project activities including judicial precedents and civil, administrative, and criminal proceedings have significantly contributed to the capacity development of legal practitioners; expected levels of achievement to fulfill as a result of the project activities are not clearly set.

[SPP]

- Utilization of knowledge and information acquired from the activities

Knowledge and information was shared to those who did not participate in the trainings via nation-wide TV conference system, and the Project in cooperation with SPP needs to capture to what extent those information is utilized at practice.

[VBF]

- Scarce of fund

²⁵ Source: Results of questionnaire survey to VBF

It is one of the major factors for VBF, which hinders their full-scale activity.

[Common Issues]

- In-depth involvement of Japanese experts
Involvement of Japanese experts were relatively limited to provision of information, materials, and opinions during seminars and workshops in the past two years²⁶. As is pointed out at the interview during the Mid-term review, limited involvement makes only the limited effect.
- Linkage between Output and Indicators
Predetermined indicators for Output-2 are not clear and concrete enough to verify the level of achievement of Output 2.

3-2-3 Output 3

(1) Background

Output 3 is to provide technical support to the legal authorities in identifying direction of future legal reform in Vietnam through comprehensive research and analysis.

(2) Progress of activities

Related activities for Output-3 are scheduled in the latter half of the project period; thus, no specific output is generated as of the Mid-term review.

<p>Output-3</p> <p>Each organization analyzes and examines activities to be conducted after 2021 taking into consideration the Outputs of the Project in order to improve practices of (1) drafting, reviewing/verifying, post-checking and monitoring the implementation of legal normative documents, (2) giving advice and guidance on promoting appropriate understanding and uniform implementation of legal normative documents, and (3) giving advice and guidance for realizing adjudication and legal procedures based on appropriate understanding of legal normative documents.</p>	
<p>1. Each organization conducts an analysis taking into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Activities for uniform application and enforcement of laws and ordinances. ➤ Activities for establishing a framework which enables appropriate dispute settlements. ➤ Activities for realizing legal procedures which underscore human rights. ➤ Activities for strengthening access to justice. 	<p>[No tangible result is generated]</p> <p>No tangible result is generated yet as activities related to this indicator are schedule to be implemented in the remaining project period.</p>

3-3 Prospect of Achievement of Project Purpose

As of the Mid-term review, the Review Team confirmed that four out of eleven indicators set in the PDM for measuring level of achievement of the Project Purpose has made in progress. For the rest of the indicators

²⁶ For SPP, the project activities have become limited since 2016 due to the postponement of law enforcement for the revised Criminal Code and Criminal Procedure Code.

such as the civil proceedings, administrative proceedings, and criminal proceedings, it will take some more time for the results to be generated.

<p>[Project Purpose]</p> <p>Institutional capacity for legal and judicial authorities/ organization* is developed for minimizing and rectifying inconsistency in legal normative documents as well as for promoting appropriate understanding and undertaking uniform implementation and application of legal normative documents in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam; thereby, appropriate and efficient process and application of legal normative documents are realized.</p> <p>*MOJ, OOG, SPC, SPP and VBF</p>	
<p>[Indicator]</p> <p>1. MOJ's review of legal normative documents is improved in the following aspects:</p> <ul style="list-style-type: none"> ➤ Opinions from a wider range of stakeholders are taken into consideration. ➤ Attention is given to any possible issues which may arise during the implementation and application stage. ➤ The reviews are conducted from a view point of ensuring consistency of legal normative documents. ➤ The reviews are conducted from a view point of realizing uniform implementation and application of legal normative documents. 	<p>[In Progress]</p> <p>Although a couple of substantial improvement of legal normative documents was reported during the mid-term review, no objective data and information was obtained. In order to measure the extent of achievement, it is needed to set out objective indicators.</p>
<p>2. MOJ's post-checking of legal normative documents is improved in the following aspects:</p> <ul style="list-style-type: none"> ➤ Opinions from a wider range of stakeholders are taken into consideration. ➤ The situations and causes of inconsistent implementation and application of legal normative documents are analyzed. ➤ Remedial measures are considered and facilitation for taking such measures is conducted based on the identified causes of inconsistent implementation and application of legal normative documents. 	<p>[In Progress]</p> <p>Same as the indicator above, although the following effect were reported to have been generated from the project activities, no objective data and information was obtained during the Mid-term review²⁷:</p> <p>1) capacity of responsible officers for post-review of legal normative documents at BPR has enhanced; 2) the number of illegal document identified during the post-review has been increased; 3) identification of illegal documents became promptly proceeded; and among others.</p> <p>In order to measure the extent of achievement, it is needed to set out objective indicators.</p>
<p>3. MOJ's monitoring law implementation is improved in the following aspects:</p> <ul style="list-style-type: none"> ➤ Opinions from a wider range of stakeholders are taken into consideration. ➤ The situations of inconsistent implementation and application of legal normative documents and the insufficient development of legal normative documents as their causes are analyzed. ➤ Remedial measures are taken for improving the situations of insufficient development of legal normative documents, which can be a cause of inconsistent implementation and application of legal normative documents. 	<p>[In Progress]</p> <p>With the knowledge and understanding obtained from the project activities, BLEM submitted a proposal to the government in which points of concerns before law enforcement are summarized. Besides, BLEM plans to implement the following activities to improve monitoring the law enforcement such as conducting policy analysis and subsequent research activities to submit a proposal for the Law on Enforcement of Legal Normative Document²⁸, and developing a manual on monitoring of law enforcement²⁹.</p>
<p>4. OOG's verifications of legal normative documents are improved in the following aspects:</p> <p>Coordination among different stakeholders is enhanced.</p> <ul style="list-style-type: none"> ➤ Opinions from a wider range of stakeholders are taken into consideration. 	<p>[In Progress]</p> <p>Although it was reported that capacity of officers responsible for examination of legal normative documents at OOG has enhanced as a result of the project activities including participating seminars</p>

²⁷ Source: Result of interview to BPR conducted on 12 January 2018.

²⁸ It is scheduled to be implemented between 2018 and 2020 (Source: Result of interview to BLEM conducted on 12 January 2018).

²⁹ Source: Result of interview to BLEM conducted on 12 January 2018.

<ul style="list-style-type: none"> ➤ Attention is given to any possible issues which may arise during the implementation and application stage. ➤ The verifications are conducted from a view point of realizing uniform implementation and application. 	<p>and workshop³⁰, no objective data and information was obtained during the Mid-term review. In order to measure the extent of achievement, it is needed to set out objective indicators.</p>
<p>5. OOG's capacity to support to the government and Prime Minister in supervising, directing and verifying when drafting and implementing legal normative documents is enhanced.</p>	<p>[Unable to assess] No specific and/or substantial outcome is admitted as a result of the project activities at the time of the Mid-term review. There was no baseline data and/or information available regarding this indicator, and therefore it is hard to assess the extent to which level of the capacity has increased as a result of the project activities. There is room for the improvement of the indicator.</p>
<p>6. Based on the work plan, civil proceedings are improved.</p> <ul style="list-style-type: none"> ➤ SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. ➤ SPP contributes to ensuring that laws are strictly and uniformly observed. ➤ VBF contributes to the harmonized legislation, uniform application of law, protection of human rights, and better access to justice. 	<p>[Too early to assess] No specific and/or substantial outcome is admitted as a result of the project activities at the time of the Mid-term review. There is room for the improvement of the indicator.</p>
<p>7. Based on the work plan, administrative proceedings are improved.</p> <ul style="list-style-type: none"> ➤ SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. ➤ SPP contributes to ensuring that laws are strictly and uniformly observed. ➤ VBF contributes to harmonized legislation, uniform application of law, the protection of human rights, and better access to justice. 	<p>[Too early to assess] No specific and/or substantial outcome is admitted as a result of the project activities at the time of the Mid-term review. There is room for the improvement of the indicator.</p>
<p>8. Based on the work plan, criminal proceedings are improved.</p> <ul style="list-style-type: none"> ➤ SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. ➤ SPP contributes to ensuring that laws are strictly and uniformly observed. ➤ VBF contributes to harmonized legislation, uniform application of law, the protection of human rights, and better access to justice. 	<p>[Too early to assess] No specific and/or substantial outcome is admitted as a result of the project activities at the time of the Mid-term review. There is room for the improvement of the indicator.</p>
<p>9. Civil adjudications are appropriately held in accordance with the revised Civil Procedure Code.</p>	<p>[Too early to assess] It has not been long since the revised Civil Procedure Code was enforced in July 2016 and thus it is too early to assess the appropriateness of the law enforcement. Moreover, there is room for reexamination of the relationship between the indicator and areas that the Project has been/is/will be targeting.</p>
<p>10. Administrative adjudications are appropriately held in accordance with the revised Administrative Procedure Law.</p>	<p>[Too early to assess] Similar to the indicator above, it has not been long since the revised Administrative Procedure Law was enforced in July 2016 and thus it is too early to assess the appropriateness of the law enforcement. Moreover, there is room for reexamination of the</p>

³⁰ Source: Result of interview to OOG conducted in 10 January 2018.

	relationship between the indicator and areas that the Project has been/is/will be targeting.
11. Criminal adjudications are appropriately held in accordance with the revised Criminal Procedure Code.	[Too early to assess] It has not been long since the revised Criminal Procedure Code was enforced in January 2018 and thus it is too early to assess the appropriateness of the law enforcement. Moreover, there is room for reexamination of the relationship between the indicator and areas that the Project has been/is/will be targeting.

3-4 Prospect of Achievement of the Overall Goal

The Overall Goal is positive outcome generated from the project activities that are expected to be brought about in approximately three to five years' time after the Project is completed. The Review Team collected preliminary information and data related to the indicators set for Overall Goal during the Mid-term review this time. Details are summarized below.

<p>[Overall Goal] The establishment of Vietnam’s social foundation for growth is promoted through the development of predictable and reliable legal and judicial systems based on legal normative documents with ensured consistency.</p>																															
<p>[Indicator] 5. The performance of the international comparative indicators on legal and judicial practices publicized by international organizations etc. improves from that of the project inception.</p>	<p>According to the World Justice Project on Rule of Law Index, on a comparison between the ranking in 2015 and 2016, although other categories did not mark significant change, an outstanding improvement on “Constraints on Government Powers” has been acclaimed (see the table below).³¹.</p> <p>Rule of Law Ranking</p> <table border="1" data-bbox="722 488 1449 824"> <thead> <tr> <th>Categories</th> <th>2015*</th> <th>2016*</th> </tr> </thead> <tbody> <tr> <td>Constraints on Government Powers</td> <td>85/102</td> <td>81/113</td> </tr> <tr> <td>Absence of Corruption</td> <td>56/102</td> <td>67/113</td> </tr> <tr> <td>Open Government</td> <td>86/102</td> <td>92/113</td> </tr> <tr> <td>Fundamental Rights</td> <td>69/102</td> <td>68/113</td> </tr> <tr> <td>Order and Security</td> <td>35/102</td> <td>35/113</td> </tr> <tr> <td>Regulatory Enforcement</td> <td>85/102</td> <td>91/113</td> </tr> <tr> <td>Civil Justice</td> <td>76/102</td> <td>80/113</td> </tr> <tr> <td>Criminal Justice</td> <td>39/102</td> <td>51/113</td> </tr> <tr> <td>Global Ranking</td> <td>64/102</td> <td>67/113</td> </tr> </tbody> </table> <p>(Source: World Justice Project on Rule of Law Index 2015 and 2016) *Ranking of Vietnam / Total number of countries</p>	Categories	2015*	2016*	Constraints on Government Powers	85/102	81/113	Absence of Corruption	56/102	67/113	Open Government	86/102	92/113	Fundamental Rights	69/102	68/113	Order and Security	35/102	35/113	Regulatory Enforcement	85/102	91/113	Civil Justice	76/102	80/113	Criminal Justice	39/102	51/113	Global Ranking	64/102	67/113
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<p>6. The performance of the international comparative indicators on lawyers’ practices publicized by international organizations etc. improves from that of the project inception.</p>	<p>No data is available.</p>																														
<p>7. The reviews ³² /verifications ³³ are conducted in accordance with the improved review/verification process.</p>	<p>No tangible result is generated yet since related work and activities are still in the progress through the project activities.</p>																														
<p>8. The supervisions and post-checking are conducted in accordance with the improved supervision and post-checking process.</p>	<p>Ditto</p>																														

3-5 Implementation Process

(1) Monitoring

The overall project implementation has been monitored by the Project according to the PDM and the Plan of Operation (PO). Apart from the PDM, respective organizations have planned activities, so called “annual plan” taking into consideration of the project framework. Activities have been monitored jointly with counterpart officials and Japanese experts through day-to-day communication. Results of monitoring is summarized into the monitoring format and is presented at the annual meeting held between the Project and counterpart organizations, called Joint Coordinating Committee (hereinafter referred to as “JCC”). To date, JCC

³¹ <https://worldjusticeproject.org/our-work/wjp-rule-law-index/wjp-rule-law-index-2016> (browsed in January 2018)

³² The term “review”, which is undertaken by MOJ, is the procedure prescribed in Articles 36 and 63 of the Law No. 17/2008/QH12 “the Law on Promulgation of Legal Normative Documents”.

³³ The term “verification”, which is undertaken by OOG, is the procedure prescribed in Article 2 of the Decree No. 74/2012/ND-CP, Article 17 of the Decree No. 08/2012/ND-CP “the Working Regulations of the Government”, and Article 29 of the Decree No. 24/2009/ND-CP “Detailing and Providing Measures for the Implementation of the Law on Promulgation of Legal Normative Documents”.

meeting was held three times: the first JCC was held in October 2015, the second JCC was in April 2016, and third one was in April 2017, and there was no major issue reported except for the issue on the internal procedure among counterpart organizations.

JCC	Date	Agenda
1	19 October, 2015	Reporting progress of activities in past six months, sharing the plan for the next six months, discussing urgent issues related to the project implementation.
2	21 April, 2016	Reporting progress of activities in past six months, approving the annual working plan formulated by respective departments and/or organizations, discussing urgent issues related to the project implementation.
3	14. April, 2017	Reporting progress of activities in the previous year, approving the annual working plan formulated by respective departments and/or organizations, discussing issues related to the direction of cooperation under Output-1

Source: Information provided by the Project

(2) Communication

Results of questionnaires show communication between Japanese experts and counterpart officials has been good in general. It was reported, however, that internal communication, particularly information sharing, became sometimes an issue, and it has not always been done in a smooth manner. It was attributed to the fact that there are many departments and organizations involved in the project activities, and that a number of experts are coming in and out with two years assignment. Besides, it was pointed out that insufficient understanding on the project framework and the purpose of the Project was one of the factors which affected effective implementation of the project activities.

(3) Ownership and Participation

Counterpart organizations have been committed and cooperative in general. Results of questionnaires also show the ownership of the counterpart organizations has been maintained and/or increased compared with the situation at the beginning of the Project.

4. EVALUATION RESULTS³⁴

4-1 Relevance

The relevance of the Project is “High” in terms of consistency with policies of the Government of Vietnam and the Government of Japan; however, it is “Low” in the project design.

(1) Consistency with the National Policy of the Government of Vietnam.

The “Resolution No. 48-NQ/TW” of the Politburo of the Central Committee of the Communist Party of Vietnam issued in May 2005 states the purpose of introducing new initiatives of the market economics of the socialist economic system and guides their direction for the development and implementation of the Vietnam legal system to 2010 and further direction up to 2020. Complementing to the Resolution No. 48, the “Resolution No. 49-NQ/TW 2005” was issued in June 2005 and set forth the strategies for the judicial reform toward 2020 to realize further improvement of legislative duties and strengthening the rule of law in Vietnam. In the Resolution, the importance of 1) improvement of criminal and civil policy and legislation, 2) development of judicial organs and judicial support institutions, 3) capacity development of judicial and support staff, and 4) strengthening supervising role of the government and enhancing judicial activities by the public are emphasized. Moreover, the “Socio-Economic Development Strategy for the period of 2011-2020” promised the government’s endeavor to push forward legislative and judiciary reform law development process, and improve the quality of legal system³⁵.

The Project aiming to strengthening organizational capacity of judicial and legal authorities by enhancing consistency of legal normative document, the increased understanding of legal normative documents, and strengthening the capacity of law enforcement met the policy direction of the Government of Vietnam.

(2) Consistency with the Needs in Vietnam

This is in line with the needs in Vietnam. According to the results of the survey conducted by JETRO in 2015, “inadequate legal and law system/unclear application of laws and regulations” was one of the major risks that the Japanese companies in Vietnam met during day-to-day business and investment. In addition, Vietnam has made a preferable progress in their legal system development through periodical revision and formulation of fundamental and important laws. Meanwhile, it is also the fact that there are still several issues to be solved including issues on inconsistency, coherency, and feasibility of legal normative documents, and proper and effective application at practice. The Project is designed to address the issues of inconsistency of legal normative documents as well as strengthening skills of legislation and law enforcement, and thus, the direction of the Project is deemed highly appropriate as a response to the needs of the society and the government.

³⁴ This is not an evaluation for those activities implemented by individual organizations, but comprehensive evaluation for the project as a whole. Ranking according to the five-grade evaluation: High, Relatively high, Moderate, Fair, and Low.

³⁵ It is composed with six chapters such as 1) nation’s situation and international context, 2) development viewpoints, 3) strategic objectives and breakthrough phase, 4) orientation in development, innovation of growth model, and restructuring of the economy, 5) improve the capacity and effectiveness of state management to guarantee the successful implementation of the strategy, and 6) implementation of the strategy.

(3) Consistency with the Policy and Strategy of Japan's ODA

The Project is well aligned with the policies and strategies that the Government of Japan upholds. The “Country Assistance Policy for Vietnam” of the Government of Japan developed in 2012 has three priority areas for development under the basic policy of “assistance towards the achievement of industrialization in 2020”. One of the priority areas is “Good Governance”, and in which articulates the direction of assistance toward improving the judicial and legal system in Vietnam to ensure justice, fairness, neutrality and transparency of the Governance. Particularly to the assistance to the legal sector, the Japanese Government promises to make commitments toward improving legislation, establishing and improving institution necessary to implement laws, capacity development for implementing laws, distributing relevant information, and so on.

The “Basic Policies on Legal Technical Assistance” has remained unchanged since the beginning of the Project, and maintains the policy to provide assistance for legal development and operation in the fields of basic and economic laws.

(4) Comparative Advantages of the Assistance by Government of Japan

Japan has supported continuously the legal system development in Vietnam through technical assistance project in decades, and has accumulated knowledge and understanding on the issues that judicial and legal institutions are facing. With a long history of cooperation, support system has been set up in cooperation with advisory group members comprising with legal practitioners and academics. Besides, clear and strategic linkage has been already developed between activities in Vietnam and training in Japan. Such comprehensive and united framework of cooperation is one of the strengths of the technical assistance by the Government of Japan.

(5) Appropriateness of the project design

The Project has a good picture itself taking into consideration of issues and needs as well as policy direction. Meanwhile the description of the Project Purpose and the Output is comprehensive. It is attributed to the fact that there was a need to include all possible outcomes that related to the counterpart organizations concerned at the time of the project formulation so that all could commit themselves in the project activities to the same extent. However, as the project activities have gone ahead, comprehensiveness of the project scope became an issue and led to the implementation of the project activities on ad-hoc basis. In addition, as mentioned in “3. Achievement of the Project”, some indicators for Output 1, Output 2, and the Project Purpose were not clearly defined, and thus required for further verification for the project evaluation.

4-2 Effectiveness

(1) Achievement of the Project Purpose

The effectiveness of the Project is assessed as “Fair” based on the level of achievement of the Project Purpose at the time of the Mid-term review.

As stated in “3.3. Achievement of the Project Purpose”, the Project has been making a progress to fulfill the expected goal of the Project of “enhancing the institutional capacity for legal and judicial authorities to

minimize inconsistency in legal normative documents, to promote appropriate understanding, and to promote undertaking uniform implementation and application of legal normative documents”. In particular, four out of eleven pre-determined indicators set in the PDM have shown the progress at the time of the Mid-term review. Achievements of the Project Purpose are directly influenced by the achievement of Project Outputs set in the PDM. Thus, the Project Purpose will be achieved by the end of cooperation term if the all planned activities are completed and satisfied the targets for the Project Outputs.

In terms of the technical transfer from Japanese expert to the counterpart officials, it has been smoothly conducted. As is mentioned in the earlier section, the project coverage is huge and wide-ranging and that project activities are implemented as per the annual plan but tend to be implemented on ad-hoc basis upon request. It leads the situation where involvement of Japanese experts becomes shallow, thereby lowering the effectiveness of cooperation. The main challenges lie in the fact that in which way the project effect can be maximized with limited resources. Given the status of affairs, the Project requires to examine the future direction to make enabling environment for in-depth involvement of Japanese experts including narrowing down the areas to put more focus.

(2) Important Assumption

There are two important assumptions, that are factors affecting the project implementation, for the Project, which include; 1) MOJ and OOG continuously take action for ensuring consistency of legal normative documents, and 2) The legal and judicial authorities/organization continuously take action in line with the policy framework aiming at the legal and judicial reform. Any major adversary factors have not been recognized since the commencement of the Project.

4-3 Efficiency

The efficiency of the Project is assessed as “Moderate” based on the following facts:

(1) Achievement of the Project Outputs

Most of the project activities have been implemented as per the annual plan developed by respective organizations at the beginning of the year. As mentioned in the “3-2 Achievement of the Project Outputs”, the Project is moving forward to generating expected outcomes. To date, three out of seven indicators for Output 1 and all of seventeen indicators are confirmed to be in progress, and none is achieved so far for Output 3.

(2) Quantity, Quality, and Timing of Inputs

1) Inputs from Vietnam

The following inputs were planned and agreed on the R/D signed in February 2015; 1) assignment of counterpart personnel, and 2) provision of office space and necessary facilities, and 3) financial input for running expenses necessary for the implementation of the project activities.

For this plan, Vietnam side appointed a total of fifty officers including one Project Director, four Project Managers, and working members from each organization as per the original plan. Office space for the Project

was supposed to be provided by the Vietnamese side; however, it was arranged by the Project on its own expenses. Concerning the cost-sharing to the project activities, the Team confirmed input from three counterpart organizations namely OOG, SPC, and SPP. Detailed information was shown in “3-1 Results of Input”.

2) Inputs from Japan

According to the R/D, the following inputs were agreed to be provided by Japanese Government; 1) Experts, 2) trainings, and 3) provision of equipment. As of the Mid-term review, all the inputs have been executed as originally planned.

The results of questionnaire survey answered by sixteen counterpart officials and five Japanese experts confirmed that the number of expert dispatched, and dispatching timing were appropriate, while there were voices calling for extension of assignment period because it requires significant time to study the situation in Vietnam and to build a relationship of trust between Japanese experts and counterpart officers.

In terms of training opportunities in Japan offered during the last two years, more than 70% of the respondents to the questionnaires answered that number of trainees, timing, frequency, and training materials were appropriate.

(3) Factors and Efforts that Increased Efficiency of the Project Activities

The positive and contributing factors to the project efficiency are as follows:

[Output1 & Output 2]

(a) Human Factor

- Expert’s in-depth knowledge and abundant practical experience,
- Favorable relationship between Japan and Vietnam established through the long-term relationship
- Strong commitment from both side

(b) Management Factor

- Plan formulated based on the Project Purpose and needs of relevant organization and needs from the society
- Variety of interventions such as trainings in Vietnam, Training in Japan, individual consultation by experts

[Output 2]

(a) Management Factor

- Flexible management giving a certain discretion
- Simplified administrative procedure from the third year
- Periodical meeting to share information and exchange opinions with other counterparts
- Strong support from leaders

(4) Inhibiting Factors for the attainment of the Project Purpose

The inhibiting factors to the achievement of the Project Purpose are summarized as follows:

[Output-1]

(a) Management Factor

- Limited access to the counterpart officials that resulted in insufficient understanding on issues of the target organizations
- Insufficient inter-organizational coordination and reporting

(b) Other factors (Request for more effective implementation of the Project)

- Sharing variety of information not limited to those on Japan or Japanese experience

[Output-2]

(a) Management Factor

- Ad-hoc activities without any continuity
- Wide-ranging activities. Difficulty in focusing on specific issues in implementing activities.
- Difficulty in coordinating the timing of the activities' implementation between counterpart organizations and the Project
- Complicated administration procedure

4-4 Impact

Impact of the Project is “Fair” based on the fact that although the Project is in the middle of the implementation period, some activities have been initiated by counterpart organizations on their own after the project activities.

(1) Prospect for Achievement of the Overall Goal

It is premature to judge the impact to be brought by the Project since the Project is still at the implementation stage and is moving forward to fulfil its expected outputs at the time of the Mid-term review. It is, however, assumed that the establishment of Vietnam's social foundation for growth is most likely to be promoted as per the plan if the Project Purpose is successfully and sufficiently achieved by the end of the Project and project effect is continuously generated by counterpart organizations even after the completion of the Project.

To realize the project expected impact, it is vital for the project counterpart organizations firstly to strengthen their cooperative and collaborative relationship with each other to secure the consistency in legal normative documents and unified application of laws. Moreover, the Project needs to examine the way to maximize the project effect with limited resources within the remaining cooperation terms.

(2) Positive Impact- Spin-Off Impact

In addition to those Decisions and Circulars formulated during and after the project activities, the result of interview confirmed that a number of activities were implemented by the counterpart organizations on their own initiatives such as follows:

- Referential materials such as process of examination on legal normative document and guidebook on illegal legal normative document were/is being developed after the project activities;
- With knowledge and understanding obtained through the training in Japan, a report was developed concerning conditions and requirements for examinations of legal normative documents, and submitted it to the Government.

(3) Negative Impact

No unintended negative impact was recognized at the time of the Mid-term review.

4-5 Sustainability

The prospect of Sustainability of the Project to date is assessed “Moderate” based on the following reasons:

(1) Policy and Institutional Sustainability [High]

The policy environment for the Project has remained unchanged since the Project started in April 2015. To date, Resolution No. 48 and No. 49 have been the foundation of the policy implementation by the counterpart organizations and legal and judicial reform has received great attentions. The Politburo Conclusion No. 92-KL/TW of March 12, 2014 provides guidance on continuous engagement of legal and judicial reform toward 2020. Moreover, the Government of Vietnam in its policy document for socio-economic development stresses the importance of the improvement of the effectiveness and quality of legal system to realize further socio-economic development.

With instruction and guidance of these policies, organizations concerned has been engaged in strengthening institutional capacity by improving knowledge and skills of relevant officers and institutional settings as well as by renovating laws and regulations. Such efforts towards legal reform will continue to be carried out in the future.

Given the status of affairs, it is fair to say that the project activities and the effect generated by the Project is likely to be supported continuously by the Government of Vietnam.

(2) Organizational Sustainability [Moderate]

Organizational setting of legal and judicial institutions also remained unchanged or it rather can be said to be improved since the Project started through a number of initiatives undertaken by the Government of Vietnam including renovating the organization of People’s court. Concerning staff deployment, significant personnel reduction has not been observed at the time of the Mid-term review. Meanwhile, it is also the fact that the Government has made every effort to rationalize the administration structure, and there is little possibility for the increase of the government officers in future. Therefore, the sustainability of the project effect from organizational aspect is moderate as of the Mid-term review.

(3) Financial Sustainability[Fair]

In addition to the project of JICA, several other donors such as NLD (Canada), GIZ (Germany), GIG

(Governance for Inclusive Growth, the United States of America), and KOICA (South Korea) have supported legal and judicial reform in Vietnam.

Under such circumstances, cost-sharing scheme was adopted in the Project based on the agreement (R/D) signed in 2015 before the Project starts. To date, the project activities have been co-funded by JICA and counterpart organizations as mentioned in “3-1 Result of Inputs”. Although total expenses that the counterpart organizations spent for the project activities accounted for only 30 % of the expenditure borne by the project side³⁶, it is considered a big step forward compared with the situation in the previous JICA projects where the project activities were fully funded only by Japanese side. As such, financial sustainability as of the review is still not high but it is expected to be improved with full commitment of the counterpart organizations.

As mentioned in the earlier section, the project activities were implemented on an ad-hoc basis, and thus the effect of the Project remains limited which led to the limited financial backups. In order to secure the financial sustainability of the project effect, it is necessary to identify areas that require continuous efforts for improvement, reflect it to the annual work plan, as well as to provide advice on developing mechanism, know-how, and process required to ensure the continuity of activities and sustainability of the project effect.

(4) Technical Sustainability [Moderate]

As mentioned in “3-2 Achievement of the Project Outputs”, the Project has worked on capacity development through workshops and training programs both in Vietnam and in Japan during the project, and knowledge and skills are reported to have been put into practice.

Although there is room for improvement in future, results of the workshops and seminars as well as information and knowledge obtained during these events were reported to the management of each organization, and also shared to relevant officers in many ways such as distributing the report, sharing via TV conference system and website. To date, several initiatives also have been undertaken by counterpart organizations on their own as seen the case of development of manuals to strengthen practical skills of relevant officers. Moreover, the Project has a plan to provide more assistance to enhance the capacity on law-drafting, examination of legal normative documents, and law enforcement. These continuous efforts surely contribute to the sustainability of the project effect.

To secure technical sustainability in the longer term, it is vital to accumulate the knowledge and skills at the organizational level. In order to do so, the possibility of implementation of activities such as in-depth research and analysis and manual development need to be explored.

³⁶ Calculation is done based on the data submitted from three organizations, namely OOG, SPC, and SPP.

5. CONCLUSION

Based upon the findings of the evaluation, the Review Team concluded that Project Purpose is in progress toward achievement with some good signs of generating expected outputs of the Project. Meanwhile, it was found that there are some issues to be addressed such as revision of the PDM and narrowing down areas to be focused with strategic approach to achieve the ultimate goal of the Project

Results of the terminal evaluation by the five evaluation criteria are summarized below:

Criteria	Evaluation	Summary
Relevance	High (Policy Aspect) Low (Design)	The Project coincides with policies of the Government of Vietnam and Japan as well as with the needs in the legal and judicial sector in Vietnam. However, regarding the project design, description of the Project Purpose and Outputs is ambiguous and some of verifiable indicators are not clearly defined.
Effectiveness	Fair	The Project has been making a progress to fulfill the expected goal of the Project. It was found, however, that the project activities covered several different issues in various areas and it led to the limited level of achievement of the Project Purpose.
Efficiency	Moderate	The efficiency of implementation of project activities as a whole is moderate. The timing, quality and quantity of inputs, including trainings, experts, and provision / management of equipment, were appropriate and on schedule. It was found that issues lie in the area of management.
Impact	Fair	Although it is premature to assess the level of achievement of expected impact as of the Mid-term review, there are some favourable signs recognized during the survey.
Sustainability	Moderate	In terms of Policy and Institutional aspect is “high”, Organizational sustainability is “moderate”. Financial sustainability is “fair” since the financial source is not fully secured for continuity of the project effect. As for the technical sustainability, it was assessed as “moderate” as strengthening the capacity at the organizational level is still an issue.

* Ranking according to the five-grade evaluation: High, Relatively high, Moderate, Fair, and Low.

6. RECOMMENDATION

Revision of PDM

As a result of the Mid-term review, whose purpose is to review the progress of the project activities and find out any obstacles, it is found that the ambiguity and vagueness that lie in the expressions used in the PDM are hindering the Project's effects to be fully expressed; thus, there is a need to re-examine the project design. For instance, the vague expressions found in the Output-1 caused difficulties in defining the appropriate project activities, thus lowering the effects of the Project. In order to generate tangible results of the Project within the remaining Project period, revision of the PDM to streamline the concepts and expressions so as to enhance clear understanding and perception among the participants to this project is strongly recommended.

In addition to the revision of the Project Purpose and the Outputs as well as the project activities and the indicators that follow, as explained in the "Relevance", among others, below two initiatives are to be included in the project design.

(c) Formation of Working Groups

To date, the experts have focused mainly on providing technical advice by taking part in the seminars held by the counterpart organisations. In order to conduct technical assistance more effectively, it is advised to form working groups where the counterpart organisations and the experts thoroughly discuss, analyse specified areas of concern, identify target issues and monitor the outcomes of relevant activities.

(d) Implementation of Joint Activities among counterpart agencies

In the Recommendation of the terminal evaluation of the previous project, implementation of the joint activities among counterpart organisations are recommended; however, it is not included in the current Project.

The introduction of new systems and practices reflecting the adversarial principle expressly guaranteed by the new Constitution, requires proper understanding by each of the parties and relevant agencies which at its core should be consistent and unified. Undue discrepancy among the relevant stakeholders will easily result in unwanted distortion and ineffectiveness, inefficiency of the procedure and may eventually lead to delay and injustice. One of the most effective ways to create necessary common understanding is the implementation of a joint effort among different stakeholders which can mobilize multi-faceted knowledge, experience and skills. Therefore, implementation of the joint activities among counterpart organisations is recommended in order to deepen common understanding.

7. LESSONS LEARNED

- (1) Several issues and challenges are pointed out regarding the project design such as the concerning Output-1, which is a newly introduced component from this Project, as a result of the Mid-term review. Lessons learned from the findings regarding the Output-1 include that when introducing new components to a project, in-depth situation and needs survey and analysis should be conducted before designing the PDM. Further, in the event it becomes necessary, the project should not hesitate to conduct additional survey and analysis.
- (2) The ambiguous concepts and vague expressions used in the PDM allowed the Project to engage in activities the purport of which was not always distinct and the effectiveness and the contribution to the achievement of the overall objective of the Project thereof was not clear enough. This led to the overburdening of the Project which not only made the effects of individual activities questionable but also resulted in diminishing the effectiveness and the efficiency of the intervention by the Project in its entirety.
- (3) As outputs of the project in the judicial sector tend to be qualitative rather than quantitative, indicators of the PDM need to be well examined. It is thus recommended to include identification and examination of indicators as part of the project activities.

Attachment-1: Survey Schedule

Date		Schedule	
Jan	7	Sun	10:00 Dep from NARITA (VN311) 14:00 Arr at HANOI
	8	Mon	9:00-11:00 Mtg and Interview with JICA Experts 11:30-12:00 JICA Vietnam Office 14:00-15:30 MOJ (ICD) Courtesy Call, Interview 15:30-17:00 MOJ (CED) Interview
	9	Tue	9:30-11:30 Canada NLD Interview 14:00-15:30 VBF Interview
	10	Wed	9:00-11:00 MOJ 14:00-16:00 OOG Interview
	11	Thu	9:00-11:00 SPP Interview 13:30-14:30 MOJ (CJED) 14:30-16:00 MOJ
	12	Fri	9:00-11:00 SPC Interview 14:00-17:00 MOJ (BPR, BLEM)
	13	Sat	Drafting of the report
	14	Sun	Drafting of the report
	15	Mon	10:00-12:00 Mtg with JICA Vietnam Office and JICA Experts (at Project Office) 17:00-18:00 MOJ: Review and discussion on the Draft Report with MOJ signer
	16	Tue	9:00-11:00 SPP: Review and discussion on the Draft Report with SPP 14:00-16:00 OOG: Review and discussion on the Draft Report with OOG signer
	17	Wed	9:00-10:00 VBF: Review and discussion on the Draft Report 11:00-11:30 MOJ: Courtesy Call 13:30-15:30 SPC: Review and discussion on the Draft Report
	18	Thu	9:00-11:00 Evaluation Session : Review of the Minutes and Mid-Term Evaluation Report, and signing of the Minutes (Representatives from MOJ, OOG, SPC, SPP and VBF) 22:15 Arr at HANEDA
	19	Fri	

Attachment-2: PDM

Project Monitoring Sheet I (Revision of Project Design Matrix)

Version-0

3-Feb-15

Project Title: The Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020 (PHAP LUAT 2020)

Implementing Organizations: Ministry of Justice (MOJ), Office of Government (OOG), Supreme People's Court (SPC), Supreme People's Procuracy (SPP), Vietnam Bar Federation (VBF)

Target Group: Legal professionals and judicial officials of MOJ, OOG, SPC, SPP and VBF

Period of Project: From April 2015 to March 2020 (Five (5) years)

Project Site: Hanoi

Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Important Assumption
<p align="center">Overall Goal</p> <p>The establishment of Vietnam's social foundation for growth is promoted through the development of predictable and reliable legal and judicial systems based on legal normative documents with ensured consistency.</p>	<ol style="list-style-type: none"> The performance of the international comparative indicators on legal and judicial practices publicized by international organizations etc. improves from that of the project inception. The performance of the international comparative indicators on lawyers' practices publicized by international organizations etc. improves from that of the project inception. The reviews/verifications are conducted in accordance with the improved review/verification process. The supervisions and post-checking are conducted in accordance with the improved supervision and post-checking process. 	<ol style="list-style-type: none"> The performance of the international comparative indicators on legal and judicial practices publicized by international organizations etc. The performance of the international comparative indicators on lawyers' practices publicized by international organizations etc. The records of the reviews/verifications and interviews with relevant personnel. The records of supervisions and post-checking, and interviews with relevant personnel. 	
<p align="center">Project Purpose</p> <p>Institutional capacity for legal and judicial authorities/organization* is developed for minimizing and rectifying inconsistency in legal normative documents as well as for promoting appropriate understanding and undertaking uniform implementation and application of legal normative documents in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam; thereby, appropriate and efficient process and application of legal normative documents are realized.</p> <p>*MOJ, OOG, SPC, SPP and VBF</p>	<ol style="list-style-type: none"> MOJ's review of legal normative documents is improved in the following aspects: Opinions from a wider range of stakeholders are taken into consideration. Attention is given to any possible issues which may arise during the implementation and application stage. The reviews are conducted from a view point of ensuring consistency of legal normative documents. The reviews are conducted from a view point of realizing uniform implementation and application of legal normative documents. MOJ's post-checking of legal normative documents is improved in the following aspects: Opinions from a wider range of stakeholders are taken into consideration. The situations and causes of inconsistent implementation and application of legal normative documents are analyzed. Remedial measures are considered and facilitation for taking such measures is conducted based on the identified causes of inconsistent implementation and application of legal normative documents. MOJ's monitoring law implementation is improved in the following aspects: Opinions from a wider range of stakeholders are taken into consideration. The situations of inconsistent implementation and application of legal normative documents and the insufficient development of legal normative documents as their causes are analyzed. Remedial measures are taken for improving the situations of insufficient development of legal normative documents, which can be a cause of inconsistent implementation and application of legal normative documents. OOG's verifications of legal normative documents are improved in the following aspects: Coordination among different stakeholders is enhanced. Opinions from a wider range of stakeholders are taken into consideration. Attention is given to any possible issues which may arise during the implementation and application stage. The verifications are conducted from a view point of realizing uniform implementation and application. OOG's capacity to support to the government and Prime Minister in supervising, directing and verifying when drafting and implementing legal normative documents is enhanced. Based on the work plan, civil proceedings are improved. SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. SPP contributes to ensuring that laws are strictly and uniformly observed. VBF contributes to the harmonized legislation, uniform application of law, protection of human rights, and better access to justice. Based on the work plan, administrative proceedings are improved. SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. SPP contributes to ensuring that laws are strictly and uniformly observed. VBF contributes to harmonized legislation, uniform application of law, the protection of human rights, and better access to justice. Based on the work plan, criminal proceedings are improved. SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. SPP contributes to ensuring that laws are strictly and uniformly observed. VBF contributes to harmonized legislation, uniform application of law, the protection of human rights, and better access to justice. Civil adjudications are appropriately held in accordance with the revised Civil Procedure Code. Administrative adjudications are appropriately held in accordance with the revised Administrative Procedure Law. Criminal adjudications are appropriately held in accordance with the revised Criminal Procedure Code. 	<ol style="list-style-type: none"> MOJ's record on its review processes and interviews with relevant personnel. MOJ's record on its post-check processes and interviews with relevant personnel. MOJ's record on its monitoring law implementation and interviews with relevant personnel. OOG's record on its verification processes and interviews with relevant personnel. OOG's record on its supervision on the development and implementation of legal normative documents and interviews with relevant personnel. Performance of the work plan regarding the improvement of civil proceedings and interviews with relevant personnel. Performance of the work plan regarding the improvement of administrative proceedings and interviews with relevant personnel. Performance of the work plan regarding the improvement of criminal proceedings and interviews with relevant personnel. Statistical information on civil adjudications and interviews with relevant personnel. Statistical information on administrative litigations and interviews with relevant personnel. Statistical information on criminal adjudications and interviews with relevant personnel. 	<p>-MOJ and OOG continuously take action for ensuring consistency of legal normative documents.</p> <p>- The legal and judicial authorities/organization continuously take action in line with the policy framework aiming at the legal and judicial reform.</p>

<p>Outputs</p> <p>1. Capacity of human resources at MOJ and OOG is strengthened for better (1) review/verification, (2) post-checking, and (3) monitoring the implementation of civil, economic, and other related legal normative documents so that inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of legal normative documents are minimized and rectified as well as promotion of appropriate understanding and uniform implementation of legal normative documents is realized.</p>	<ol style="list-style-type: none"> 1. MOJ plans, design and holds seminars and other events to meet the needs of the internal human resources, taking into consideration the challenges faced by local practitioners. 2. MOJ plans, design and holds seminars and other events to meet the needs of other ministries and legal departments of the People's Committees at the ministry level, taking into consideration the challenges faced by local practitioners. 3. MOJ's reference materials are developed taking into consideration the following points: <ul style="list-style-type: none"> ➢ The analysis on the situations of inconsistent implementation and application of legal normative documents. ➢ The analysis on the causes of inconsistent implementation and application of legal normative documents. ➢ Remedial measures based on the identified situations and causes of inconsistent implementation and application of legal normative documents. ➢ Necessary facilitation to take remedial measures. 4. MOJ's reference materials are used by relevant staff. 5. OOG plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners. 6. OOG's reference materials are developed taking into consideration the following points: <ul style="list-style-type: none"> ➢ The analysis on the situations of inconsistent implementation and application of legal normative documents. ➢ The analysis on the causes of inconsistent implementation and application of legal normative documents. ➢ Remedial measures based on the identified situations and causes of inconsistent implementation and application of legal normative documents. ➢ Necessary facilitation to take remedial measures. 7. OOG's reference materials are used by relevant staff. 	<ol style="list-style-type: none"> 1. Materials of seminars and other events organized by MOJ for internal human resources and interviews with relevant personnel. 2. Materials of seminars and other events organized by MOJ for other ministries and legal departments of the People's Committees at the ministry level and interviews with relevant personnel. 3. MOJ's reference materials and interviews with relevant personnel. 4. Interviews with relevant personnel. 5. Materials of seminars and other events organized by OOG and interviews with relevant personnel. 6. OOG's reference materials and interviews with relevant personnel. 7. Interviews with relevant personnel. 	<p>The substantive laws, procedural laws and organization laws supported by the Project are enacted without major delay.</p>
<p>Based on the work plan formulated by each implementing agency for the implementation of the legal and judicial reform up to 2020, which is in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam, substantive laws and procedural laws which contribute to settling civil cases are drafted and the Criminal Procedure Law is drafted. In addition, appropriate understanding of legal normative documents on civil cases and criminal procedures is promoted and capacity for giving advice and guidance on uniform implementation and conducting adjudication procedure is enhanced.</p>	<ol style="list-style-type: none"> 1. The work plan formulated by each organization takes into consideration the following points: <ul style="list-style-type: none"> ➢ Each organization's review on the achievement of the legal and judicial reform up to 2020. ➢ Each organization's analysis on the activities in previous years. ➢ Each organization's process to achieve the goal of the target year. ➢ Each organization's prioritized activities for the purpose of attaining the legal and judicial reform up to 2020. 2. The drafts of the revised Civil Code, revised Law on Civil Judgment Execution, revised State Compensation Liability Law, revised Civil Procedure Code, and the revised Administrative Procedure Law are improved taking into consideration the following points: <ul style="list-style-type: none"> ➢ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➢ The development of Vietnam's market economy. ➢ The challenges in practical implementation 3. The draft of the revised Criminal Procedure Code is improved taking into consideration the following points: <ul style="list-style-type: none"> ➢ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➢ The challenges in practical implementation. ➢ Enhanced protection of human rights. 4. Practical challenges are identified and analyzed for the development of the Law on Property Registration and Law on Private International Law. 5. Issues regarding the formation of judicial precedents are synthesized. 6. The synthesized issues regarding the formation of judicial precedents are reflected to legal normative documents and/or improvement of practical implementation is undertaken. 7. Practical challenges in the settlement of international civil cases are identified and analyzed. 8. The identified and analyzed challenges in the settlement of international civil cases are reflected to legal normative documents and/or improvement of practical implementation is undertaken. 9. MOJ plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners. 10. Issues taken up in MOJ's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken. 11. SPC plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners. 12. Issues taken up in SPC's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken. 13. SPP plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners. 14. Issues taken up in SPP's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken. 15. VBF plans, design and holds seminars, training courses and other events to contribute to the legal policy and legislation development and to meet the needs of the participants, taking into consideration the challenges faced by local practitioners (particularly challenges regarding the protection of human rights and access to justice). 16. Issues taken up in VBF's seminars, training courses, and other events are reflected to the Lawyer's Manual and other professional and skills guidelines and/or improvement of practical implementation is undertaken. 17. The Lawyer's Manual and other professional and skills guidelines are developed taking into consideration the following points: <ul style="list-style-type: none"> ➢ Contribution to the protection of human rights and better access to justice. ➢ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➢ Enhanced legal services to the citizens. ➢ The challenges in practical implementation. 18. The Lawyer's Manual and other professional and skills guidelines are at the disposal of lawyers for utilization. 19. The Lawyer's Manual and other professional and skills guidelines are used by lawyers. 		
<p>Each organization analyzes and examines activities to be conducted after 2021 taking into consideration the Outputs of the Project in order to improve practices of (1) drafting, reviewing/verifying, post-checking and monitoring the implementation of legal normative documents, (2) giving advice and guidance on promoting appropriate understanding and uniform implementation of legal normative documents, and (3) giving advice and guidance for realizing adjudication and legal procedures based on appropriate understanding of legal normative documents.</p>	<ol style="list-style-type: none"> 1. Each organization conducts an analysis taking into consideration the following points: <ul style="list-style-type: none"> ➢ Activities for uniform application and enforcement of laws and ordinances. ➢ Activities for establishing a framework which enables appropriate dispute settlements. ➢ Activities for realizing legal procedures which underscore human rights. ➢ Activities for strengthening access to justice. 	<ol style="list-style-type: none"> 1. Results of the analysis by each organization and interviews with relevant personnel 	

Activities		Inputs		Important Assumption
(1-1-1)	In cooperation with the Long-term Experts, MOJ analyzes, examines and synthesizes effective and efficient measures to achieve the minimization and correction of inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of legal normative documents and to promote appropriate understanding and uniform implementation of legal normative documents.	<Japanese side> -Long-term Experts (a Chief Advisor (Prosecutor), a Judge, an Attorney-at-law, a Project Coordinator, etc.) -Short-term Experts -Advisory Group	<Vietnamese side> Government contribution (from MOJ, OOG, SPC and SPP): -Project Director -Project Manager -Coordinator -Working Group Members	-Transfers or resignations of the staff of legal and judicial authorities/ organization/ do not
(1-1-2)	In consultation with the Long-term Experts, MOJ selects target legal normative documents for achieving the minimization and correction of inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of the legal normative documents and for promoting appropriate understanding and uniform implementation of the legal normative documents.	-Training in Japan -Conference rooms in Japan for seminars and workshops	-Conference rooms for seminars and workshops to be held at the offices of the implementing partners -Office equipment for project implementation -Communication and coordination expenses	
(1-1-3)	MOJ formulates an annual work plans for the target legal normative documents agreed in (1-1-2) based on the measures analyzed in (1-1-1).	-JICANET -Part of project activity cost		
(1-1-4)	Joint Coordinating Committee (JCC) formally confirms the work plans formulated in (1-1-3).			
(1-1-5)	In cooperation with the Long-term Experts, MOJ holds workshops/seminars based on the work plan formulated in (1-1-3).			
(1-1-6)	In cooperation with the Long-term Experts, MOJ holds seminars for improving capacity of drafting, reviewing, post-checking and/or implementing legal normative documents, targeting other ministries and legal departments of the People's Committees at the ministry level, based on the results of the analysis in (1-1-1).			

(1-1-7)	In cooperation with the Long-term Experts, MOJ develops reference materials based on the contents of, and lessons learned from, the seminars and other events held in (1-1-4) and (1-1-5).		From VBF: -Project Manger -Coordinator	Pre-Conditions
(1-2-1)	In cooperation with the Long-term Experts, OOG analyzes, examines and synthesizes effective and efficient measures to achieve the minimization and correction of inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of legal normative documents and to promote appropriate understanding and uniform implementation of legal normative documents.		-Working Group Members -Conference rooms for seminars and workshops to be held at the offices of the implementing partners	-No major organizational reforms at the implementing organizations occur. -No major changes in roles and responsibilities of the implementing organizations occur.
(1-2-2)	In consultation with the Long-term Experts, OOG selects target legal normative documents for achieving the minimization and correction of inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of the legal normative documents and for promoting appropriate understanding and uniform implementation of the legal normative documents.		-Office equipment for project implementation -Communication and coordination expenses	
(1-2-3)	OOG and the Long-term Experts formulate an annual work plan for the target legal normative documents agreed in (1-2-2) based on the measures analyzed in (1-2-1).			
(1-2-4)	In cooperation with the Long-term Experts, OOG holds workshops/seminars based on the work plan formulated in (1-2-3).			
(1-2-5)	In cooperation with the Long-term Experts, OOG develops reference materials based on the contents of, and lessons learned from, the seminars and other events held in (2-4).			
(2-1-1)	In cooperation with the Long-term Experts, MOJ, SPC, SPP and VBF individually formulate (1) an overall work plan and (2) an annual work plan for Output 2 at the beginning of each year (Japanese fiscal year), based on the roadmap for the legal and judicial reform up to 2020.			
(2-1-2)	JCC formally confirms the plans formulated in (2-1-1).			
(2-1-3)	JCC confirms the progress of (1) the overall work plans (2) annual work plans formulated in (2-1-1).			
(2-2-1)	In cooperation with the Long-term Experts, MOJ holds seminars and other events for finalizing the drafts of the revised Civil Code, revised Law on Civil Judgment Execution, and revised State Compensation Liability Law, (including related legal normative documents and other guiding documents), respectively, in collaboration with related organizations.			
(2-2-2)	In cooperation with the Long-term Experts, MOJ collects information on the development of the Law on Property Registration and the Law on Private International Law, analyzes the information and then synthesizes the results in collaboration with related organizations.			
(2-2-3)	In cooperation with the Long-term Experts, MOJ plans and holds seminars and other events for improving capacity of giving advice and guidance on promoting appropriate understanding of legal normative documents in collaboration with related organizations.			
(2-3-1)	In cooperation with the Long-term Experts, SPC holds seminars and other events for finalizing the drafts of the revised Civil Procedure Code and the revised Administrative Procedure Law (including related legal normative documents and other guiding documents), respectively, in collaboration with related organizations.			
(2-3-2)	In cooperation with the Long-term Experts, SPC plans and holds seminars and other events for improving capacity for giving advice and guidance on realization of adjudication based on appropriate understanding of legal normative documents, in collaboration with related organizations.			
(2-3-3)	In cooperation with the Long-term Experts, SPC collects information on the formation of judicial precedents which enables uniform application of laws, analyzes the information and then synthesizes the results in collaboration with related organizations.			
(2-3-4)	In cooperation with the Long-term Experts, SPC holds seminars and other events for analyzing issues concerning international civil cases in collaboration with international organizations.			
(2-4-1)	In cooperation with the Long-term Experts, SPP holds seminars and other events for finalizing the draft of the revised Criminal Procedure Code (including related legal normative documents and other guiding documents), in collaboration with related organizations.			
(2-4-2)	In cooperation with the Long-term Experts, SPP plans and holds seminars and other events for improving capacity for giving advice and guidance on realization of prosecution and adjudications based on appropriate understanding of legal normative documents, or improvement of civil, administrative, and criminal adjudications, in collaboration with related organizations.			
(2-5-1)	In order to fulfill lawyers' role to promote harmonized legislation and uniform application of law, to protect human rights, and to ensure the access to justice, in cooperation with the Long-term Experts, VBF, either on its own or with other related organizations, plans and holds seminars, training courses, and other events for improving VBF's capacity for giving advice and guidance on improvement of lawyers' practice based on appropriate understanding of legal normative documents.			
(2-5-2)	In order to fulfill lawyers' role to promote harmonized legislation and uniform application of law, to protect human rights, and to ensure the access to justice, in cooperation with the Long-term Experts, VBF, either on its own or with other related organizations, analyzes the target legal normative documents, synthesizes the opinions from its members, and holds seminars and other events for proposing recommendations on the improvement and uniform application of these legal normative documents.			
(2-5-3)	In cooperation with the Long-term Experts, VBF establishes a working group (WG) for developing the Lawyer's Manual and other professional and skills guidelines.			
(2-5-4)	In order to fulfill lawyers' role to promote harmonized legislation and uniform application of law, to protect human rights, and to ensure the access to justice, the WG established by VBF develops the Lawyer's Manual and other professional and skills guidelines in cooperation with the Long-term Experts.			
(2-5-5)	In cooperation with the Long-term Experts, VBF holds seminars, training courses, and other events for analyzing and addressing issues concerning the professional development of commercial lawyers in dealing with international transactions and civil cases in collaboration with international organizations.			

(3-1)	In cooperation with the Long-term Experts, MOJ, OOG, SPC, SPP and VBF individually review the results of the analysis on annual performance of the project activities at each organization.			
(3-2)	In cooperation with the Long-term Experts, MOJ, OOG, SPC, SPP and VBF individually analyze and examine measures to improve work procedures after the year 2021 at each organization.			
(3-3)	In cooperation with the Long-term Experts, MOJ, OOG, SPC, SPP and VBF individually write a report on the results of their analysis, examination and reviews at each organization.			

Attachment-3: List of Interviewees

	Date	Name / Attendant	Affiliation
1	08 January 2018	Takako Tsukabe	Project
2	08 January 2018	Masanori Tsukahara	Project
3	08 January 2018	Nobuhiro Matsuo	Project
4	08 January 2018	Sakiko Kamada	Project
5	08 January 2018	Tsugunori Teramoto	Project
6	08 January 2018	Ms. Dang Hoang Oanh	ICD, MOJ
7	08 January 2018	Ms. Tran Thu Huong	ICD, MOJ
8	08 January 2018	Ms. Le Thi Hien	ICD, MOJ
9	08 January 2018	Mr. Nguyen Thanh Tu	CED, MOJ
10	08 January 2018	Ms. Le Thi Hoang Thanh	CED, MOJ
11	08 January 2018	Ms Trinh Thi Thuy Nga	CED, MOJ
12	09 January 2018	Mr. Jacob Gammelgaard	NLD Project
13	09 January 2018	Dr. Do Ngoc Thinh	VBF
14	09 January 2018	Ms. Tran Thuy Dung	VBF
15	09 January 2018	Mr. Vu Xuan Nuoc	VBF
16	10 January 2018	Mr. Nguyen Hong Tuyen	GALD, MOJ
17	10 January 2018	Ms. Do Thi Thanh Huong	GALD, MOJ
18	10 January 2018	Ms Thai Thi Hai Yen	GALD, MOJ
19	10 January 2018	Ms. Hoang Thi Ngoc Phuong	GALD, MOJ
20	10 January 2018	Mr. Dinh Dung Sy	OOG
21	10 January 2018	Ms. Nguyen Thuy Linh	OOG
22	11 January 2018	Ms. Vu Thi Hai Yen	SPP
23	11 January 2018	Ms. Hoang Thi Thuy Hoa	SPP
24	11 January 2018	Ms. Nguyen Cam Tu	SPP
25	11 January 2018	Ms. Ngo Thi Thu Van	SPP
26	11 January 2018	Mr. Nai Luong Khoi	CJED, MOJ
27	11 January 2018	Ms. Le Thi Thu Hien	CJED, MOJ
28	11 January 2018	Ms. Mai Thi Thu Ha	CJED, MOJ
29	11 January 2018	Ms. Nguyen Thi Nhung	CJED, MOJ
30	11 January 2018	Mr. Nguyen Thang Loi	CJED, MOJ
31	11 January 2018	Mr. Le Anh Tuan	CJED, MOJ
32	11 January 2018	Ms. Pham Thi Thu Trang	CJED, MOJ
33	11 January 2018	Mr. Pham Tuan Ngoc	NRAST, MOJ
34	11 January 2018	Ms. Nguyen Thi Thu Hang	NRAST, MOJ
35	11 January 2018	Ms. Tran Ngoc Yen	NRAST, MOJ
36	11 January 2018	Mr. Le Thai Phuong	SCD, MOJ
37	11 January 2018	Ms. Pham Ho Huong	ILD, MOJ
38	11 January 2018	Ms. Tran Thi Minh Ha	ILD, MOJ
39	12 January 2018	Mr. Chu Trung Dung	SPC
40	12 January 2018	Ms. Vu Thuy Hang	SPC
41	12 January 2018	Mr. Dong Ngoc Ba	BPR, MOJ
42	12 January 2018	Mr. Vu Hong Thang	BPR, MOJ
43	12 January 2018	Ms. Le Thi Uyen	BPR, MOJ
44	12 January 2018	Ms. Tran Thu Giang	BPR, MOJ
45	12 January 2018	Mr. Tran Manh Hieu	BPR, MOJ
46	12 January 2018	Ms. Nguyen Thi Hong Vinh	BPR, MOJ
47	12 January 2018	Ms. Tran Thanh Loan	BPR, MOJ
48	12 January 2018	Mr. Nguyen Hong Son	BLEM, MOJ
49	12 January 2018	Ms. Tran Thi Mai Suong	BLEM, MOJ

Attachment-4: Expenditure Details from Vietnam Side

Currency: VND (UP), USD (DOWN)

No.	Item	2015 (Apr.-Dec.)	2016 (Jan.-Dec.)	2017 (Jan.-Oct.)	Total
	Salaries for administrative officers				
	Miscellaneous (stationaries etc)	1,200,000,000	1,800,000,000	1,600,000,000	4,600,000,000
	Expenses for internet and phone				
	Expenses for meetings and seminars				
	Travelling Fee for representatives from local authorities				
	Payment for seminar experts	52,898	79,348	70,531	202,777
	Preparation of seminar materials				
	DSA for seminar participants				
Vietnamese Side (SPC)					
	Salaries for administrative officers				
	Miscellaneous (stationaries etc)	1,000,000,000	1,020,000,000	1,040,000,000	3,060,000,000
	Expenses for internet and phone				
	Expenses for internet and phone				
	Travelling Fee for representatives from local authorities				
	Fee for venues, equipment rental	44,082	44,964	45,845	134,891
	Payment for seminar experts				
Vietnamese Side (SPP)					
	Salaries for administrative officers				
	Miscellaneous (stationaries etc)	1,135,000,000	1,150,000,000	1,000,000,000	3,285,000,000
	Expenses for internet and phone				
	Expenses for internet and phone				
	Travelling Fee for representatives from local authorities,				
	Fee for venues, equipment rental	50,033	50,694	44,082	144,809
	Payment for seminar experts				
Vietnamese Side (Total)					
	Total	3,335,000,000	3,970,000,000	3,640,000,000	10,945,000,000
		147,013	175,006	160,458	482,477

Source: Provided data by OOG, SPC, and SPP

Attachment-5: List of Experts dispatched

No.	Area	Number	Times	Days	M/M
Long term expert					
1	Chief Advisor	3	3		36.00
2	Improvement of Court Practice	2	2		36.00
3	Legal Reform	3	3		36.00
4	Capacity development of Lawyer	1	1		36.00
5	Project Coordination	1	1		36.00
Short term expert					
6	Seminar on Civil Law/Civil Code	2	1	8	
7	Seminar on Judicial Precedent	2	1	20	
8	Seminar on International Commercial Disputes	1	1	6	
9	Seminar on Intellectual Property Rights	1	1	8	
10	Survey on Property Registration in Vietnam	3	1	21	
11	Seminar on Judicial Precedent	2	1	8	
12	Seminar on Property Registration	3	1	18	
13	Survey on Property Registration in Vietnam	3	1	16	
14	Seminar on Duty Lawyer	1	1	7	
15	Seminar on Judicial Precedent	2	1	10	
16	Seminar on Family Court	2	1	10	
		32	21	132	180.00

Source: Data provided by the Project

Attachment-6: Local Cost borne by Japanese Side

Currency: USD

Item	JFY 2015	JFY 2016	JFY 2017	Total
	Apr. 2015- Mar. 2016	Apr. 2016- Mar. 2017	Apr. 2017- Oct. 2017	
Training Expenses	357,783	338,704	233,188	929,675
Survey Expenses	16,703	25,719	17,045	59,467
Printing Fee (Manuals)	13,709	41,125	0	54,834
Recurrent expenses for the Project Office	250,317	276,857	183,401	668,226
Total	638,512	682,405	499,257	1,820,174

Attachment-7: List of Equipment Provided

No.	Equipment Purchased	Details	Qty	USD	JPY (Equiv.)	Status
1	Desk Top PC	Dell Vostro 3900MT, Dell E1914H	5	3,338	401,551	In use - An Giang - Bac Ninh - Ben Tre - Hung Yen - Tien Giang
2	Desk Top PC	Dell Vostro 3653MT, Dell E1916H	5	4,469	471,211	In use - Ninh Thuan - Binh Thuan - Phu Tho - Thanh Hoa - Binh Phuoc
3	Desk Top PC	Dell Inspiron 3268 INS ST, Dell E2016	2	1,764	191,906	In use - Kien Giang - Dong Thap
4	Desk Top PC	Dell Inspiron 3268 INS ST, Dell E2016	3	2,462	277,506	In use - Ha Nam - Hoa Binh - VBF
TOTAL			15	12,033	1,342,174	

Attachment-8: Record of Training/Workshop/Meetings (April 2015-December 2017)

2015									
C/P	Department	No.	Activities	Category	Date/Month	Venue	Participants (1day)	Participants (2day)	Participants (3day)
MOJ	CED		Working session on amendment of the Civil Code	Working Session	Jun.8	Ha Noi	37		
			Making Civil Code explanation book		Aug.7	Ha Noi	11		
		1.4.1	Amendment of the Civil Code with Professor Morishima and Niimi		Jan.28	Ha Noi	7		
			Dissemination of the Civil Code		Sep.3,4	Ha Noi	62	15	
				Jan.6	HCMC	82			
				Jan.26	Ha Noi	46			
		CED Total							
ILD		2.1	Workshop on part V of the Civil Code	Workshop	Sep.8	Ha Noi	19		
		2.2	Study on conflict of international jurisdiction between 2 experts	Report	Sep.7				
		2.4	Seminar on conflict of international jurisdiction and Japanese experience	Seminar	Sep.7	Ha Noi	30		
		ILD Total							
CJED		3.4	Getting opinions on the draft of the circular on denunciation and complaints	Workshop	Jul.10	Ha Noi	60		
		3.2	Development of e-database on information of obligors who have no conditions for execution of civil judgment execution	Survey	Jul.17-19	LongAn, BinDuong, HCMC		92	
		3.1.1	Circular guiding the publication about obligors who do not have conditions for civil judgment execution	Workshop	Oct.30	Ha Noi	51		
		3.1.2	Circular guiding the procedures of civil judgment execution	Workshop	Nov.27	Ha Noi	54		
		Add	assessment of the civil judgment execution Law regarding the settlement of complaints and denunciation	Workshop	Mar.15	Da Nang	70		
		Add	Situation for management of material evidences and disclosure of information about obligors who do not have civil judgment execution conditions	Workshop	Mar.17	Ha Noi	51		
		CJED Total							
SCD		4.2.2.1	Evaluation of the situation of the State Compensation Law	Workshop	May.28	Do Son	31		
		4.2.2.1	Evaluation of the situation of the State Compensation Law	Workshop	Jul.7	Vung Tau	58		
		SCD Total							
NRAST		7.1.2	Joint-circular ensuring the feasibility of implementation of the circular 20/2011	Working Session	Jul.17	Ha Noi	40		
		7.1.1	Joint-circular ensuring the feasibility of implementation of the circular 20/2011	Working Session	Oct.12	HCMC	65		
					Dec.17	Da Nang	56		
		NRAST Total							
GALD			Survey on the Decree 55	Survey	Jun.2,5,17,18	Vinh Phuc, Ha Nam, Hung Yen, MOET		121	
			Draft of the Decree stipulating provisions in details and measures of implementation of the law on promulgation of normative legal documents	Workshop	Dec.22	Ha Noi	53		
		8.3.4	Draft of the Decree stipulating provisions in details and measures of implementation of the law on promulgation of normative legal documents	Workshop	Jan.14	Ha Noi	33		
		GALD Total							

BPR	7.1	Practical inspection and workshop on the situation of examination of legal documents on the topics of taxation, custom, anti-smuggling	Workshop	Sep.24	Da Nang	18		
	7.1	Practical inspection and workshop on the situation of examination of legal documents on the topics of taxation, custom, anti-smuggling	Workshop	Sep.30	Hai Phong	24		
	7.1	Practical inspection and workshop on the situation of examination of legal documents on the topics of taxation, custom, anti-smuggling	Workshop	Oct.13	HCMC	29		
BPR Total								
BLEM	6.2	Organization of implementation of laws	Workshop	Oct.16	Ha Noi	64		
	BLEM Total							
MOJ Total								
SPC	1	Situation and solution to improve the settlement quality of the civil cases in the first instance court	Seminar	Jun.04-05	Cua Lo	62	62	
	add	Training on adjudication skills for jurors in Bac ninh province	Training Course	Jun.18-19	Nam Dinh			
	6	Meeting on the adversarial procedure at the court	Working Session	Oct.16	Ha Noi	20		
	10	Court precedent system	Seminar	Nov.19-20	Can Tho	74	74	
	Add	Court precedent system	Seminar	Nov.23-24	Da Nang	59	59	
	11	Court precedent system	Seminar	Nov.25-26	Ha Noi	80	80	
	12	International Commercial Transaction	Seminar	Nov.30-Dec.1	Ha Noi	79	79	
	13	International Commercial Transaction	Seminar	Dec.2-3	Da Nang	65	65	
	14	International Commercial Transaction	Seminar	Dec.4-5	HCMC	76	76	
	add	Argument procedure in the court	Seminar	Mar.10-11	Ha Noi	145	146	
	add	situation and solutions to improve the settlement quality of the administrative cases in the first instance court	Seminar	Mar.14-15	Bac Ninh	93	93	
	7	Drafting of book on the argument procedure in the court	Book	Mar.23				
	SPC Total							
	SPP	add.	Collection of comments for the draft of Penal Code (Revised)	Seminar	Sep.1	Ha Noi	100	
add.		Collection of comments for the draft of Penal Code (Revised)	Seminar	Sep.4	Nghe An	61		
add.		Collection of comments for the draft of Penal Code (Revised)	Seminar	Sep.8	HCMC	88		
1.9		Role and function of Japanese Prosecutors in criminal proceedings in Procuratorate University	Seminar	Oct.8	Ha Noi	150		
1.5		Organization and operation of High People's procuracy	Seminar	Nov.4	HCMC	67		
1.4		Some experiences on the work of protest against civil, marriage and family cases according to cassation and reopening procedures of SPP	Working Session	Nov.3	Ha Noi	50		
1.3		developing 8 research reports on protest according to cassational procedure	Report	Nov.10				
1.6		developing 8 research reports on revising Law on Mutual Legal Assistance 2007	Report	Dec.10				
1.7		Developing 5 research reports for revising Law on Conclusion, Accession to and Implementation of international treaties 2005	Report	Dec.10				
1.10		Japanese experience on leading the investigation agency to collect evidence of criminal cases	Seminar	Jan.27	Ha Noi	167		
1.2	Relation between High People's Procuracy and provincial procuracy in handling appellate and cassational cases	Seminar	Mar.11	Ninh Binh	120			
1.8	International cooperation in fighting crimes under provisions of Criminal Procedure Code 2015	Working Session	Mar.15	Ha Noi	55			
Central								

	2.5	Training workshop on fostering prosecutor's skill of supervision over civil, administration, trade and labor cases	Workshop	Jun.9	Hai Phong	98	
	2.9	Dissemination of Law on Organization of People's Procuracy (revised 2014)	Seminar	Jun.10	Hai Phong	102	
	2.10	Training workshop on the Law on Organization of People's Procuracy (revised 2014)	Workshop	Jun.26	Hai Phong	101	
	2.6	Collection of comments for the draft of Penal Code (Revised)	Seminar	Aug.27	Hai Phong	97	
	2.8	Improving prosecutor's skills of interrogation and litigation at criminal trial	Workshop	Aug.28	Hai Phong	99	
	2.7	Training workshop on improving prosecutor's skill of supervision over civil trials through a moot court	Workshop	Sep.25	Hai Phong	110	
	2.4	Real situation and solutions for improving the quality of supervision over receiving and dealing with report of crime and proposal for institution/innitiation of investigatin body	Seminar	Sep.29	Hai Phong	98	
	2.11	Actual situation and solution to improve the quality of supervision onve execution of civil judgments of Phu Tho People's Procuracy	Seminar	Nov.10	Phu Tho	124	
	add.	Working session after a moot court of a criminal case	Working Session	Oct.22	Hai Phong	40	
	add.	Real situation of applying provisions of the CPC relating to assurance of rights of detainees, defendants and accused	Seminar	Oct.30	Hai Phong	98	
	add.	Criminal Procedure Code 2015	Seminar	Jan.29	Hai Phong	97	
	2.2	Improving skills of prosecutor over investigation and adjudication of criminal cases	Seminar	Dec.18	Lang Son	105	
	2.3	Conducting 10 court surveys on adjudication of crimnam cases	Survey	Feb.27	Hai Phong		
	2.1	Implementation of the new Criminal Procedure Code and the Penal Code	Seminar	Mar.7	Lao Cai	106	
	SPP Total						
	4	Survey and meeting with local bars and provide equipments	Survey	Oct.28-30	Ben Tre, An Giang	9	55
	1	Workshop with Hanoi Bar association in asseing experiences in practicing law	Workshop	Jan.15	Ha Noi	38	
	2	Workshop with Hai Phong Bar association in asseing experiences in practicing law	Workshop	Jan.14	Hai Phong	28	
	II	Meeting manual of lawyer	Working Session	Jan.28	HCMC	8	
	III	Survey and meeting with local bar and provide equipment	Survey	Jan.29	Tien Giang	17	
	III	Survey and meeting with local bar and provide equipment	Survey	Dec.21	Bac Ninh	13	
	III	Survey and meeting with local bar and provide equipment	Survey	Dec.21	Hung Yen	12	
	3	Workshop with Ho Chi Minh Bar association in asseing experiences in practicing law	Workshop	Jan.28	HCMC	33	
	5	Sharing experiences of practising lawyer in VBF Hanoi	Workshop	Mar.14	Ha Noi	81	
	6	Reviewing articles of experts Hanoi (Morning)	Workshop	Mar.16	Ha Noi	6	
	6	Reviewing articles of experts Hanoi (Afternoon)	Workshop	Mar.16	Ha Noi	6	
	VBF Total						

OOG	1	Draft of the Decree stipulating detailed implementation of the Law on Investment and the Law on Enterprises	Seminar	Jun.11-12	Tam Dao	88	95
	2	Draft of the Decree providing detailed implementation of the law on residential house and of the law on real estate business	Seminar	Jun.30	Hanoi	85	
	3	Decree on enterprise registration	Seminar	Jul.3	Hanoi	80	
	Add	Improvement of capacity in verification and appraisal of normative legal documents	Seminar	Aug.13	Hanoi	78	
		Monitoring, supervision and verification of the implementation of assignments by the government and Prime Minister	Workshop	Nov.13-14	Bac Kan	67	67
		Promoting the development of residential houses for public purposes for the poor, workers in urban area and industrial zones	Workshop	Jan.20	Hoi An	57	
		Situation and solutions for improvement of the effectiveness of the monitoring of law implementation	Workshop	Jan.27	Hanoi	57	
		Training course on expert examination knowledge and skills	Training Course	Feb.23	Hanoi	143	
		Training course on expert examination knowledge and skills	Training Course	Feb.26	HCMC	156	
		OOG-MOJ Joint Workshop	Workshop	Mar.4	Ba Vi	25	
		Monitoring, supervision and verification of the implementation of assignments by the government and Prime Minister	Workshop	Mar.10	Phu Yen	55	
		Notarial Practice	Workshop	Mar.17	Hanoi	60	
	OOG Total						
JCC		Meeting with SPP		May.11	Ha Noi		
		Meeting with VBF		May.19	Ha Noi		
		Meeting with SPC		Sep.24	Ha Noi		
		JCC		Oct.19	Ha Noi	39	
		Meeting with SPP		Oct.28	Ha Noi	6	
		Meeting with VBF		Nov.11	Ha Noi	11	
		Meeting with MOJ, OOG, SPC, SPP, VBF		Mar.23	Ha Noi	39	
JCC Total							

[2016]

2016		Depart ment	No.	Activities	Category	Date/Month	Venue	Participants (1day)	Participants (2day)	Participants (3day)
C/P	MOJ									
				Dissemination of the Civil Code	Workshop	Jun.17	Ha Noi	109		
				Dissemination of the Civil Code	Workshop	Aug.24	HCMC	45		
				Dissemination of the Civil Code	Workshop	Feb.20	Da Nang	68		
				Materials of the Civil Code	Workshop	Mar.3	Ha Noi	38		
				CED Total						
			4	Intenational private	Workshop	Aug.5	Ha Noi	34		
				ILD Total						
			14	Development of actual situation of receiving and handling information about civil judgment execution	Survey	May.24-26	Vung Tau, Dong Nai, HCMC	120		
			13	Professional skills in settlement of claims and denunciations in civil judgment execution	Training Course	Dec.2 Dec.6	Ha Noi Nha Trang	67 48		
			15	Actual situation of implementation of provisions of settlement of claims and denunciations in civil judgement of execution law	Workshop	Mar.10	HCMC	70		
				CJED Total						
			5	Amendment of the State Compensation Law Implementation	Workshop	Jun.14	Can Tho	56		
				SCD Total						
			6	Decree 163	Workshop	Dec.20	Ha Noi	67		
			add	Decree 163	Workshop	Jan.9	HCMC	74		
			add	Property registration law	Seminar	Feb.9	Ha Noi	140		
			add	Report on property registration in Vietnam	Report	Feb.16				
			add	Result of the study tour on property registration in Japan	Working Session	Feb.10	Vinh Phuc	25		
				NRAST Total						
			11	Draft of the Decree 55	Workshop	Oct.10	Ha Noi	59		
				GALD Total						
			8	Examination and settlement of normative documents	Survey	Sep.27-30	Binh Dinh, Phu Yen	47		
					Survey	Oct.25	Hoa Binh	4		
					Survey	Nov.1	Son La	38		
				BPR Total						
			9	Fundamental orientation for amendment of and supplement to the Decree 59/2012/ND-CP	Workshop	Aug.4	Ha Noi	51		
				Seminar on the monitoring of law enforcement	Seminar	Mar.13	Ha Noi	59		
				BLEM Total						
				MOJ Total						

SPC	A number of fundamental issues of the Criminal Code & Criminal Procedure Code 2015	Seminar	Jun.24-25	Yen Bai	62	62
	Training on adjudication skills for jurors in Bac Ninh Province	Training Course	Aug.12-13	Nam Dinh		
	Intellectual property	Seminar	Sep.22-23	Ha Noi	60	60
	Intellectual property	Seminar	Sep.26-27	HCMC	64	63
	Court precedent	Seminar	Dec.26-27	Ha Noi	67	67
	Family court	Seminar	Feb.20	Thai Binh	75	
	Family court	Seminar	Feb.23	Hue	72	
	Family court	Seminar	Feb.27	Can Tho	74	
	A number of fundamental issues of the Civi Code & Civil Procedure Code	Seminar	Mar.1-2	Bac Ninh	75	75
	Adversarial principle	Seminar	Mar.13	Ha Noi	77	
Adversarial principle	Seminar	Mar.15	Da Nang	85		
Publication of book on ensuring adversarial process in court proceedings	book	Mar.23				
SPC Total						
SPP	1.1 Dissemination of provisions of the Penal Code, Criminal Procedure Code experiences of Japan on training and fostering prosecutors, investigators in training school for prosecutor	Seminar	Jun.22	Ha Giang	123	
	1.2 Improving prosecutor's skills for dealing with criminal, civil, trade; administration and labor cases	Seminar	Nov.17	HCMC	120	
	1.3 Mutual legal assistance in criminal matters of Vietnam - Japan	Workshop	Apr.26-27	Ha Noi	135	
	1.4 Inspection in the procuracy system	Seminar	Mar.15	Ha Noi	50	
	1.5 New feature of procedures for appellate, cassation and reopening in the CrPC 2015	Seminar	Aug.23-24	Vung Tau	100	100
	1.6 experiences of Japan in developing questions for examination and quality guarantee of training at university, building curriculum for training criminal law at bachelor and postgraduate degree	Seminar	Jul.28	HCMC	120	
	1.7 Dissemination of new provisions of Penal Code, Criminal Procedure Code, Civil Code and Civil Procedure Code	Seminar	Nov.14	Hanoi PU	100	
	1.8 Improving adversarial skills of prosecutors in practising public prosecution at criminal trial	Seminar	May.17	Hanoi PU	90	
	add	Seminar	Sep.12	Lang Son	80	
Local	2.1 Actual situation and solutions of the supervision over execution of judgement of civil case	Seminar	May.10	Phu Tho	162	
	2.2 Dissemination of the Civil Code, Civil Procedure Code, Administrative Procedure Law; Improving quality of prosecutor' protest against civil cases	Seminar	Jun.9-11	Son La	68	68
	2.3 Regulations relating to crimes infringing upon economic and environment management; improving interrogation skills of Prosecutors at trial in accordance with the CrPC 2015	Workshop	Apr.28	Hai Phong	135	
	2.4 Law on custody, temporary detention; the Fifth chapter of CrPC 2015:"Regulations on executing sentences and decisions of Courts"	Workshop	May.6	Hai Phong	132	
	2.5 Law on Execution of Civil judgements	Workshop	May.27	Hai Phong	140	

	2.6	Civil Code 2015, Civil Procedure Code 2015 and Administrative Procedure Law 2015	Workshop	May.5	Hai Phong	130
	2.7	Dissemination of new provisions of the Civil Procedure Code and Criminal Procedure Code 2015	Seminar	May.12	Lang Son	120
	add	Crime statistics and information technology in the procuracy system	Seminar	Aug.10	Hai Phong	70
	add	Practising of public prosecution and supervision over adjudication of criminal cases through a mock trial	Seminar	Aug.26	Hai Phong	110
	add	Practising of public prosecution and supervision over adjudication of civil case through a mock trial	Seminar	Sep.26	Hai Phong	110
	add	Developing frame curriculum on prosecutorial skills	Seminar	Feb.24	HCMC	90
	SPP Total					
	III	Surveys and meetings with local bars and provision equipments	Survey	Jul.13-15	Thuan, Ninh Thuan	38
	IV	Training course	Training Course	Aug.9, 15-22	PhuTho, Thanh Hoa, Binh Phuoc	85
				Jul.8-9	Binh Dinh	192
				Jul.16-17	Lam Dong	195
				Aug.08	Da Nang	148
				Aug.23	HCMC	52
				Aug.26	Ha Noi	26
	I	Developing Lawyer's manual	No.1,2,3 print Vol.1	Mar.17		
			print Vol.2	Mar.20		
			print Vol.3	Mar.21		
				Mar.23		
	II	Meeting of Sub-committee on developing Lawyers' manual outline	Working Session	Oct.5	Ha Noi	14
	IV	sharing experiences gained from Study tour in Japan	Workshop	Jan.12	Ha Noi	40
		Training course	Training Course	Feb.25	Vung Tau	140
	VBF Total					
	1	Draft of the Ordinance on plant varieties	Workshop	Apr.11	Ha Noi	52
	2	Draft of the Ordinance on livestock breeds	Workshop	Apr.12	Ha Noi	46
	3	Draft of the Ordinance on plant varieties	Workshop	May.5	HCMC	55
	4	Draft of the Ordinance on livestock breeds	Workshop	May.6	HCMC	55
	5	Unified application of legal provisions in special laws and other laws on notarization	Survey	May.11-13	Can Tho	21
	6	Difficulties and problems faced with in the process of implementation of the law on public notary and the overall programming for development of notary-practicing organizations by 2020	Workshop	Sep.15-16	Hue	54
	7	Working rules and regulations of the Government issued with the Decree 138/2016/ND-CP	Training Course	Dec.5	Ha Noi	100
				Dec.9	HCMC	80
	8	Draft of Decree on organizations and activities of bailiffs	Workshop	Dec.8	HCMC	60
				Mar.16-17	Quang Ninh	97
		Decree on amendment and supplement to a number of articles of the Decree 81/2013/ND-CP guiding the implementation of the law on settlement of administrative violation	Workshop	Mar.8	Ha Noi	80
	OOG Total					

[2017]

2017 (up to December)									
C/P	Department	No.	Activities	Category	Date/Month	Venue	Participants (1day)	Participants (2day)	Participants (3day)
		10	Evaluation state need of legal assistance to enterprises across ministries, services, regions and representative of enterprises	Survey	Sep.8	HCMC	67		
	CED	11	Evaluation state need of legal assistance to enterprises across ministries, services, regions and representative of enterprises	Survey	Sep.14	Ha Noi	80		
		9	the case law in specific civil relations in Ca Mau	Workshop	Sep.21	Ca Mau	40		
		7	Consultation on examination of Decree 66/2008/ND-CP	Workshop	Oct.25	Ha Noi	47		
			other rights with respect to property	Workshop	Nov.02	Ha Noi	81		
		CED Total							
	ILD	11	New regulations on private international law	Workshop	Jul.13	Ha Noi	71		
		ILD Total							
	CJED	16	Executing the court's decision of solving the bankruptcy case in accordance with the Bankruptcy Law 2014	Workshop	Oct.26	Binh Thuan	46		
		17	Actual situation and solution for enhancing effectiveness of the administrative judgment enforcement in Vietnam	Workshop	Dec.22	Ha Noi			
		CJED Total							
	SCD	5	Sharing Japanese experience on compensation settlement, compensated damage, reimbursement liability of official-duty performers	Workshop	Aug.3	Kien Giang	68		
		add	Implementing the law on state compensation	Workshop	Sep.20	HCMC	150		
		SCD Total							
	NRAST								
		NRAST Total							
	GALD								
		GALD Total							
	BPR	13	Examine the constitutionality and legality of legal normative documents in customs, taxes, fees and charges	Workshop	Sep.18	Ha Noi	55		
		14	Examine the constitutionality and legality of legal normative documents in labour, war invalids and social affairs	Workshop	Nov.22	Ha Noi	57		
		BPR Total							
	BLEM								
		BLEM Total							
	MOJ Total								

SPC	2	A number of fundamental issues of the criminal code & criminal procedure code	Seminar	Aug.7-8	Hoa Binh	
	3	Disclosure of judgement	Seminar	Jun.27	Hue	85
	4	Disclosure of judgement	Seminar	Jul.7	Can Tho	82
	5	Disclosure of judgement	Seminar	Jul.11	Thai Nguyen	94
	6	Follow up study tour	Seminar	Jun.26	Hue	90
	7	Follow up study tour	Seminar	Jul.6	Can Tho	84
	8	Follow up study tour	Seminar	Jul.10	Thai Nguyen	97
	9	Independent & responsibility of Judges	Seminar	Jul.28	Ha Noi	51
	11	Independent & responsibility of Judges	Seminar	Aug.1	HCMC	60
	10	Independent & responsibility of Judges	Seminar	Aug.14	Da Nang	91
	add	Court precedent	Seminar	Sep.27	Ha Noi	77
	add	Court precedent	Seminar	Sep.29	Hue	61
14	Special procedure codes for settling family cases	Seminar	Oct.17	HCMC	110	
12	Special procedure codes for settling family cases	Seminar	Oct.19	Ha Noi	109	
SPC Total						
SPP	1.1	Japanese experience in making Criminal Procedure Code, new regulations of Penal Code and Criminal Procedure Code of Vietnam	Seminar	Nov.14	HCMC	95
	1.2	Improving skills of exercising public prosecution power and supervision over criminal adjudication in cassation and reporting procedures	Seminar	Dec.19	HCMC	
	1.3	Promulgating the new contents of newly-adopted judicial laws: Penal Code, Criminal procedure code, Civil law, Civil Procedure Code, Law on Administrative procedure law...	Seminar	Dec.12	Ha Noi	
	1.4	Seminar on the roles of forensic science in Procuracies in the context of implementing the policy on strengthening public prosecution in investigation, adhering public prosecution to investigation activities	Seminar	Dec.21-22	Ha Noi	
	2.2	Improving the quality of protesting in criminal cases according to appellate procedure	Seminar	Nov.13	HCMC	
	2.4	Improving prosecutor's roles, responsibilities in interrogating the accused and defendants and enhancing the effectiveness of implementing the strategies for interrogating the accused and defendants	Seminar	Sep.6	Lang Son	88
	2.5	Real situation, difficulties and obstacles in exercising public prosecution power and supervision over the investigation and the criminal adjudication in first-instance trials for cases with the foreign accused and defendants	Seminar	Jun.20	HCMC	128
	2.7	Improving effectiveness of work on prevention and settlement of banking-related crime	Seminar	Jul.25	HCMC	120
	2.8	Improving quality of practising public prosecution power and supervision over the receipt and settlement of reports of crime and denunciation for crime according to the CrPC 2015	Seminar	Jun.7	Cao Bang	82
	2.9	Real situation of child sexual abuse related crimes and narcotic-related crimes	Seminar	Jul.21	Hoa Binh	81
2.10	Difficulties and obstacles in implementing Civil Code, Civil Procedure Code 2015	Seminar	May.11	Hai Phong	107	

OOG	1	Real situation and solutions for completion of the laws on criminal records	Workshop	May.16-17	HCMC/Con Dao	50	7	
	add	Survey on the situation of implementation of the law on Medical examination and treatment	Survey	Sep.14-16	Cao Bang	14	14	14
	9	Review and revision of the draft of the Decree on secured measures registration	Workshop	Jun.8	Ha Noi	17		
	6,8	Amendment and supplement to the Decree 123/ND-CP stipulating in details a number of articles and measures of implementation of the law on lawyers	Workshop	Aug.11	Ninh Binh	60		
	5	Amendment and supplement to the Decision 42/2014QD-TTG on 27/7/2014 regarding the regulations on supervision of the implementation of the duties which the Government, Prime Minister assign to Ministries, Agencies, and local authorities	Workshop	Aug.12	Ninh Binh	56		
	add	Gathering opinions on the draft of the Decree on amendment and addition to the Decree No66/ND-CP dated 7 July 2006 on development of rural trades	Workshop	Dec.6-7	Vung Tau	41	12	
			Workshop	Sep.29	Quang Binh	72		
	OOG Total							

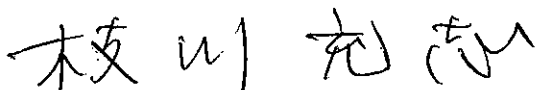
**THE MINUTES OF MEETINGS
BETWEEN
THE JAPANESE MID-TERM REVIEW TEAM
AND
THE AUTHORITIES/ORGANIZATION CONCERNED OF
THE SOCIALIST REPUBLIC OF VIETNAM
FOR
THE PROJECT FOR HARMONIZED, PRACTICAL LEGISLATION AND UNIFORM
APPLICATION OF LAW TARGETING YEAR 2020**

The Japanese Mid-term Review Team (hereinafter referred to as “the Team”) organized by the Japan International Cooperation Agency (hereinafter referred to as “JICA”), headed by Mr. Mitsushi Edagawa, Senior Advisor of the Industrial Development and Public Policy Department, JICA, visited the Socialist Republic of Vietnam (hereinafter referred to as “Vietnam”) from 14 January to 18 January 2018, for the purpose of the Mid-term Review for the Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020 (hereinafter referred to as “the Project”).

During its stay in Vietnam, the Team had a series of discussions with the Vietnamese authorities/organization concerned (Ministry of Justice, Office of Government, Supreme People’s Court, Supreme People’s Procuracy and Vietnam Bar Federation; hereinafter collectively referred to as “the Counterpart Organizations”) and other relevant organizations, reviewed the progress of the Project as well as the plans for the remaining period of the Project.

As a result of the discussions, the both sides came to reach a common understanding concerning the matters referred to in the document attached hereto.

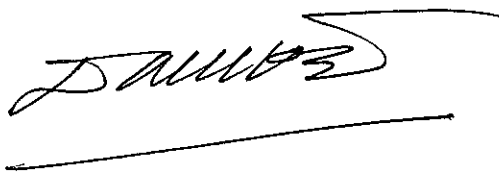
Hanoi, 18 January 2018



Mr. Mitsushi Edagawa
Team Leader
Mid-term Review Team
Japan International Cooperation Agency



Ms. Dang Hoang Oanh
Director
Department of International Cooperation
Ministry of Justice
Socialist Republic of Vietnam



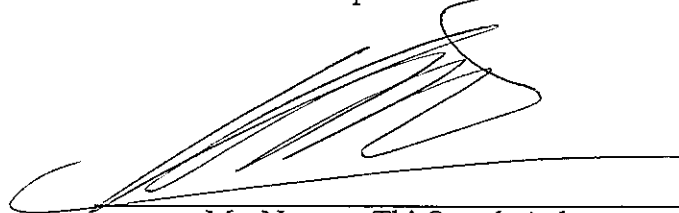
Mr. Dinh Dung Sy
Director
Department of Law
Office of Government
Socialist Republic of Vietnam



Mr. Chu Trung Dung
Deputy Director
Department of International Cooperation
Supreme People’s Court
Socialist Republic of Vietnam



Mr. Le Tien
Director
Department of International Cooperation and
Mutual Legal Assistance in Criminal Matters
Supreme People’s Procuracy
Socialist Republic of Vietnam



Ms. Nguyen Thi Quynh Anh
Vice President
Vietnam Bar Federation
Socialist Republic of Vietnam

APPENDIX I: Joint Mid-Term Review Report

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③

Mid-term Review Report
The Project for Harmonized, Practical Legislation and
Uniform Application of Law Targeting Year 2020
(PHAP LUAT 2020)

Hanoi, Vietnam

18 January 2018

Mid-term Review Team



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ATTACHMENT

1. Mission Schedule
2. Project Design Matrix (PDM)
3. List of Interviewees
4. Expenditure details from Vietnam Side
5. List of Experts Dispatched
6. Local Cost borne by Japanese Side
7. List of Equipment Provided
8. Record of Training / Workshop / Meetings (April 2015- December 2017)

ACRONYMS AND ABBREVIATIONS

BPR	Bureau of Legal Normative Documents Post-Review
BLEM	Bureau of Legal Enforcement and Monitoring
C/P	Counterpart
CED	Civil Economic Law Department
CIDA	Canadian International Development Agency
CJED	Civil Judgment Enforcement General Department
GIZ	(Bilateral organization of the Government of Germany)
GALD	Department of General Affairs in Legal Development
ICD	International Cooperation Department
ILD	International Law Department
JCC	Joint Coordinating Committee
MOJ	Ministry of Justice
NRAST	National Registration Agency of Secured Transactions
ODA	Official Development Assistance
OOG	Office of Government
PDM	Project Design Matrix
R/D	Record of Discussion
SCD	State Compensation Department
SPC	Supreme People's Court
SPP	Supreme People's Procuracy
VBF	Vietnam Bar Federation
NLD	National Legislative Development

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1. INTRODUCTION

1-1 Background of the Project and the Purpose of the Mid-term review

Since adopting "Doi Moi policy" in 1986, Vietnamese government has enhanced the transition to a market economy, and developed its legal systems accordingly as a part of policies of openness. In 2005, the Resolution No. 48-NQ/TW and No.49-NQ/TW of the Politburo of the Central Committee of the Communist Party were announced, and Judicial Reform has proceeded concretely from then on.

Japan International Cooperation Agency (hereinafter referred to as "JICA") operated several technical assistance projects, such as "Legal Technical Assistance Project (phase 1) (1996 – 1999)" and subsequent phases of the same project (2000 – 2003 and 2003 – 2007), aiming to support legislative drafting work in civil and economic areas, and to achieve capacity development for legal practitioners in relevant organizations. During these terms, the above phases achieved certain results, for example, revised Civil Code (June 2005), revised Civil Procedure Code (November 2004) and manuals for legal practitioners that were jointly made by Japanese experts and partner organizations. At the scene where enacted new Legal Normative Documents were actually applied, however, relevant officers often faced difficulties on understanding and applying new legal normative documents properly, and the necessity for improving quality of actual practices at field level, such as adjudication work or law enforcement practice was still recognized. Thus, "Legal and Judicial System Reform Project (Phase 1)" had been operated from April 2007 to March 2011 together with Ministry of Justice (hereinafter referred to as "MOJ"), Supreme People's Court (hereinafter referred to as "SPC"), Supreme People's Procuracy ((hereinafter referred to as "SPP") and Vietnam Bar Federation (hereinafter referred to as "VBF") (joined from 2009) as counterpart organizations (hereinafter referred to as "C/P"s). Continuously, phase 2 of this project ("Phase 2") was conducted from April 2011 to March 2015 in order to accomplish a favorable situation where central judicial authorities/organizations achieve improved institutional and human resource capacities to grasp the challenges in practices nationwide, establish the countermeasures to overcome those challenges, and incorporate these countermeasures into their workflow.

The terminal evaluation team of Phase 2 confirmed that certain results were found in improvement of local practices of C/Ps, especially in the areas selected as "Advanced Activities Area" where central level authorities/organizations and local level authorities/organizations had a good communication in order to abstract the actual challenges in practice and to come up with countermeasures to these challenges. On the other hand, the above team also confirmed that there was still a problem in the practices of other administrative authorities of other areas, especially at local level, in unified understanding and application of legal normative documents, and pointed out a further room for improvement in the drafting work and implementation of legal normative documents conducted by legal and judicial authorities. Therefore, as the subsequent project of Phase 2, JICA has decided to launch the new project "The Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020 (PHAP LUAT 2020)" (hereinafter referred to as "the Project") aiming to support Judicial Reform Strategy of Vietnam based on pre-existing results of cooperation in the past.

The Project, in anticipation of the target year 2020 for Legal and Judicial Reform in Vietnam, takes an approach that puts on a stress to establish new partnership between Vietnam and Japan after this project ends

as well as keeping comprehensive and developmental cooperation based on the various reforms rooted from new Constitution 2013. Besides, bearing in mind that Japanese Official Development Assistance (hereinafter referred to as “ODA”) to Vietnam that has been showing rapid economic growth is requested to contribute to the creation of favorable business environment, JICA welcomes the Office of the Government (hereinafter referred to as “OOG”) as a new C/P in this project in addition to pre-existing four C/Ps, and decides to get involved in activities aiming to minimize and rectify obstructive factors for doing business in Vietnam.

1-2 Purpose of the Review

In order to review the progress of the Project activities and discuss necessary revisions of Project Design Matrix (hereinafter referred to as “PDM”), JICA dispatched a Mid-term review mission.

The objectives of the Mid-term review are as follows:

1. To review the progress of the Project activities and the prospects for achieving the Project Purpose based on the Record of Discussions (hereinafter referred to as “R/D”) and the PDM;
2. To review the Project in terms of the five evaluation criteria of Relevance, Effectiveness, Efficiency, Impact and Sustainability;
3. To discuss plans of the Project activities for the remaining Project term; and
4. To discuss necessary revisions for PDM, if necessary.

1-3 Member of the Mid-term Review Team

Name	Position	Affiliation	Duration
EDAGAWA Mitsushi (Mr.)	Leader	Senior Advisor, Attorney-at-Law, JICA	14-19 January 2018
MORINAGA Taro (Mr.)	Legal and Judicial System	Director, International Cooperation Department Research and Training Institute Ministry of Justice	14-18 January 2018
MATSUDO Ayano (Ms.)	Cooperation and Planning	Deputy Assistant Director, Law and Justice Team, Governance Group, Industrial Development and Public Policy Department, JICA	14-19 January 2018
NAKAMURA Yumiko (Ms.)	Evaluation Analysis	Consultant, Tekizaitekisho	08 -18 January 2018

1-4 Mission Schedule

A series of meetings and discussions were held between 08 January 2018 and 18 January 2018 among governmental authorities of Vietnam, organization concerned including development partners, and JICA experts. The detailed schedule of the Mid-term review is shown in Attachment-1.

1-5 Outline of the Project

Cooperation period:	April 2015 to March 2020 (Five years)
Project Sites:	Hanoi
Implementing agencies:	MOJ, OOG, SPC, SPP, VBF
Project Purpose	Institutional capacity for legal and judicial authorities/ organization* is developed for minimizing and rectifying inconsistency in legal normative documents as well as for promoting appropriate understanding and undertaking uniform implementation and application of legal normative documents in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam; thereby, appropriate and efficient process and application of legal normative documents are realized. (*MOJ, OOG, SPC, SPP and VBF)
Output	<p>[Output-1] Capacity of human resources at MOJ and OOG is strengthened for better (1) review/verification, (2) post-checking, and (3) monitoring the implementation of civil, economic, and other related legal normative documents so that inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of legal normative documents are minimized and rectified as well as promotion of appropriate understanding and uniform implementation of legal normative documents is realized.</p> <p>[Output-2] Based on the work plan formulated by each implementing agency for the implementation of the legal and judicial reform up to 2020, which is in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam, substantive laws and procedural laws which contribute to settling civil cases are drafted and the Criminal Procedure Law is drafted. In addition, appropriate understanding of legal normative documents on civil cases and criminal procedures is promoted and capacity for giving advice and guidance on uniform implementation and conducting adjudication procedure is enhanced.</p> <p>[Output-3] Each organization analyzes and examines activities to be conducted after 2021 taking into consideration the Outputs of the Project in order to improve practices of (1) drafting, reviewing/verifying, post-checking and monitoring the implementation of legal normative documents, (2) giving advice and guidance on promoting appropriate understanding and uniform implementation of legal normative documents, and (3) giving advice and guidance for realizing adjudication and legal procedures based on appropriate understanding of legal normative documents.</p>

Source: Project Design Matrix (Ver. 1)

2. EVALUATION METHODS

2-1 Methods of Evaluation

(1) Process of Evaluation

The Mid-term review was carried out in accordance with the “JICA Evaluation Guideline” (Ver.2) provided in May 2016 using the PDM. In the review, the Review Team assesses the status of the project progress and valuate the project activities from five different perspectives. Firstly, Evaluation Grid was prepared as a basic referential document for data collection which lists evaluation questions, indicators, data to be collected, and information sources¹. Followed by data and information collection through desk review, questionnaire survey, and interview survey conducted in Japan and Vietnam, the Review Team analyzed information collected based on the indicators set in the PDM signed in February 2015 and five evaluation criteria, namely “Relevance”, “Effectiveness”, “Efficiency”, “Impact”, and “Sustainability”. Results of analysis including recommendation and lessons learned were shared and discussed with relevant organizations in the second week of the survey. The details of each evaluation criterion are described as follows:

Table 1 Five Evaluation Criteria

Criteria	Definition
Relevance	Criterion to verify whether Outputs, Project Purpose, and Overall Goal of the Project are in line with the policy propriety, needs and concerns of the recipient country, and the aid policy of the government of Japan at the time of evaluation.
Effectiveness	Criterion to measure the level of achievement of the Project Purpose described in the PDM.
Efficiency	Criterion to measure how efficiently various inputs are converted into outputs of the Project. This criterion also examines the appropriateness of input in view of its amount, contents, and timing.
Impact	Criterion to estimate the extent to which Overall Goal of the Project will be achieved in 3-5 years after the completion of the Project, and to verify intended and unintended, direct and indirect, positive and negative changes attributed to the project activities.
Sustainability	Criterion to verify whether or not the Project effect will be sustained after the completion of the Project in view of the policy, organizational, financial, and technical aspects.

Source: JICA Evaluation Guideline (Ver.1) and JICA Evaluation Handbook (Ver.1.1) May 2016.

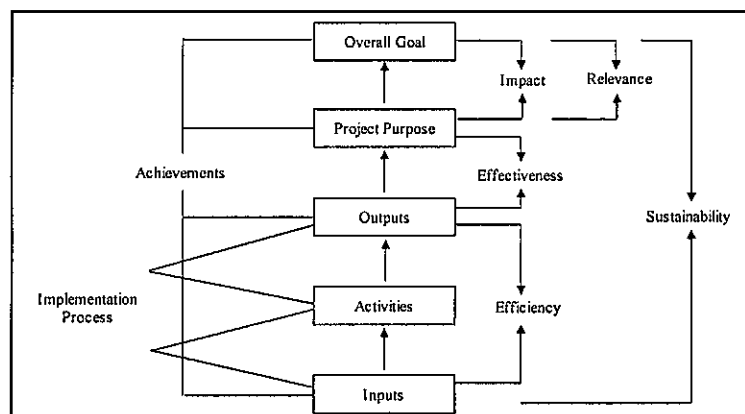


Figure1 Relationship between the Five Evaluation Criteria and PDM
“Practical Methods for Project Evaluation”, March 2004

¹ The Grid consists of three parts: 1) “Progress”; 2) Implementation Process”; and 3) “5 Evaluation Criteria”.

2-2 Data Collection Methods

(1) Key Informant:

- Central level: relevant officials of MOJ, OOG, SPC, SPP, VBF;
- Project Office: Japanese experts.

(2) Data Collection Methods

The following data collection methods were employed for the evaluation.

1) Literature Review/ Desk Review:

Documents related to the project activities were reviewed, which include Detailed Planning Survey Report in the Project (2014), R/D signed in 03 February 2015, PDM (Attachment-2), project monitoring reports and monthly reports submitted by the Project, and among others.

2) Questionnaire Survey:

Considering the time constraint of the survey, the Review Team prepared questionnaires and sent to counterpart organizations prior to the field survey in order to collect necessary information such as record of inputs by both sides, data and information related to the predetermined indicators in the PDM, and information on implementation process. The Review Team collected questionnaires answered from a total of 16 officers including 11 from Vietnamese counterpart officials and five Japanese experts, and carried out key informant interview referring to the results of questionnaire survey.

3) Key Informant Interviews:

Interview survey was conducted from 08 January 2018 to 12 January 2018 to officers concerned including from five different organizations, namely MOJ, OOG, SPC, SPP, and VBF, an officer of the National Legislative Development (hereinafter referred to as "NLD") Project of Canada. Interviewees are listed in Attachment-3.

3. ACHIEVEMENT OF THE PROJECT

3-1 Results of Inputs

3-1-1 Input from Vietnam Side

(1) Assignment of Counterpart Personnel

According to the R/D signed on 03 February 2015, one Project Director (Director of Department of International Cooperation, MOJ), four Project Coordinators were to be assigned from department concerned of the following organizations, namely OOG, SPC, SPP, and VBF. For this plan, one Project Director from MOJ, Four Project Managers from the said organizations in the above, a total of fifty working members including twenty-five from MOJ, four from OOG, three from SPC, one from Bac Ninh People's Court, five from SPP, seven from Hai Phong People's Procuracy, and five from VBF were appointed as the project counterpart when the Project started. At the time of Mid-term review, implementation structure remains unchanged although three counterpart officers were retired².

(2) Office space for Japanese experts

Office space is prepared by the project site on its own expenses.

(3) Local Operational Cost

The Government of Vietnam agreed on the condition to take necessary measures to provide running expenses necessary for the implementation of the Project. Based on the agreement, each organization has borne some of the expenses incurred during the project period covered either in money-wise or through in-kind contribution.

As of the Mid-term review, the following organization namely OOG, SPC, and SPP have spent VND 10,945,000,000 (USD 482,477 equivalent) for the project activities between April 2015 and October 2017 (Attachment-4). With regard to the expenditure details for MOJ and VBF were remained unknown as data were not submitted by the responsible organizations at the time of the Mid-term review.

3-1-2 Input from Japanese side

(1) Dispatching Expert

A total of thirty Japanese experts including eight long-term experts were dispatched to Vietnam for twenty one (21) times (totally 132 days) between April 2015 and December 2017. The assigned areas of experts vary and include Legal Reform, Improvement of Court Practice, Capacity Development of Lawyers, Civil Code, Court Precedent, International Commercial Disputes, Intellectual Property Law, among others (Attachment-5).

(2) Training in Japan

The Project offered twelve training programs to MOJ, SPP, SPC, OOG, VBF in Japan between April 2015 and December 2017 and in which a total of 125 officers participated. Training sessions covered several topics

² Source: Data provided by the Project Office



and issues that raised during the project activities including issues on improvement of reviewing capacity of legal normative documents, on property registration, family affairs cases at family court, disposal of non-performing loans (bad loans), etc.

Table 2 Training Record (April 2015-December 2017)

No.	Training courses	Period	Participants
2015			
1	OOG Training	11 Sep., 2015 - 16-Sep., 2015	10
2	MOJ Training	24 Nov., 2015 - 02 Dec., 2015	10
3	SPP Training	03 Dec., 2015 - 15 Dec., 2015	10
4	VBF Training	18 Jan., 2016 - 25 Jan., 2016	15
2016			
1	SPP Training	04 Jul., 2016 - 15 Jul., 2016	10
2	OOG Training	19 Jul., 2016 - 28 Jul., 2016	10
3	MOJ Training	05 Sep., 2016 - 16 Sep., 2016	10
4	SPC Training	07 Nov., 2016 - 18 Nov., 2016	10
5	VBF Training	05 Dec., 2016 - 12 Dec., 2016	20
2017			
1	SPC Training	23 May., 2017 - 02 Jun., 2017	10
2	OOG Training	18 Jul., 2017 - 28 Jul., 2017	10
3	MOJ Training	22 Nov., 2017 - 30 Nov., 2017	10
Total			135

Source: Data provided by the Project

(3) Local Operation Cost

The Japanese side has borne part of the necessary expenses for the implementation of project activities. Total cost from April 2015 to October 2017 was USD 1,710,398. Details are shown in Attachment-6.

(4) Provision of Equipment

A total of fifteen Desk-top computers in USD 12,033 equivalent were procured by the Project during the project period covered and kept at fourteen (14) local bar association and VBF in good condition (Attachment-7).

3-2 Achievement of the Project Outputs

The extent of achievements is primarily assessed based on indicators set in the latest PDM which was agreed with the Minutes of Meeting (hereinafter referred to as "M/M") signed in February 2015. Detailed activities carried out during the project period covered are listed in Attachment-8.

3-2-1 Output 1

(1) Background

Government of Vietnam has been undertaking the legal reform since 1990s and has made a steady progress in legal system development through the modification of basic and important laws during the past two decades.

Meanwhile, legal reform in the area of investment and business has become an urgent issue to deal with foreign investment and businesses which has been growing and increasing in recent years in Vietnam³.

To respond the situation, a number of activities were planned to enhance capacity of examination and post-review of legal normative documents concerning investment and business under the Output-1 based on the accumulated experience obtained through previous JICA cooperation in the legal sector.

(2) Progress of activities

[First Year: 2015]

The activities were implemented both at national level and local level by each department concerned, namely Bureau of Legal Normative Documents Post-Review (hereinafter referred to as “BPR”), Bureau of Legal Enforcement and Monitoring (hereinafter referred to as “BLEM”) and Department of General Affairs in Legal Development (hereinafter referred to as “GALD”) of MOJ as well as law department of OOG, in accordance with the work plan formulated by counterpart organizations at the beginning of the year. Areas of activities varied ranging from legislation, post-review of the legal normative documents, function, tasks and structure of legislative organization, to law enforcement. The Project assisted their initiatives taken by each department concerned technically through providing advice and guidance on various occasions such as seminars and workshops upon request but their involvement in each activity were limited.

[Second Year: 2016]

OOG and MOJ worked together respectively with the Project based on the work plan for the second year to conduct surveys and seminars on the various areas including post-review of legal normative documents, surveillance on the law enforcement, examination of revised laws in the field of agriculture, business and investment. The Project had made a certain progress in close communication and collaboration with counterpart officials in spite of their extensive and wide-ranging activities. At the same time, the broadness of the activities led to narrowing down the focus of the project activities in 2016 onward, in particular, the Project determined to 1) select target area to be focused for Output-1 taking into consideration the legal normative documents which the Project supports the work of legislation under Output-2, which results in making linkage between Output 1 and Output 2 activities, for the purpose of utilizing the limited resources in an efficient and intensive way. The outline is presented in the table below.

Table 3 Proposed direction by the Project for the second year

Output	Directions
Output-2	MOJ: Civil Code, Law on Property Registration, Law on Civil Judgment Execution SPC: Judicial Precedents, Family Court Support
Output-1	MOJ: Legal normative document targeted for Output-1 activities will be selected out of those related to Output-2 activities. OOG: Legal normative document will be selected which related to the specialized area of project experts.

³ Results of survey conducted by JETRO to Japanese companies in Vietnam indicate that “inadequate legal and law system/unclear application of laws and regulations” became the major risk that they encountered during day-to-day business and investment.

[Third Year: 2017]

With these decisions made upon the findings from the activities, direction of Output-2 activities of the Project has shifted from support of the work of drafting basic laws, namely the Civil Code, to drafting support on laws related to the above mentioned basic laws supported as part of the Output-2 activities, in particular, Law on Property Registration. However, it was decided later that the said law would not be included in the legislation plan for 2018, which means that there is no certain prospect of legislation of the law within the year ahead. It resulted in suspending selection procedure of legal normative documents for Output-1 activities of the Project.

In such situation, the Project intervention was limited to the support to the activities as it's been in the previous years, such as supporting seminars and workshops held by BELM and BPR for effective law enforcement and post-review on legal normative documents. OOG, on the other hand, continued to hold hearings from several stakeholders with respect to the revised laws as a part of examination of legal normative documents.

(3) Achievement Status

A total of seven indicators were predetermined to assess the level of achievement of Output-1. Three out of seven indicators show preferable progress at the time of Mid-term review. The following table shows the overview of the achievement status.

Table 4 Achievement of PDM indicators at Output level

Output-1	
Capacity of human resources at MOJ and OOG is strengthened for better (1) review/verification, (2) post-checking, and (3) monitoring the implementation of civil, economic, and other related legal normative documents so that inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of legal normative documents are minimized and rectified as well as promotion of appropriate understanding and uniform implementation of legal normative documents is realized.	
Indicator	Assessment at this point
1. MOJ plans, design and holds seminars and other events to meet the needs of the internal human resources, taking into consideration the challenges faced by local practitioners.	[In progress] MOJ, particularly BPR, GALD, and BLEM, formulated at the beginning of the year taking into consideration of the policy directions that MOJ upholds, and implemented a number of seminars and workshops in cooperation with the Project during the project period covered as mentioned above. Most of them were policy-driven; however, they were directly linked to the designated duties and responsibilities, and addressed those issues that participating officers encountered in their day-to-day duties and that they are likely to face in future. In this regard, these activities met the current as well as potential needs of internal human resources.
2. MOJ plans, design and holds seminars and other events to meet the needs of other ministries and legal departments of the People's Committees at the	[In progress] Based on the work plan formulated at the beginning of the year, BPR, BLEM and GALD of MOJ held seminars and

ministry level, taking into consideration the challenges faced by local practitioners.	workshops respectively for officers concerned at legal departments of line ministries and other organizations for the purpose of extracting needs and opinions for further improvement on draft of legal normative documents as well as studying the present situation of law enforcement.
3. MOJ's reference materials are developed taking into consideration the following points: <ul style="list-style-type: none"> ➤ The analysis on the situations of inconsistent implementation and application of legal normative documents. ➤ The analysis on the causes of inconsistent implementation and application of legal normative documents. ➤ Remedial measures based on the identified situations and causes of inconsistent implementation and application of legal normative documents. ➤ Necessary facilitation to take remedial measures. 	[No progress] No activities concerning development of referential materials have been done yet in the past two years to date, thus no output is generated yet.
4. MOJ's reference materials are used by relevant staff.	[No progress] There was no record admitted at the time of the Mid-term review due to the reason mentioned in the above.
5. OOG plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.	[In progress] During the project period covered, OOG implemented approximately ten activities per year based on the annual work plan to collect opinions from relevant parties regarding enacted legal normative documents and future revision of existing laws. Activities during the project period included seminars to verify implementation status of legal normative documents. Detailed activities implemented during the project period covered are listed in Attachment 8.
6. OOG's reference materials are developed taking into consideration the following points: <ul style="list-style-type: none"> ➤ The analysis on the situations of inconsistent implementation and application of legal normative documents. ➤ The analysis on the causes of inconsistent implementation and application of legal normative documents. ➤ Remedial measures based on the identified situations and causes of inconsistent implementation and application of legal normative documents. ➤ Necessary facilitation to take remedial measures. 	[No progress] There was no activity conducted concerning development of referential materials in the past two years; thus, no output is generated yet. Meanwhile, it became clear as a result of the interviews conducted during the Mid-term review that OOG with support from GIZ had already started developing a manual on examination of legal normative documents. As a result of the interviews conducted during the Mid-term review, it became clear that the detailed scope of the project activities agreed in the PDM related to OOG including developing referential materials was not well understood by OOG.
7. OOG's reference materials are used by relevant staff.	[No progress] There was no record admitted at the time of the Mid-term review due to the reason mentioned in the above.

(4) Other donor's activities

Government of Canada through the NLD project has provided technical support since 2013 for seven-year cooperation⁴ until September 2020 aiming to “address the issues of quality, consistency and transparency in the law-making process and to make legislation more enforceable and effective”. The target group of the NLD project varies including organizations at legislative level such as Law Committee of National Assembly and OOG, and line ministries such as MOJ, Ministry of Finance (MOF), and Ministry of Agriculture and Rural Development (MARD)⁵.

⁴ Project phase is divided into two: the first phase is between 2013 and 2015, and five years for the second phase between 2015 and 2020.

⁵ Project budget was estimated CND 15 million (Source: NLD Project website)

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The Project is consisted with four component such as 1) Strategic planning and management, 2) Research and policy consultation, 3) Legislative drafting, 4) Systematization and Codification. During the first phase, along with the preparation of Law on Promulgation of Legal Normative Documents, the Project carried out comprehensive review on legislative procedures and developed technical overview on major documents. Subsequently during the second phase, NLD implemented activities according to each component mentioned in the above including 1) seminars and workshops related to capacity building on legislative drafting; 2) development of two handbooks for policy development and legislative drafting; 3) development database called LIMS for codification; 4) introducing Results Based Monitoring system(RBM); and 5) workshops for gender equality⁶.

(5) Findings and Issues related to Output 1

- Modality of cooperation

In the first half of the project period, the activities were implemented as per the annual work plan formulated and submitted by MOJ and OOG at the beginning of the year. Although those activities were directly linked to their duties and responsibilities at work, and at the same time, dealt with issues regarding verification and post-review of legal normative documents, scope of the activities that Japanese expert could be involved in was limited to sharing knowledge and information through participation in workshops and seminars as well as providing technical advices through day-to-day communication.

- Direction of cooperation

Areas targeted for Output-1 is the new areas added from this Project inviting OOG as one of the counterparts. The Project in cooperation with MOJ and OOG has made every single effort to cope with issues regarding inconsistency in legal normative documents in the past two years; however, there was increasing needs of streamlining of resources. Under the situation, the Project made a shift from targeting the areas of basic laws in general to narrowing down to more specified areas of the said sector for future cooperation. As such, the Project explored the possibility of targeting the laws related to the basic laws that are previously supported by the Project as part of the Output-2 activities, namely the Civil Code. This facilitated also to make a linkage between areas targeted for Output-1 and laws targeted for Output-2. One of the options at the time was to focus on the field of property registration in accordance with the decision made by MOJ. However, it turned out that the said law was not included in the legislation plan for 2018, thereby became difficult to select legal normative document for Output-1 either. For this reason, the Project was still in the way to identify the areas to be focused even at the time of the Mid-term review.

⁶ The project held the workshop for development of handbook for two days between 21-22 November 2016, and has been working on development of a handbook for policy development as well as legislative drafting handbook in Vietnamese. The handbook is to be finalized in 2018 and will be distributed to all administration level. For database development, NLD provided CND 70,000 for procurement. (Source: Results of interview to the project field manager on 09 January 2018)



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- Activities implemented on a continuous basis

Although the ultimate goal set by the Project is in line with the policy direction of each organization, the intention between the Project and project counterpart organizations toward the activities are not necessarily the same. It can be attributed to the fact that there are two different plans existing such as annual work plan and the PDM. Although annual activity plan is developed in accordance with the ultimate objective of the Project and is reported to be quite effective to guide project activities to be implemented in an effective way, it tends to be developed according to needs and policy priorities at the time of formulation. It leads to the situation where continuation of relevant activities over years in line with the agreed PDM becomes sometimes difficult.

3-2-2 Output 2

(1) Background

Output 2 aims at providing in-depth technical assistance on the basis of experiences and outputs accumulated from previous cooperation such as support to legislation of basic laws and support to human resource development in the legal sector, and is consisted with four components such as: 1) Providing support toward law-making, 2) Promoting appropriate understanding of legal normative documents, 3) Enhancing capacity for giving advice and guidance on uniform implementation of legal normative documents, and 4) Strengthening capacity of conducting adjudication procedure. Summary of achievement status by each implementation agency is shown in the table below.

(2) MOJ

1) Progress of activities

[First Year: 2015]

Based on the annual work plan, Civil Economic Law Department (hereinafter referred to as “CED”), National Registration Agency of Secured Transactions (hereinafter referred to as “NRAST”, Civil Judgment Enforcement General Department (hereinafter referred to as “CJED”), International Law Department (hereinafter referred to as “ILD”), and State Compensation Department (hereinafter referred to as “SCD”) of MOJ in cooperation with the Project implemented a number of workshops and seminars to synthesize opinions from relevant organizations on the legal normative document including the revised State Compensation Liability Law, and Civil Code⁷.

[Second Year: 2016]

Following activities in the first year, the Project has continuously supported initiatives undertaken by each department concerned for the purpose of 1) summarizing issues on legal normative documents for future modification including State Compensation Liability Law, 2) strengthening understanding the issues of

⁷ These laws were adopted by National Assembly in November 2015; however, Penal Code and Criminal Procedure Code were determined to be re-examined due to a few mistakes found in the Penal Code.



corporate bankruptcy, property registration, and Private International Law, 3) dissemination of 2015 Civil Code, and 4) improvement in procedure for civil judgment execution.

JICA dispatched the study mission teams to Vietnam twice and surveyed the current situation regarding property registration system, its practices in Vietnam, and understanding on property registration among stakeholders⁸.

[Third Year: 2017]

JICA in cooperation with the Project dispatched another study mission team to Vietnam in April 2017 on the property registration system. Besides, the Project provided technical input on the enforcement of State Compensation Liability Law, Law on Civil Judgement Execution, enactment of Government Decision, and Private International Law, and conducted further studies on Law on Property Registration. See Attachment-8 for detailed information.

2) Achievement status

Five indicators were established to assess the level of achievement on the project activities related to MOJ. As a result of assessment conducted during the Mid-term review, it was confirmed that one out of five indicators were achieved, and the rest were progressing steadily. The following table shows the overview of the achievement status.

<p>Output-2 Based on the work plan formulated by each implementing agency for the implementation of the legal and judicial reform up to 2020, which is in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam, substantive laws and procedural laws which contribute to settling civil cases are drafted and the Criminal Procedure Code is drafted. In addition, appropriate understanding of legal normative documents on civil cases and criminal procedures is promoted and capacity for giving advice and guidance on uniform implementation and conducting adjudication procedure is enhanced.</p>	
<p>1. The work plan formulated by each organization takes into consideration the following points:</p> <ul style="list-style-type: none"> ➢ Each organization's review on the achievement of the legal and judicial reform up to 2020. ➢ Each organization's analysis on the activities in previous years. ➢ Each organization's process to achieve the goal of the target year. ➢ Each organization's prioritized activities for the purpose of attaining the legal and judicial reform up to 2020. 	<p>[In Progress] Each department of MOJ in consultation with Japanese expert formulated the annual plan for the project activities taking into consideration of their policy priorities such as Resolution No. 48 and No. 49, duties and responsibilities of respective departments. In the process of formulating the plan, International Cooperation Department (ICD) of MOJ has played an important role in coordinating activities among departments and relevant donors providing assistance in the same field.</p>

⁸ Through the activities in the first year, it became clear that there was an increasing need in MOJ to establish law on property registration to promote implementation and application of the property registration system with promulgation of 2015 Civil Code. To address the issue, MOJ initiated necessary preparation for legislation of law on property registration, and requested the Project for further technical input to reinforce the theoretical and practical aspect of the said law. Upon the request from MOJ, the Project in consultation with JICA office dispatched the study mission team. Subsequently, JICA determined to provide additional support toward MOJ's initiative toward preparation of Law on Property Registration based on the following reasons: 1) the said law was included in the scope of the previous cooperation, and in which the Project supported legislating the law, 2) Significant socio-economic impact both in Japan and in Vietnam is expected, 3) the direction of the support is well aligned with the strategy on "Infrastructure and Systems Export" upheld by the Government of Japan, which pursues.



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<p>2. The drafts of the revised Civil Code, revised Law on Civil Judgment Execution, revised State Compensation Liability Law, revised Civil Procedure Code, and the revised Administrative Procedure Law are improved taking into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➤ The development of Vietnam's market economy. ➤ The challenges in practical implementation 	<p>[Achieved] Revised Civil Code was adopted by the National Assembly in November 2015, and revised State Compensation Liability Law was adopted in June 2017. As for revised Law on Civil Judgment Execution, it had already adopted in 2014 before the Project started.</p> <p>Characteristics of revised laws are as follows⁹: [Revised Civil Code] Reestablishment of definition on legal entity, clarification of personal rights in provisions, reestablishment of definition on property.</p> <p>[Revised State Compensation Liability Law] Expanded coverage for compensation, clarification and simplification of procedure, expansion of period for statute of limitation, and among others.</p> <p>As seen in the characteristics mentioned above, revised laws are improved in several ways taking into consideration the development of market economy, the No.48-NQ/TW and No. 49-NQ/TW 2005 of the Politburo of the Central Committee of the Communist Party of Vietnam, and 2013 Constitution.</p>
<p>4. Practical challenges are identified and analyzed for the development of the Law on Property Registration and Law on Private International Law.</p>	<p>[In Progress] [Law on Property Registration] To support MOJ's initiatives for future legislation of Law on Property Registration, JICA dispatched survey mission team to Vietnam for three times to date, and studied the status of current registration practice done by NRAFT. Findings and results were summarized in the written form and submitted to the MOJ management for their review.</p> <p>[Private International Law] Challenges and issues were discussed through seminars on Private International Law organized by ILD in cooperation with the Project held seminar once a year between 2015 and 2017. To date, the seminars cover the theme of provisions on international private law in the revised Civil Code and bankruptcy which has been increasing in recent years, and further analytical work will be scheduled to identify future direction and areas to be covered by International Civil Law of Vietnam in the remaining cooperation period.</p>
<p>9. MOJ plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.</p>	<p>[In Progress] Based on the annual work plan formulated by MOJ, a number of seminars and workshops were held both at the national level at the local level during the project period covered aiming to identify issues and challenges in the area of legislation and law enforcement. Activities implemented in the past two years are listed in Attachment 8.</p>

⁹ Source: comments from Japanese experts and counterpart officers collected through questionnaire survey conducted prior to the field survey.



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<p>10. Issues taken up in MOJ's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken.</p>	<p>[In Progress] Results and issues identified during the seminars were reported to the top management of MOJ in a written form after the events, and results together with seminar materials were put on the network within MOJ to share the information with other officers concerned. It is also reported that some of the seminars implemented during the project period contributed to development of legal normative documents such as decrees and decisions. Besides, two referential materials including the guidance on 2015 Civil Code and guidance on property right were/is being developed. The former was already developed and is ready to distribute to organization concerned¹⁰.</p>
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(3) SPC

1) Progress of activities

[First Year: 2015]

Based on the annual plan formulated by SPC together with the Project, seminars and trainings as well as survey were conducted in the first year of cooperation to study the current status of law enforcement, strengthen skills and knowledge required at practice, and increase understanding on specific issues such as court precedents and disputes adversarial principle. Areas focused during the activities include civil procedure, administrative procedure, and international civil and commercial disputes.

Japanese expert participated in those seminars and provided technical inputs and relevant information and materials upon SPC's request.

[The Second Year: 2016]

The Project offered SPC the training in Japan for the first time in three years, in which a total of ten officers learned about how family affairs and juvenile cases are being dealt in family courts.

During the second year of the Project, SPC took an initiative in holding seminars regarding those revised laws adopted by the National Assembly in 2015, issues and disputes related to the intellectual property right, and judicial precedents¹¹.

[The Third Year: 2017]

Activities were planned and conducted in the area of criminal disputes, judicial precedents, duties and responsibilities of judges. Following the previous year, the Project has continuously provided technical support.

¹⁰ CED with JICA's financial support printed 1,500 copies and plans to distribute them to 1) relevant organizations up to district level including law departments, civil judgement enforcement departments, prosecutors office, court, members of national assembly, people's committee, 2) training participants, 3) legislative department in line ministries, 4) Law Committee of National Assembly, 5) other government organizations, and 6) Universities (source: Results of interview to CED in 08 January 2018).

¹¹ Continuous support by the Project and the previous JICA's legal projects helped SPC possess comprehensive knowledge and understanding from the fundamental issues to the practical issues and also contributed to the development of the foundation of judicial precedents.



2) Achievement status

Eight indicators were established to assess the level of achievement on the project activities related to SPC. As a result of assessment conducted during the Mid-term review, it was confirmed that one indicator was achieved already, and the others were progressing steadily. The following table shows the overview of the achievement status.

<p>1. The work plan formulated by each organization takes into consideration the following points:</p> <ul style="list-style-type: none"> ➢ Each organization's review on the achievement of the legal and judicial reform up to 2020. ➢ Each organization's analysis on the activities in previous years. ➢ Each organization's process to achieve the goal of the target year. ➢ Each organization's prioritized activities for the purpose of attaining the legal and judicial reform up to 2020. 	<p>[In Progress]</p> <p>SPC in consultation with Japanese expert formulated the annual plan for the project activities based on the followings¹²: 1) their policy priorities such as Resolution No. 48 and No. 49, 2) information collected from activities implemented in the past, 3) comments from general public and law practitioners, and 4) duties and responsibilities of SPC, and among others.</p>
<p>2. The drafts of the revised Civil Code, revised Law on Civil Judgment Execution, revised State Compensation Liability Law, revised Civil Procedure Code, and the revised Administrative Procedure Law are improved taking into consideration the following points:</p> <ul style="list-style-type: none"> ➢ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➢ The development of Vietnam's market economy. ➢ The challenges in practical implementation 	<p>[Achieved]</p> <p>Revised Civil Procedure Code, and revised Administrative Procedure Law were adopted by the National Assembly in November 2015..</p> <p>[Revised Civil Procedure Code] Introduction of simplified procedure by people's jurors, introduction of the adversarial principle.</p> <p>[Revised Administrative Procedure Law] Introduction of dispute adversarial principles, grant of rights on guidance for inconsistency between laws, responding adjudication related to nonresidents and foreign corporations.</p> <p>As seen in their characteristics mentioned in the above, revised laws are improved in several ways taking into consideration the development of market economy, the No.48-NQ/TW and No. 49-NQ/TW 2005 of the Politburo of the Central Committee of the Communist Party of Vietnam, and 2013 Constitution.</p>
<p>5. Issues regarding the formation of judicial precedents are synthesized.</p>	<p>[In Progress]</p> <p>Through local seminars and the training in Japan, the Project provided stakeholders several opportunities to learn about the path to introducing judicial precedents in Vietnam, basic ideas of judicial precedents, and classification of precedents¹³, and found writing methods as a major issue in the formation of judicial precedents.</p> <p>As of the Mid-term review, SPC had already chosen sixteen precedents based on the Decision No. 03/2015/NQ-HDTP issued on 28 October 2015, and started analyzing them in cooperation with relevant academics.</p>

¹² In developing annual plan of the organization, Chief Justice of SPC calls for a meeting and instructs toward activities in the coming year.

¹³ During the project period covered, SPC held seminars on judicial precedents for four times between 2015 and 2017 in addition to the training in Japan held between 22 May 2017 and 03 June 2017.

6. The synthesized issues regarding the formation of judicial precedents are reflected to legal normative documents and/or improvement of practical implementation is undertaken.	[In Progress] SPC officially introduced the judicial precedent system according to the Decision No. 03/2015/NQ-HDTP issued on 28 October 2015. In early 2018, SPC plans to hold a meeting to discuss issues related to the judicial precedent system, and revise the said decision based on results of discussion and issues such as problem in selection of court precedents. The Project will continuously support SPC's initiatives in promoting court precedent system and improving practical skills of relevant officers in the latter half of the project period ¹⁴ .
7. Practical challenges in the settlement of international civil cases are identified and analyzed.	[In Progress] SPC in cooperation with the Project has picked out the topic related to international civil disputes in 2015 and 2016, and implemented activities in a step-wise manner. More specifically, surveys were conducted before holding seminars and workshops in order to grasp the present situation and needs at the ground. In the past two years, international commercial disputes and intellectual property right were chosen by SPC as the theme of the seminar. Through these activities, it became clear that that lack of knowledge and experience of judges in the field related to the international issues and areas that needed to be strengthened are the current challenge. Analytical work by SPC in cooperation with Japanese experts are being in progress at the time of the Mid-term review.
8. The identified and analyzed challenges in the settlement of international civil cases are reflected to legal normative documents and/or improvement of practical implementation is undertaken.	[In Progress] Based on the results of the seminars implemented, recommendations will be made for future legislation of the related legal normative documents.
11. SPC plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.	[In Progress] Trainings and seminars were held seven times on average per year according to the annual plan, so-called Work Plan, formulated by SPC during the project period covered.
12. Issues taken up in SPC's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken.	[In Progress] In addition to the introduction of judicial precedent system in 2015, it was reported that technical inputs and information in relation to the adversarial principles were provided by the Project . Moreover, by the time of the Mid-term review, SPC in collaboration with the Project published the book on adversarial principles. ¹⁵

(4) SPP

1) Progress of activities

[First Year: 2015]

In the first year of the Project, SPP held seminars for officials of headquarters and their branch offices including Hai Phong People's Procuracy to exchange views and opinions regarding the revised Penal Code,

¹⁴ Source: Results of questionnaire survey to SPC.

¹⁵ Source: Results of questionnaire survey to Japanese experts

the revised Criminal Procedure Code, and Law on Organization of People’s Procuracies¹⁶, and also provided skill-up training programs for public prosecutors in criminal, civil, administrative, trade and labor field and international laws. For these activities carried out by SPP, the Project provided technical advice and relevant information upon their request.

[The Second Year: 2016]

The Project supported SPP’s continuous effort on dissemination of the revised laws enacted in 2015, capacity development of public prosecutors in the area of supervision of investigation, adjudication, and execution of criminal cases and civil cases,, and enhancing understanding on newly introduced system for audio/video recording and criminal liability of legal entities, Japanese experiences on training and fostering prosecutors and investigators. Support by the Project during the period provide technical advices , sharing information and experience in Japan.

[The Third Year: 2017]

The Project assisted SPP in holding training programs aiming to increase understanding on the revised laws and to strengthen practical skills for prosecutors through intensive training seminars.

In 2017, SPP placed more focus on strengthening application of the revised laws rather than the dissemination of those laws. In the situation, the Project had more occasions to provide technical advises and to share the information and experiences in Japan.

2) Achievement status

Four indicators were established to assess the level of achievement on the project activities related to SPP, and one was achieved already, and the rest was progressing steadily. The following table shows the overview of the achievement status.

<p>1. The work plan formulated by each organization takes into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Each organization’s review on the achievement of the legal and judicial reform up to 2020. ➤ Each organization’s analysis on the activities in previous years. ➤ Each organization’s process to achieve the goal of the target year. ➤ Each organization’s prioritized activities for the purpose of attaining the legal and judicial reform up to 2020. 	<p>[In Progress]</p> <p>SPP in consultation with Japanese expert formulated the annual plan for the project activities based on the followings: 1) their policy priorities such as Resolution No. 48 and No. 49, 2) Direction of the Prosecutor General on the annual works and tasks of the sector; 3) information and needs from departments in SPP and local procuracies, and 4) comments from training participants, and among others¹⁷.</p>
<p>3. The draft of the revised Criminal Procedure Code is improved taking into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➤ The challenges in practical implementation. 	<p>[Achieved]</p> <p>The revised Criminal Procedure Code was adopted by the National Assembly in November 2015. However, as mentioned in the earlier section, it was found that there were some mistakes in provisions of Penal Code, thus it was returned for further review, and it led to the delay in promulgation of</p>

¹⁶ The law on Organization of People’s Procuracies was promulgated in November 2014, and Criminal Procedure Code was promulgated in January 2015. The law prescribes establishment of four layered administrative settings under SPP, in which Superior People’s Procuracies was newly added between SPP and Provincial Procuracies.

¹⁷ Source: Results of interview to SPP conducted 11 January 2018.



<p>➤ Enhanced protection of human rights.</p>	<p>laws till January 2018.</p> <p>Primary features of the revised Criminal Procedure Law are summarized as follows: Inclusion of basic principle on respect, protect, ensure the citizen rights and human rights toward more efficiency and transparency, adversarial principles at trial, clear procedure in application of coercive measures in criminal proceedings, , international cooperation in criminal proceedings.</p> <p>From the above, it can be said that revised Criminal Procedure Code was improved in consideration of the points mentioned in the left.</p>
<p>13. SPP plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.</p>	<p>[In Progress]</p> <p>Based on the annual plan, SPP implemented a total of 40 activities for the purpose of strengthening practical skills and understanding of prosecutors. Theme of the seminars and trainings were determined in accordance with the needs at the time, and in line with the project purpose and the overall goal set in the PDM¹⁸.</p>
<p>14. Issues taken up in SPP's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken.</p>	<p>[In Progress]</p> <p>Report after the seminar/workshop is made mentioning the opinions, ideas, and recommendations raised from training participants and submitted it to the leaders of SPP and relevant departments for taking into consideration in developing laws, legal normative documents and guidance of implementation of the Criminal Procedure Code; and to provincial People's Procuracies who continuously conduct intensive training to its officials and lower level¹⁹. The knowledge and information of seminar/workshop is available on the SPP website for public access. Currently, SPP together with Ministry of Public Security have been currently working on preparation of a Decree guiding implementation of audio/video recording system in interrogation.</p>

(5) VBF

1) Progress of activities

[First Year: 2015]

VBF conducted several surveys to study the current institutional settings of lawyer's association in provinces as well as the present situation on lawyers' activities. Japanese expert also took part in these surveys and conduct hearings to deepen the understanding on the current situation related to the VBF.

¹⁸ SPP continuously supported Hai Phong People's Procuracy in holding mock court activities under the name of contest for prosecutor's competency.

With knowledge obtained from the training in Japan held in 2012, Hai Phong People's Procuracy initiated the mock court activities as a method of competency evaluation and as one of training methods since 2013.

¹⁹ SPP utilizes the TV conference system installed in sharing information to local authorities.



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Besides, with knowledge and information obtained from the said activities, the Project in collaboration with VBF members started preparation for the development of referential materials, so-called “Lawyer’s Manual”.

[The Second Year: 2016]

Following activities in the first year of cooperation, several activities were implemented by VBF in cooperation with the Project, which include surveys on lawyer’s practicing, workshop on the revised Civil Procedure Code, seminars on Lawyers’ ethics and judicial precedent system.

Hearing session was also held by VBF with participation of their stakeholders to discuss the detailed structure of the Manual.

[The Third Year: 2017]

VBF had continuously worked on developing other two volumes of the Manual, and all of them was completed in 2017²⁰. Besides, the seminar was conducted in the province inviting a lecture from Japan.

2) Achievement status

Six indicators were established to assess the level of achievement on the project activities related to VBF, and two indicators were achieved, ad other are in progress. The following table shows the overview of the achievement status.

<p>1. The work plan formulated by each organization takes into consideration the following points:</p> <ul style="list-style-type: none"> ➢ Each organization’s review on the achievement of the legal and judicial reform up to 2020. ➢ Each organization’s analysis on the activities in previous years. ➢ Each organization’s process to achieve the goal of the target year. ➢ Each organization’s prioritized activities for the purpose of attaining the legal and judicial reform up to 2020. 	<p>[In Progress] VBF in consultation with Japanese expert formulated the annual plan for the project activities based on the followings: 1) their policy priorities such as Resolution No. 48 and No. 49, 2) information collected from activities implemented in the past, 3) duties and responsibilities of VBF and among others.</p>
<p>15. VBF plans, design and holds seminars, training courses and other events to contribute to the legal policy and legislation development and to meet the needs of the participants, taking into consideration the challenges faced by local practitioners (particularly challenges regarding the protection of human rights and access to justice).</p>	<p>[In Progress] A number of surveys were carried out by VBF in cooperation with the Project during the first year of cooperation to study the current situation of lawyers’ activities and administration of bar association at provinces. Besides, VBF held seminars and training workshops both in Hanoi and in other provinces. Of those, the seminar on the dispute principles held jointly with SPP and SPC as well as the working session for the development of “Lawyer’s Manual” is included.</p>
<p>16. Issues taken up in VBF’s seminars, training courses, and other events are reflected to the Lawyer’s Manual and other professional and skills guidelines and/or improvement of practical implementation is undertaken.</p>	<p>[In Progress] Results of discussions and opinions obtained from the working session for the manual development were reported to be reflected into the manual which was developed in 2017.</p>

²⁰ The Manual is consisted with three volumes: 1) Lawyers and their role, 2) Skills required for criminal, administrative, and civil proceedings, 3) Skills required for consultation in the investment, economic and commercial field



<p>17. The Lawyer's Manual and other professional and skills guidelines are developed taking into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Contribution to the protection of human rights and better access to justice. ➤ Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. ➤ Enhanced legal services to the citizens. ➤ The challenges in practical implementation. 	<p>[Achieved] As mentioned above, the Lawyer's Manual was developed in 2017 which replaced the lawyers' manual developed more than ten years ago²¹. At the time of the Mid-term review, VBF printed out 1,700 copies for each volume.</p>
<p>18. The Lawyer's Manual and other professional and skills guidelines are at the disposal of lawyers for utilization.</p>	<p>[Achieved] A total of 1,700 copies were distributed to the relevant organizations and stakeholders²²:</p> <ul style="list-style-type: none"> • Members of Lawyers Councils: one copy per member; • 63 local bar associations (one copy per eight members); • Relevant organizations and ministries at the central level: one copy for each; • Writers of the manual: one copy each • Manual development committee members: one copy each; and • Relevant mass-media: one copy each
<p>19. The Lawyer's Manual and other professional and skills guidelines are used by lawyers.</p>	<p>[In Progress] The Manual was distributed to the members of VBF already and it is reported to be or being used by lawyers. Periodical monitoring is needed be conducted to evaluate the effect of application of the Manual in their law practicing.</p>

(5) Findings and Issues related to Output 2

[MOJ]

- Clear direction of support on legislation

As for the support toward law-making, the Project, in its second year, determined to implement it in close collaboration with those planned activities under Output-1. With the decision, the "Property Registration Law" was chosen as the next target. However, as it mentioned in the earlier section, it turned out that legislation of the said law was not included in the 2018 legislative plan. In the situation, no clear direction is made for future legislation support yet as of the Mid-term review.

- Unified activities

A number of counterpart organizations have been involved in the project activities, and implemented wide range of activities with various topics by respective organizations individually for the purpose of realizing the objectives of "law-drafting", "promoting understanding", and "enhancing capacity".

[SPC]

- Clear target for cooperation

²¹ Source: Minutes of Meeting on JCC 2 held in April 2016.

²² Source: Results of questionnaire survey to VBF



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It is assessed that the project activities including judicial precedents and civil, administrative, and criminal proceedings have significantly contributed to the capacity development of legal practitioners; expected levels of achievement to fulfill as a result of the project activities are not clearly set.

[SPP]

- Utilization of knowledge and information acquired from the activities
Knowledge and information was shared to those who did not participate in the trainings via nation-wide TV conference system, and the Project in cooperation with SPP needs to capture to what extent those information is utilized at practice.

[VBF]

- Scarce of fund
It is one of the major factors for VBF, which hinders their full-scale activity.

[Common Issues]

- In-depth involvement of Japanese experts
Involvement of Japanese experts were relatively limited to provision of information, materials, and opinions during seminars and workshops in the past two years²³. As is pointed out at the interview during the Mid-term review, limited involvement makes only the limited effect.
- Linkage between Output and Indicators
Predetermined indicators for Output-2 are not clear and concrete enough to verify the level of achievement of Output 2.

3-2-3 Output 3

(1) Background

Output 3 is to provide technical support to the legal authorities in identifying direction of future legal reform in Vietnam through comprehensive research and analysis.

(2) Progress of activities

Related activities for Output-3 are scheduled in the latter half of the project period; thus, no specific output is generated as of the Mid-term review.

Output-3

Each organization analyzes and examines activities to be conducted after 2021 taking into consideration the Outputs of the Project in order to improve practices of (1) drafting, reviewing/verifying, post-checking and monitoring the implementation of legal normative documents, (2) giving advice and guidance on promoting appropriate understanding and uniform implementation of legal normative documents, and (3) giving advice and guidance for realizing adjudication and legal procedures based on appropriate understanding of legal normative documents.

²³ For SPP, the project activities have become limited since 2016 due to the postponement of law enforcement for the revised Criminal Code and Criminal Procedure Code.

<p>1. Each organization conducts an analysis taking into consideration the following points:</p> <ul style="list-style-type: none"> ➤ Activities for uniform application and enforcement of laws and ordinances. ➤ Activities for establishing a framework which enables appropriate dispute settlements. ➤ Activities for realizing legal procedures which underscore human rights. ➤ Activities for strengthening access to justice. 	<p>[No tangible result is generated] No tangible result is generated yet as activities related to this indicator are schedule to be implemented in the remaining project period.</p>
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3-3 Prospect of Achievement of Project Purpose

As of the Mid-term review, the Review Team confirmed that four out of eleven indicators set in the PDM for measuring level of achievement of the Project Purpose has made in progress. For the rest of the indicators such as the civil proceedings, administrative proceedings, and criminal proceedings, it will take some more time for the results to be generated.

<p>[Project Purpose] Institutional capacity for legal and judicial authorities/ organization* is developed for minimizing and rectifying inconsistency in legal normative documents as well as for promoting appropriate understanding and undertaking uniform implementation and application of legal normative documents in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam; thereby, appropriate and efficient process and application of legal normative documents are realized. *MOJ, OOG, SPC, SPP and VBF</p>	
<p>[Indicator] 1. MOJ's review of legal normative documents is improved in the following aspects:</p> <ul style="list-style-type: none"> ➤ Opinions from a wider range of stakeholders are taken into consideration. ➤ Attention is given to any possible issues which may arise during the implementation and application stage. ➤ The reviews are conducted from a view point of ensuring consistency of legal normative documents. ➤ The reviews are conducted from a view point of realizing uniform implementation and application of legal normative documents. 	<p>[In Progress] Although a couple of substantial improvement of legal normative documents was reported during the mid-term review, no objective data and information was obtained. In order to measure the extent of achievement, it is needed to set out objective indicators.</p>
<p>2. MOJ's post-checking of legal normative documents is improved in the following aspects:</p> <ul style="list-style-type: none"> ➤ Opinions from a wider range of stakeholders are taken into consideration. ➤ The situations and causes of inconsistent implementation and application of legal normative documents are analyzed. ➤ Remedial measures are considered and facilitation for taking such measures is conducted based on the identified causes of inconsistent implementation and application of legal normative documents. 	<p>[In Progress] Same as the indicator above, although the following effect were reported to have been generated from the project activities, no objective data and information was obtained during the Mid-term review²⁴:</p> <ul style="list-style-type: none"> 1) capacity of responsible officers for post-review of legal normative documents at BPR has enhanced; 2) the number of illegal document identified during the post-review has been increased; 3) identification of illegal documents became promptly proceeded; and among others. <p>In order to measure the extent of achievement, it is needed to set out objective indicators.</p>

²⁴ Source: Result of interview to BPR conducted on 12 January 2018.

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<p>3. MOJ's monitoring law implementation is improved in the following aspects:</p> <ul style="list-style-type: none"> ➤ Opinions from a wider range of stakeholders are taken into consideration. ➤ The situations of inconsistent implementation and application of legal normative documents and the insufficient development of legal normative documents as their causes are analyzed. ➤ Remedial measures are taken for improving the situations of insufficient development of legal normative documents, which can be a cause of inconsistent implementation and application of legal normative documents. 	<p>[In Progress]</p> <p>With the knowledge and understanding obtained from the project activities, BLEM submitted a proposal to the government in which points of concerns before law enforcement are summarized. Besides, BLEM plans to implement the following activities to improve monitoring the law enforcement such as conducting policy analysis and subsequent research activities to submit a proposal for the Law on Enforcement of Legal Normative Document²⁵, and developing a manual on monitoring of law enforcement²⁶.</p>
<p>4. OOG's verifications of legal normative documents are improved in the following aspects:</p> <p>Coordination among different stakeholders is enhanced.</p> <ul style="list-style-type: none"> ➤ Opinions from a wider range of stakeholders are taken into consideration. ➤ Attention is given to any possible issues which may arise during the implementation and application stage. ➤ The verifications are conducted from a view point of realizing uniform implementation and application. 	<p>[In Progress]</p> <p>Although it was reported that capacity of officers responsible for examination of legal normative documents at OOG has enhanced as a result of the project activities including participating seminars and workshop²⁷, no objective data and information was obtained during the Mid-term review. In order to measure the extent of achievement, it is needed to set out objective indicators.</p>
<p>5. OOG's capacity to support to the government and Prime Minister in supervising, directing and verifying when drafting and implementing legal normative documents is enhanced.</p>	<p>[Unable to assess]</p> <p>No specific and/or substantial outcome is admitted as a result of the project activities at the time of the Mid-term review. There was no baseline data and/or information available regarding this indicator, and therefore it is hard to assess the extent to which level of the capacity has increased as a result of the project activities. There is room for the improvement of the indicator.</p>
<p>6. Based on the work plan, civil proceedings are improved.</p> <ul style="list-style-type: none"> ➤ SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. ➤ SPP contributes to ensuring that laws are strictly and uniformly observed. ➤ VBF contributes to the harmonized legislation, uniform application of law, protection of human rights, and better access to justice. 	<p>[Too early to assess]</p> <p>No specific and/or substantial outcome is admitted as a result of the project activities at the time of the Mid-term review. There is room for the improvement of the indicator.</p>
<p>7. Based on the work plan, administrative proceedings are improved.</p> <ul style="list-style-type: none"> ➤ SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. ➤ SPP contributes to ensuring that laws are strictly and uniformly observed. ➤ VBF contributes to harmonized legislation, uniform application of law, the protection of human rights, and better access to justice. 	<p>[Too early to assess]</p> <p>No specific and/or substantial outcome is admitted as a result of the project activities at the time of the Mid-term review. There is room for the improvement of the indicator.</p>
<p>8. Based on the work plan, criminal proceedings are improved.</p> <ul style="list-style-type: none"> ➤ SPC contributes to the implementation of due process with transparency and uniform application of law in 	<p>[Too early to assess]</p> <p>No specific and/or substantial outcome is admitted as a result of the project activities at the time of the Mid-term review. There is room for the</p>

²⁵ It is scheduled to be implemented between 2018 and 2020 (Source: Result of interview to BLEM conducted on 12 January 2018).

²⁶ Source: Result of interview to BLEM conducted on 12 January 2018.

²⁷ Source: Result of interview to OOG conducted in 10 January 2018.



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<p>adjudications.</p> <ul style="list-style-type: none"> ➤ SPP contributes to ensuring that laws are strictly and uniformly observed. ➤ VBF contributes to harmonized legislation, uniform application of law, the protection of human rights, and better access to justice. 	<p>improvement of the indicator.</p>
<p>9. Civil adjudications are appropriately held in accordance with the revised Civil Procedure Code.</p>	<p>[Too early to assess] It has not been long since the revised Civil Procedure Code was enforced in July 2016 and thus it is too early to assess the appropriateness of the law enforcement. Moreover, there is room for reexamination of the relationship between the indicator and areas that the Project has been/is/will be targeting.</p>
<p>10. Administrative adjudications are appropriately held in accordance with the revised Administrative Procedure Law.</p>	<p>[Too early to assess] Similar to the indicator above, it has not been long since the revised Administrative Procedure Law was enforced in July 2016 and thus it is too early to assess the appropriateness of the law enforcement. Moreover, there is room for reexamination of the relationship between the indicator and areas that the Project has been/is/will be targeting.</p>
<p>11. Criminal adjudications are appropriately held in accordance with the revised Criminal Procedure Code.</p>	<p>[Too early to assess] It has not been long since the revised Criminal Procedure Code was enforced in January 2018 and thus it is too early to assess the appropriateness of the law enforcement. Moreover, there is room for reexamination of the relationship between the indicator and areas that the Project has been/is/will be targeting.</p>

3-4 Prospect of Achievement of the Overall Goal

The Overall Goal is positive outcome generated from the project activities that are expected to be brought about in approximately three to five years' time after the Project is completed. The Review Team collected preliminary information and data related to the indicators set for Overall Goal during the Mid-term review this time. Details are summarized below.



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<p>[Overall Goal] The establishment of Vietnam's social foundation for growth is promoted through the development of predictable and reliable legal and judicial systems based on legal normative documents with ensured consistency.</p>																															
<p>[Indicator] 1. The performance of the international comparative indicators on legal and judicial practices publicized by international organizations etc. improves from that of the project inception.</p>	<p>According to the World Justice Project on Rule of Law Index, global ranking of Vietnam has improved from 64 out of 102 countries in the world in 2015 to 67 out of 113 countries in 2016 as of Mid-term review. In its report, it was praised that "the biggest mover was Vietnam, rising 7 positions to 67th globally"²⁸.</p> <p>Rule of Law Ranking</p> <table border="1" data-bbox="699 555 1423 891"> <thead> <tr> <th>Categories</th> <th>2015*</th> <th>2016*</th> </tr> </thead> <tbody> <tr> <td>Constraints on Government Powers</td> <td>85/102</td> <td>81/113</td> </tr> <tr> <td>Absence of Corruption</td> <td>56/102</td> <td>67/113</td> </tr> <tr> <td>Open Government</td> <td>86/102</td> <td>92/113</td> </tr> <tr> <td>Fundamental Rights</td> <td>69/102</td> <td>68/113</td> </tr> <tr> <td>Order and Security</td> <td>35/102</td> <td>35/113</td> </tr> <tr> <td>Regulatory Enforcement</td> <td>85/102</td> <td>91/113</td> </tr> <tr> <td>Civil Justice</td> <td>76/102</td> <td>80/113</td> </tr> <tr> <td>Criminal Justice</td> <td>39/102</td> <td>51/113</td> </tr> <tr> <td>Global Ranking</td> <td>64/102</td> <td>67/113</td> </tr> </tbody> </table> <p>(Source: World Justice Project on Rule of Law Index 2015 and 2016) *Ranking of Vietnam / Total number of countries</p>	Categories	2015*	2016*	Constraints on Government Powers	85/102	81/113	Absence of Corruption	56/102	67/113	Open Government	86/102	92/113	Fundamental Rights	69/102	68/113	Order and Security	35/102	35/113	Regulatory Enforcement	85/102	91/113	Civil Justice	76/102	80/113	Criminal Justice	39/102	51/113	Global Ranking	64/102	67/113
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<p>2. The performance of the international comparative indicators on lawyers' practices publicized by international organizations etc. improves from that of the project inception.</p>	<p>No data is available.</p>																														
<p>3. The reviews ²⁹ /verifications ³⁰ are conducted in accordance with the improved review/verification process.</p>	<p>No tangible result is generated yet since related work and activities are still in the progress through the project activities.</p>																														
<p>4. The supervisions and post-checking are conducted in accordance with the improved supervision and post-checking process.</p>	<p>Ditto</p>																														

3-5 Implementation Process

(1) Monitoring

The overall project implementation has been monitored by the Project according to the PDM and the Plan of Operation (PO). Apart from the PDM, respective organizations have planned activities, so called "annual plan" taking into consideration of the project framework. Activities have been monitored jointly with counterpart officials and Japanese experts through day-to-day communication. Results of monitoring is summarized into the monitoring format and is presented at the annual meeting held between the Project and

²⁸ <https://worldjusticeproject.org/our-work/wjp-rule-law-index/wjp-rule-law-index-2016> (browsed in January 2018)

²⁹ The term "review", which is undertaken by MOJ, is the procedure prescribed in Articles 36 and 63 of the Law No. 17/2008/QH12 "the Law on Promulgation of Legal Normative Documents".

³⁰ The term "verification", which is undertaken by OOG, is the procedure prescribed in Article 2 of the Decree No. 74/2012/ND-CP, Article 17 of the Decree No. 08/2012/ND-CP "the Working Regulations of the Government", and Article 29 of the Decree No. 24/2009/ND-CP "Detailing and Providing Measures for the Implementation of the Law on Promulgation of Legal Normative Documents".



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counterpart organizations, called Joint Coordinating Committee (hereinafter referred to as “JCC”). To date, JCC meeting was held three times: the first JCC was held in October 2015, the second JCC was in April 2016, and third one was in April 2017, and there was no major issue reported except for the issue on the internal procedure among counterpart organizations.

JCC	Date	Agenda
1	19 October, 2015	Reporting progress of activities in past six months, sharing the plan for the next six months, discussing urgent issues related to the project implementation.
2	21 April, 2016	Reporting progress of activities in past six months, approving the annual working plan formulated by respective departments and/or organizations, discussing urgent issues related to the project implementation.
3	14. April, 2017	Reporting progress of activities in the previous year, approving the annual working plan formulated by respective departments and/or organizations, discussing issues related to the direction of cooperation under Output-1

Source: Information provided by the Project

(2) Communication

Results of questionnaires show communication between Japanese experts and counterpart officials has been good in general. It was reported, however, that internal communication, particularly information sharing, became sometimes an issue, and it has not always been done in a smooth manner. It was attributed to the fact that there are many departments and organizations involved in the project activities, and that a number of experts are coming in and out with two years assignment. Besides, it was pointed out that insufficient understanding on the project framework and the purpose of the Project was one of the factors which affected effective implementation of the project activities.

(3) Ownership and Participation

Counterpart organizations have been committed and cooperative in general. Results of questionnaires also show the ownership of the counterpart organizations has been maintained and/or increased compared with the situation at the beginning of the Project.



4. EVALUATION RESULTS³¹

4-1 Relevance

The relevance of the Project is “High” in terms of consistency with policies of the Government of Vietnam and the Government of Japan; however, it is “Low” in the project design.

(1) Consistency with the National Policy of the Government of Vietnam.

The “Resolution No. 48-NQ/TW” of the Politburo of the Central Committee of the Communist Party of Vietnam issued in May 2005 states the purpose of introducing new initiatives of the market economics of the socialist economic system and guides their direction for the development and implementation of the Vietnam legal system to 2010 and further direction up to 2020. Complementing to the Resolution No. 48, the “Resolution No. 49-NQ/TW 2005” was issued in June 2005 and set forth the strategies for the judicial reform toward 2020 to realize further improvement of legislative duties and strengthening the rule of law in Vietnam. In the Resolution, the importance of 1) improvement of criminal and civil policy and legislation, 2) development of judicial organs and judicial support institutions, 3) capacity development of judicial and support staff, and 4) strengthening supervising role of the government and enhancing judicial activities by the public are emphasized. Moreover, the “Socio-Economic Development Strategy for the period of 2011-2020” promised the government’s endeavor to push forward legislative and judiciary reform law development process, and improve the quality of legal system³².

The Project aiming to strengthening organizational capacity of judicial and legal authorities by enhancing consistency of legal normative document, the increased understanding of legal normative documents, and strengthening the capacity of law enforcement met the policy direction of the Government of Vietnam.

(2) Consistency with the Needs in Vietnam

This is in line with the needs in Vietnam. According to the results of the survey conducted by JETRO in 2015, “inadequate legal and law system/unclear application of laws and regulations” was one of the major risks that the Japanese companies in Vietnam met during day-to-day business and investment. In addition, Vietnam has made a preferable progress in their legal system development through periodical revision and formulation of fundamental and important laws. Meanwhile, it is also the fact that there are still several issues to be solved including issues on inconsistency, coherency, and feasibility of legal normative documents, and proper and effective application at practice. The Project is designed to address the issues of inconsistency of legal normative documents as well as strengthening skills of legislation and law enforcement, and thus, the direction of the Project is deemed highly appropriate as a response to the needs of the society and the government.

³¹ This is not an evaluation for those activities implemented by individual organizations, but comprehensive evaluation for the project as a whole. Ranking according to the five-grade evaluation: High, Relatively high, Moderate, Fair, and Low.

³² It is composed with six chapters such as 1) nation’s situation and international context, 2) development viewpoints, 3) strategic objectives and breakthrough phase, 4) orientation in development, innovation of growth model, and restructuring of the economy, 5) improve the capacity and effectiveness of state management to guarantee the successful implementation of the strategy, and 6) implementation of the strategy.



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(3) Consistency with the Policy and Strategy of Japan's ODA

The Project is well aligned with the policies and strategies that the Government of Japan upholds. The “Country Assistance Policy for Vietnam” of the Government of Japan developed in 2012 has three priority areas for development under the basic policy of “assistance towards the achievement of industrialization in 2020”. One of the priority areas is “Good Governance”, and in which articulates the direction of assistance toward improving the judicial and legal system in Vietnam to ensure justice, fairness, neutrality and transparency of the Governance. Particularly to the assistance to the legal sector, the Japanese Government promises to make commitments toward improving legislation, establishing and improving institution necessary to implement laws, capacity development for implementing laws, distributing relevant information, and so on.

The “Basic Policies on Legal Technical Assistance” has remained unchanged since the beginning of the Project, and maintains the policy to provide assistance for legal development and operation in the fields of basic and economic laws.

(4) Comparative Advantages of the Assistance by Government of Japan

Japan has supported continuously the legal system development in Vietnam through technical assistance project in decades, and has accumulated knowledge and understanding on the issues that judicial and legal institutions are facing. With a long history of cooperation, support system has been set up in cooperation with advisory group members comprising with legal practitioners and academics. Besides, clear and strategic linkage has been already developed between activities in Vietnam and training in Japan. Such comprehensive and united framework of cooperation is one of the strengths of the technical assistance by the Government of Japan.

(5) Appropriateness of the project design

The Project has a good picture itself taking into consideration of issues and needs as well as policy direction. Meanwhile the description of the Project Purpose and the Output is comprehensive. It is attributed to the fact that there was a need to include all possible outcomes that related to the counterpart organizations concerned at the time of the project formulation so that all could commit themselves in the project activities to the same extent. However, as the project activities have gone ahead, comprehensiveness of the project scope became an issue and led to the implementation of the project activities on ad-hoc basis. In addition, as mentioned in “3. Achievement of the Project”, some indicators for Output 1, Output 2, and the Project Purpose were not clearly defined, and thus required for further verification for the project evaluation.

4-2 Effectiveness

(1) Achievement of the Project Purpose

The effectiveness of the Project is assessed as “Fair” based on the level of achievement of the Project Purpose at the time of the Mid-term review.



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As stated in “3.3. Achievement of the Project Purpose”, the Project has been making a progress to fulfill the expected goal of the Project of “enhancing the institutional capacity for legal and judicial authorities to minimize inconsistency in legal normative documents, to promote appropriate understanding, and to promote undertaking uniform implementation and application of legal normative documents”. In particular, four out of eleven pre-determined indicators set in the PDM have shown the progress at the time of the Mid-term review. Achievements of the Project Purpose are directly influenced by the achievement of Project Outputs set in the PDM. Thus, the Project Purpose will be achieved by the end of cooperation term if the all planned activities are completed and satisfied the targets for the Project Outputs.

In terms of the technical transfer from Japanese expert to the counterpart officials, it has been smoothly conducted. As is mentioned in the earlier section, the project coverage is huge and wide-ranging and that project activities are implemented as per the annual plan but tend to be implemented on ad-hoc basis upon request. It leads the situation where involvement of Japanese experts becomes shallow, thereby lowering the effectiveness of cooperation. The main challenges lie in the fact that in which way the project effect can be maximized with limited resources. Given the status of affairs, the Project requires to examine the future direction to make enabling environment for in-depth involvement of Japanese experts including narrowing down the areas to put more focus.

(2) Important Assumption

There are two important assumptions, that are factors affecting the project implementation, for the Project, which include; 1) MOJ and OOG continuously take action for ensuring consistency of legal normative documents, and 2) The legal and judicial authorities/organization continuously take action in line with the policy framework aiming at the legal and judicial reform. Any major adversary factors have not been recognized since the commencement of the Project.

4-3 Efficiency

The efficiency of the Project is assessed as “Moderate” based on the following facts:

(1) Achievement of the Project Outputs

Most of the project activities have been implemented as per the annual plan developed by respective organizations at the beginning of the year. As mentioned in the “3-2 Achievement of the Project Outputs”, the Project is moving forward to generating expected outcomes. To date, three out of seven indicators for Output 1 and all of seventeen indicators are confirmed to be in progress, and none is achieved so far for Output 3.



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(2) Quantity, Quality, and Timing of Inputs

1) Inputs from Vietnam

The following inputs were planned and agreed on the R/D signed in February 2015; 1) assignment of counterpart personnel, and 2) provision of office space and necessary facilities, and 3) financial input for running expenses necessary for the implementation of the project activities.

For this plan, Vietnam side appointed a total of fifty officers including one Project Director, four Project Managers, and working members from each organization as per the original plan. Office space for the Project was supposed to be provided by the Vietnamese side; however, it was arranged by the Project on its own expenses. Concerning the cost-sharing to the project activities, the Team confirmed input from three counterpart organizations namely OOG, SPC, and SPP. Detailed information was shown in “3-1 Results of Input”.

2) Inputs from Japan

According to the R/D, the following inputs were agreed to be provided by Japanese Government; 1) Experts, 2) trainings, and 3) provision of equipment. As of the Mid-term review, all the inputs have been executed as originally planned.

The results of questionnaire survey answered by sixteen counterpart officials and five Japanese experts confirmed that the number of expert dispatched, and dispatching timing were appropriate, while there were voices calling for extension of assignment period because it requires significant time to study the situation in Vietnam and to build a relationship of trust between Japanese experts and counterpart officers.

In terms of training opportunities in Japan offered during the last two years, more than 70% of the respondents to the questionnaires answered that number of trainees, timing, frequency, and training materials were appropriate.

(3) Factors and Efforts that Increased Efficiency of the Project Activities

The positive and contributing factors to the project efficiency are as follows:

[Output 1 & Output 2]

(a) Human Factor

- Expert's in-depth knowledge and abundant practical experience,
- Favorable relationship between Japan and Vietnam established through the long-term relationship
- Strong commitment from both side

(b) Management Factor

- Plan formulated based on the Project Purpose and needs of relevant organization and needs from the society
- Variety of interventions such as trainings in Vietnam, Training in Japan, individual consultation by experts



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[Output 2]

(a) Management Factor

- Flexible management giving a certain discretion
- Simplified administrative procedure from the third year
- Periodical meeting to share information and exchange opinions with other counterparts
- Strong support from leaders

(4) Inhibiting Factors for the attainment of the Project Purpose

The inhibiting factors to the achievement of the Project Purpose are summarized as follows:

[Output-1]

(a) Management Factor

- Limited access to the counterpart officials that resulted in insufficient understanding on issues of the target organizations
- Insufficient inter-organizational coordination and reporting

(b) Other factors (Request for more effective implementation of the Project)

- Sharing variety of information not limited to those on Japan or Japanese experience

[Output-2]

(a) Management Factor

- Ad-hoc activities without any continuity
- Wide-ranging activities. Difficulty in focusing on specific issues in implementing activities.
- Difficulty in coordinating the timing of the activities' implementation between counterpart organizations and the Project
- Complicated administration procedure

4-4 Impact

Impact of the Project is "Fair" based on the fact that although the Project is in the middle of the implementation period, some activities have been initiated by counterpart organizations on their own after the project activities.

(1) Prospect for Achievement of the Overall Goal

It is premature to judge the impact to be brought by the Project since the Project is still at the implementation stage and is moving forward to fulfil its expected outputs at the time of the Mid-term review. It is, however, assumed that the establishment of Vietnam's social foundation for growth is most likely to be promoted as per the plan if the Project Purpose is successfully and sufficiently achieved by the end of the

Project and project effect is continuously generated by counterpart organizations even after the completion of the Project.

To realize the project expected impact, it is vital for the project counterpart organizations firstly to strengthen their cooperative and collaborative relationship with each other to secure the consistency in legal normative documents and unified application of laws. Moreover, the Project needs to examine the way to maximize the project effect with limited resources within the remaining cooperation terms.

(2) Positive Impact- Spin-Off Impact

In addition to those Decisions and Circulars formulated during and after the project activities, the result of interview confirmed that a number of activities were implemented by the counterpart organizations on their own initiatives such as follows:

- Referential materials such as process of examination on legal normative document and guidebook on illegal legal normative document were/is being developed after the project activities;
- With knowledge and understanding obtained through the training in Japan, a report was developed concerning conditions and requirements for examinations of legal normative documents, and submitted it to the Government.

(3) Negative Impact

No unintended negative impact was recognized at the time of the Mid-term review.

4-5 Sustainability

The prospect of Sustainability of the Project to date is assessed “Moderate” based on the following reasons:

(1) Policy and Institutional Sustainability [High]

The policy environment for the Project has remained unchanged since the Project started in April 2015. To date, Resolution No. 48 and No. 49 have been the foundation of the policy implementation by the counterpart organizations and legal and judicial reform has received great attentions. The Politburo Conclusion No. 92-KL/TW of March 12, 2014 provides guidance on continuous engagement of legal and judicial reform toward 2020. Moreover, the Government of Vietnam in its policy document for socio-economic development stresses the importance of the improvement of the effectiveness and quality of legal system to realize further socio-economic development.

With instruction and guidance of these policies, organizations concerned has been engaged in strengthening institutional capacity by improving knowledge and skills of relevant officers and institutional settings as well as by renovating laws and regulations. Such efforts towards legal reform will continue to be carried out in the future.

Given the status of affairs, it is fair to say that the project activities and the effect generated by the Project is likely to be supported continuously by the Government of Vietnam.

(2) Organizational Sustainability [Moderate]

Organizational setting of legal and judicial institutions also remained unchanged or it rather can be said to be improved since the Project started through a number of initiatives undertaken by the Government of Vietnam including renovating the organization of People's court. Concerning staff deployment, significant personnel reduction has not been observed at the time of the Mid-term review. Meanwhile, it is also the fact that the Government has made every effort to rationalize the administration structure, and there is little possibility for the increase of the government officers in future. Therefore, the sustainability of the project effect from organizational aspect is moderate as of the Mid-term review.

(3) Financial Sustainability[Fair]

In addition to the project of JICA, several other donors such as NLD (Canada), GIZ (Germany), GIG (Governance for Inclusive Growth, the United States of America), and KOICA (South Korea) have supported legal and judicial reform in Vietnam.

Under such circumstances, cost-sharing scheme was adopted in the Project based on the agreement (R/D) signed in 2015 before the Project starts. To date, the project activities have been co-funded by JICA and counterpart organizations as mentioned in "3-1 Result of Inputs". Although total expenses that the counterpart organizations spent for the project activities accounted for only 30 % of the expenditure borne by the project side³³, it is considered a big step forward compared with the situation in the previous JICA projects where the project activities were fully funded only by Japanese side. As such, financial sustainability as of the review is still not high but it is expected to be improved with full commitment of the counterpart organizations.

As mentioned in the earlier section, the project activities were implemented on an ad-hoc basis, and thus the effect of the Project remains limited which led to the limited financial backups. In order to secure the financial sustainability of the project effect, it is necessary to identify areas that require continuous efforts for improvement, reflect it to the annual work plan, as well as to provide advice on developing mechanism, know-how, and process required to ensure the continuity of activities and sustainability of the project effect.

(4) Technical Sustainability [Moderate]

As mentioned in "3-2 Achievement of the Project Outputs", the Project has worked on capacity development through workshops and training programs both in Vietnam and in Japan during the project, and knowledge and skills are reported to have been put into practice.

Although there is room for improvement in future, results of the workshops and seminars as well as information and knowledge obtained during these events were reported to the management of each organization, and also shared to relevant officers in many ways such as distributing the report, sharing via TV conference system and website. To date, several initiatives also have been undertaken by counterpart

³³ Calculation is done based on the data submitted from three organizations, namely OOG, SPC, and SPP.



organizations on their own as seen the case of development of manuals to strengthen practical skills of relevant officers. Moreover, the Project has a plan to provide more assistance to enhance the capacity on law-drafting, examination of legal normative documents, and law enforcement. These continuous efforts surely contribute to the sustainability of the project effect.

To secure technical sustainability in the longer term, it is vital to accumulate the knowledge and skills at the organizational level. In order to do so, the possibility of implementation of activities such as in-depth research and analysis and manual development need to be explored.

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5. CONCLUSION

Based upon the findings of the evaluation, the Review Team concluded that Project Purpose is in progress toward achievement with some good signs of generating expected outputs of the Project. Meanwhile, it was found that there are some issues to be addressed such as revision of the PDM and narrowing down areas to be focused with strategic approach to achieve the ultimate goal of the Project

Results of the terminal evaluation by the five evaluation criteria are summarized below:

Criteria	Evaluation	Summary
Relevance	High (Policy Aspect) Low (Design)	The Project coincides with policies of the Government of Vietnam and Japan as well as with the needs in the legal and judicial sector in Vietnam. However, regarding the project design, description of the Project Purpose and Outputs is ambiguous and some of verifiable indicators are not clearly defined.
Effectiveness	Fair	The Project has been making a progress to fulfill the expected goal of the Project. It was found, however, that the project activities covered several different issues in various areas and it led to the limited level of achievement of the Project Purpose.
Efficiency	Moderate	The efficiency of implementation of project activities as a whole is moderate. The timing, quality and quantity of inputs, including trainings, experts, and provision / management of equipment, were appropriate and on schedule. It was found that issues lie in the area of management.
Impact	Fair	Although it is premature to assess the level of achievement of expected impact as of the Mid-term review, there are some favourable signs recognized during the survey.
Sustainability	Moderate	In terms of Policy and Institutional aspect is "high", Organizational sustainability is "moderate". Financial sustainability is "fair" since the financial source is not fully secured for continuity of the project effect. As for the technical sustainability, it was assessed as "moderate" as strengthening the capacity at the organizational level is still an issue.

* Ranking according to the five-grade evaluation: High, Relatively high, Moderate, Fair, and Low.



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6. RECOMMENDATION

Revision of PDM

As a result of the Mid-term review, whose purpose is to review the progress of the project activities and find out any obstacles, it is found that the ambiguity and vagueness that lie in the expressions used in the PDM are hindering the Project's effects to be fully expressed; thus, there is a need to re-examine the project design. For instance, the vague expressions found in the Output-1 caused difficulties in defining the appropriate project activities, thus lowering the effects of the Project. In order to generate tangible results of the Project within the remaining Project period, revision of the PDM to streamline the concepts and expressions so as to enhance clear understanding and perception among the participants to this project is strongly recommended.

In addition to the revision of the Project Purpose and the Outputs as well as the project activities and the indicators that follow, as explained in the "Relevance", among others, below two initiatives are to be included in the project design.

(a) Formation of Working Groups

To date, the experts have focused mainly on providing technical advice by taking part in the seminars held by the counterpart organisations. In order to conduct technical assistance more effectively, it is advised to form working groups where the counterpart organisations and the experts thoroughly discuss, analyse specified areas of concern, identify target issues and monitor the outcomes of relevant activities.

(b) Implementation of Joint Activities among counterpart agencies

In the Recommendation of the terminal evaluation of the previous project, implementation of the joint activities among counterpart organisations are recommended; however, it is not included in the current Project.

The introduction of new systems and practices reflecting the adversarial principle expressly guaranteed by the new Constitution, requires proper understanding by each of the parties and relevant agencies which at its core should be consistent and unified. Undue discrepancy among the relevant stakeholders will easily result in unwanted distortion and ineffectiveness, inefficiency of the procedure and may eventually lead to delay and injustice. One of the most effective ways to create necessary common understanding is the implementation of a joint effort among different stakeholders which can mobilize multi-faceted knowledge, experience and skills. Therefore, implementation of the joint activities among counterpart organisations is recommended in order to deepen common understanding.



7. LESSONS LEARNED

- (1) Several issues and challenges are pointed out regarding the project design such as the concerning Output-1, which is a newly introduced component from this Project, as a result of the Mid-term review. Lessons learned from the findings regarding the Output-1 include that when introducing new components to a project, in-depth situation and needs survey and analysis should be conducted before designing the PDM. Further, in the event it becomes necessary, the project should not hesitate to conduct additional survey and analysis.
- (2) The ambiguous concepts and vague expressions used in the PDM allowed the Project to engage in activities the purport of which was not always distinct and the effectiveness and the contribution to the achievement of the overall objective of the Project thereof was not clear enough. This led to the overburdening of the Project which not only made the effects of individual activities questionable but also resulted in diminishing the effectiveness and the efficiency of the intervention by the Project in its entirety.
- (3) As outputs of the project in the judicial sector tend to be qualitative rather than quantitative, indicators of the PDM need to be well examined. It is thus recommended to include identification and examination of indicators as part of the project activities.



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Attachment-1: Survey Schedule

Date		Schedule	
Jan	7	Sun	10:00 Dep from NARITA (VN311) 14:00 Arr at HANOI
	8	Mon	9:00-11:00 Mtg and Interview with JICA Experts 11:30-12:00 JICA Vietnam Office 14:00-15:30 MOJ (ICD) Courtesy Call, Interview 15:30-17:00 MOJ (CED) Interview
	9	Tue	9:30-11:30 Canada NLD Interview 14:00-15:30 VBF Interview
	10	Wed	9:00-11:00 MOJ 14:00-16:00 OOG Interview
	11	Thu	9:00-11:00 SPP Interview 13:30-14:30 MOJ (CJED) 14:30-16:00 MOJ
	12	Fri	9:00-11:00 SPC Interview 14:00-17:00 MOJ (BPR, BLEM)
	13	Sat	Drafting of the report
	14	Sun	Drafting of the report
	15	Mon	10:00-12:00 Mtg with JICA Vietnam Office and JICA Experts (at Project Office) 17:00-18:00 MOJ: Review and discussion on the Draft Report with MOJ signer
	16	Tue	9:00-11:00 SPP: Review and discussion on the Draft Report with SPP 14:00-16:00 OOG: Review and discussion on the Draft Report with OOG signer
	17	Wed	9:00-10:00 VBF: Review and discussion on the Draft Report 11:00-11:30 MOJ: Courtesy Call 13:30-15:30 SPC: Review and discussion on the Draft Report
	18	Thu	9:00-11:00 Evaluation Session : Review of the Minutes and Mid-Term Evaluation Report, and signing of the Minutes (Representatives from MOJ, OOG, SPC, SPP and VBF) 22:15 Arr at HANEDA
	19	Fri	

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Project Title: The Project for Harmonized, Practical Legislation and Uniform Application of Law Turbine Year 2020. (PHAP LUAT 2020)

Implementing Organizations: Ministry of Justice (MOJ), Office of Government (OOG), Supreme People's Court (SPC), Supreme People's Procuracy (SPP), Vietnam Bar Federation (VBF)

Target Group: Legal professionals and judicial officials of MOJ, OOG, SPC, SPP and VBF

Period of Project: From April 2015 to March 2020 (Five (5) years)

Project Site: Hanoi

Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Important Assumption
Overall Goal			
<p>The establishment of Vietnam's social foundation for growth is promoted through the development of predictable and reliable legal and judicial systems based on legal normative documents with ensured consistency.</p>	<ol style="list-style-type: none"> 1. The performance of the international comparative indicators on legal and judicial practices publicized by international organizations etc. improves from that of the project inception. 2. The performance of the international comparative indicators on lawyers' practices publicized by international organizations etc. improves from that of the project inception. 3. The reviews/verifications are conducted in accordance with the improved review/verification process. 4. The supervisions and post-checking are conducted in accordance with the improved supervision and post-checking process. 	<ol style="list-style-type: none"> 1. The performance of the international comparative indicators on legal and judicial practices publicized by international organizations etc. 2. The performance of the international comparative indicators on lawyers' practices publicized by international organizations etc. 3. The records of the reviews/verifications and interviews with relevant personnel. 4. The records of supervisions and post-checking, and interviews with relevant personnel. 	
Project Purpose			-MOJ and OOG
<p>Institutional capacity for legal and judicial authorities/ organization* is developed for minimizing and rectifying inconsistency in legal normative documents as well as for promoting appropriate understanding and undertaking uniform implementation and application of legal normative documents in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam; thereby, appropriate and efficient process and application of legal normative documents are realized.</p> <p>*MOJ, OOG, SPC, SPP and VBF</p>	<ol style="list-style-type: none"> 1. MOJ's review of legal normative documents is improved in the following aspects: Opinions from a wider range of stakeholders are taken into consideration. Attention is given to any possible issues which may arise during the implementation and application stage. The reviews are conducted from a view point of realizing uniform implementation and application of legal normative documents. 2. MOJ's post-checking of legal normative documents is improved in the following aspects: Opinions from a wider range of stakeholders are taken into consideration. The situations and causes of inconsistent implementation and application of legal normative documents are analyzed. Remedial measures are considered and facilitation for taking such measures is conducted based on the identified causes of inconsistent implementation and application of legal normative documents. 3. MOJ's monitoring law implementation is improved in the following aspects: Opinions from a wider range of stakeholders are taken into consideration. The situations of inconsistent implementation and application of legal normative documents and the insufficient development of legal normative documents as their causes are analyzed. Remedial measures are taken for improving the situations of insufficient development of legal normative documents, which can be a cause of inconsistent implementation and application of legal normative documents. 4. OOG's verifications of legal normative documents are improved in the following aspects: Coordination among different stakeholders is enhanced. Opinions from a wider range of stakeholders are taken into consideration. Attention is given to any possible issues which may arise during the implementation and application stage. The verifications are conducted from a view point of realizing uniform implementation and application. 5. OOG's capacity to support to the government and Prime Minister in supervising, directing and verifying when drafting and implementing legal normative documents is enhanced. 6. Based on the work plan, civil proceedings are improved. SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. SPP contributes to ensuring that laws are strictly and uniformly observed. VBF contributes to the harmonized legislation, uniform application of law, protection of human rights, and better access to justice. 7. Based on the work plan, administrative proceedings are improved. SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. SPP contributes to ensuring that laws are strictly and uniformly observed. VBF contributes to harmonized legislation, uniform application of law, the protection of human rights, and better access to justice. 8. Based on the work plan, criminal proceedings are improved. SPC contributes to the implementation of due process with transparency and uniform application of law in adjudications. SPP contributes to ensuring that laws are strictly and uniformly observed. VBF contributes to harmonized legislation, uniform application of law, the protection of human rights, and better access to justice. 9. Civil adjudications are appropriately held in accordance with the revised Civil Procedure Code. 10. Administrative adjudications are appropriately held in accordance with the revised Administrative Procedure Law. 11. Criminal adjudications are appropriately held in accordance with the revised Criminal Procedure Code. 	<ol style="list-style-type: none"> 1. MOJ's record on its review processes and interviews with relevant personnel. 2. MOJ's record on its post-check processes and interviews with relevant personnel. 3. MOJ's record on its monitoring law implementation and interviews with relevant personnel. 4. OOG's record on its verification processes and interviews with relevant personnel. 5. OOG's record on its supervision on the development and implementation of legal normative documents and interviews with relevant personnel. 6. Performance of the work plan regarding the improvement of civil proceedings and interviews with relevant personnel. 7. Performance of the work plan regarding the improvement of administrative proceedings and interviews with relevant personnel. 8. Performance of the work plan regarding the improvement of criminal proceedings and interviews with relevant personnel. 9. Statistical information on civil adjudications and interviews with relevant personnel. 10. Statistical information on administrative litigations and interviews with relevant personnel. 11. Statistical information on criminal adjudications and interviews with relevant personnel. 	<p>continuously take action for ensuring consistency of legal normative documents.</p> <p>- The legal and judicial authorities/organization continuously take action in line with the policy framework aiming at the legal and judicial reform.</p>



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<p>Outputs</p> <p>1. Capacity of human resources at MOJ and OOG is strengthened for better (1) review/verification, (2) post-checking, and (3) monitoring the implementation of civil, economic, and other related legal normative documents so that inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of legal normative documents are minimized and rectified as well as promotion of appropriate understanding and uniform implementation of legal normative documents is realized.</p>	<p>1. MOJ plans, design and holds seminars and other events to meet the needs of the internal human resources, taking into consideration the challenges faced by local practitioners.</p> <p>2. MOJ plans, design and holds seminars and other events to meet the needs of other ministries and legal departments of the People's Committees at the ministry level, taking into consideration the challenges faced by local practitioners.</p> <p>3. MOJ's reference materials are developed taking into consideration the following points:</p> <ul style="list-style-type: none"> > The analysis on the situations of inconsistent implementation and application of legal normative documents. > The analysis on the causes of inconsistent implementation and application of legal normative documents. > Remedial measures based on the identified situations and causes of inconsistent implementation and application of legal normative documents. > Necessary facilitation to take remedial measures. <p>4. MOJ's reference materials are used by relevant staff.</p> <p>5. OOG plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.</p> <p>6. OOG's reference materials are developed taking into consideration the following points:</p> <ul style="list-style-type: none"> > The analysis on the situations of inconsistent implementation and application of legal normative documents. > The analysis on the causes of inconsistent implementation and application of legal normative documents. > Remedial measures based on the identified situations and causes of inconsistent implementation and application of legal normative documents. > Necessary facilitation to take remedial measures. <p>7. OOG's reference materials are used by relevant staff.</p>	<p>1. Materials of seminars and other events organized by MOJ for internal human resources and interviews with relevant personnel.</p> <p>2. Materials of seminars and other events organized by MOJ for other ministries and legal departments of the People's Committees at the ministry level and interviews with relevant personnel.</p> <p>3. MOJ's reference materials and interviews with relevant personnel.</p> <p>4. Interviews with relevant personnel.</p> <p>5. Materials of seminars and other events organized by OOG and interviews with relevant personnel.</p> <p>6. OOG's reference materials and interviews with relevant personnel.</p> <p>7. Interviews with relevant personnel.</p>	<p>The substantive laws, procedural laws and organization laws supported by the Project are enacted without major delay.</p>
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<p>Based on the work plan formulated by each implementing agency for the implementation of the legal and judicial reform up to 2020, which is in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam, substantive laws and procedural laws which contribute to settling civil cases are drafted and the Criminal Procedure Law is drafted. In addition, appropriate understanding of legal normative documents on civil cases and criminal procedures is promoted and capacity for giving advice and guidance on uniform implementation and conducting adjudication procedure is enhanced.</p>	<p>1. The work plan formulated by each organization takes into consideration the following points:</p> <ul style="list-style-type: none"> > Each organization's review on the achievement of the legal and judicial reform up to 2020. > Each organization's analysis on the activities in previous years. > Each organization's process to achieve the goal of the target year. > Each organization's prioritized activities for the purpose of attaining the legal and judicial reform up to 2020. <p>2. The drafts of the revised Civil Code, revised Law on Civil Judgment Execution, revised State Compensation Liability Law, revised Civil Procedure Code, and the revised Administrative Procedure Law are improved taking into consideration the following points:</p> <ul style="list-style-type: none"> > Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. > The development of Vietnam's market economy. > The challenges in practical implementation <p>3. The draft of the revised Criminal Procedure Code is improved taking into consideration the following points:</p> <ul style="list-style-type: none"> > Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. > The challenges in practical implementation. > Enhanced protection of human rights. <p>4. Practical challenges are identified and analyzed for the development of the Law on Property Registration and Law on Private International Law.</p> <p>5. Issues regarding the formation of judicial precedents are synthesized.</p> <p>6. The synthesized issues regarding the formation of judicial precedents are reflected to legal normative documents and/or improvement of practical implementation is undertaken.</p> <p>7. Practical challenges in the settlement of international civil cases are identified and analyzed.</p> <p>8. The identified and analyzed challenges in the settlement of international civil cases are reflected to legal normative documents and/or improvement of practical implementation is undertaken.</p> <p>9. MOJ plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.</p> <p>10. Issues taken up in MOJ's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken.</p> <p>11. SPC plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.</p> <p>12. Issues taken up in SPC's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken.</p> <p>13. SPP plans, design and holds seminars and other events to meet the needs of the participants, taking into consideration the challenges faced by local practitioners.</p> <p>14. Issues taken up in SPP's seminars are reflected to legal normative documents and/or improvement of practical implementation is undertaken.</p> <p>15. VBF plans, design and holds seminars, training courses and other events to contribute to the legal policy and legislation development and to meet the needs of the participants, taking into consideration the challenges faced by local practitioners (particularly challenges regarding the protection of human rights and access to justice).</p> <p>16. Issues taken up in VBF's seminars, training courses, and other events are reflected to the Lawyer's Manual and other professional and skills guidelines and/or improvement of practical implementation is undertaken.</p> <p>17. The Lawyer's Manual and other professional and skills guidelines are developed taking into consideration the following points:</p> <ul style="list-style-type: none"> > Contribution to the protection of human rights and better access to justice. > Stipulations of the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam. > Enhanced legal services to the citizens. > The challenges in practical implementation. <p>18. The Lawyer's Manual and other professional and skills guidelines are at the disposal of lawyers for utilization.</p> <p>19. The Lawyer's Manual and other professional and skills guidelines are used by lawyers.</p>		
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<p>Each organization analyzes and examines activities to be conducted after 2021 taking into consideration the Outputs of the Project in order to improve practices of (1) drafting, reviewing/verifying, post-checking and monitoring the implementation of legal normative documents, (2) giving advice and guidance on promoting appropriate understanding and uniform implementation of legal normative documents, and (3) giving advice and guidance for realizing adjudication and legal procedures based on appropriate understanding of legal normative documents.</p>	<p>1. Each organization conducts an analysis taking into consideration the following points:</p> <ul style="list-style-type: none"> > Activities for uniform application and enforcement of laws and ordinances. > Activities for establishing a framework which enables appropriate dispute settlements. > Activities for realizing legal procedures which underscore human rights. > Activities for strengthening access to justice. 	<p>1. Results of the analysis by each organization and interviews with relevant personnel</p>	
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Activities		Inputs		Important Assumption
(1-1-1)	In cooperation with the Long-term Experts, MOJ analyzes, examines and synthesizes effective and efficient measures to achieve the minimization and correction of inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of legal normative documents and to promote appropriate understanding and uniform implementation of legal normative documents.	<Japanese side> -Long-term Experts (a Chief Advisor (Prosecutor), a Judge, an Attorney-at-law, a Project Coordinator, etc.) -Short-term Experts -Advisory Group -Training in Japan -Conference rooms in Japan for seminars and workshops -JICANET -Part of project activity cost	<Vietnamese side> Government contribution (from MOJ, OGD, SPC and SPP): -Project Director -Project Manager -Coordinator -Working Group Members -Conference rooms for seminars and workshops to be held at the offices of the implementing partners -Office equipment for project implementation -Communication and coordination expenses	-Transfers or resignations of the staff of legal and judicial authorities/ organizations/ do not
(1-1-2)	In consultation with the Long-term Experts, MOJ selects target legal normative documents for achieving the minimization and correction of inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of the legal normative documents and for promoting appropriate understanding and uniform implementation of the legal normative documents.			
(1-1-3)	MOJ formulates an annual work plans for the target legal normative documents agreed in (1-1-2) based on the measures analyzed in (1-1-1).			
(1-1-4)	Joint Coordinating Committee (JCC) formally confirms the work plans formulated in (1-1-3).			
(1-1-5)	In cooperation with the Long-term Experts, MOJ holds workshops/seminars based on the work plan formulated in (1-1-3).			
(1-1-6)	In cooperation with the Long-term Experts, MOJ holds seminars for improving capacity of drafting, reviewing, post-checking and/or implementing legal normative documents, targeting other ministries and legal departments of the People's Committees at the ministry level, based on the results of the analysis in (1-1-1).			

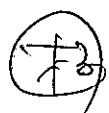
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(1-1-7)	In cooperation with the Long-term Experts, MOJ develops reference materials based on the contents of, and lessons learned from, the seminars and other events held in (1-1-4) and (1-1-5).		<p>From VBF:</p> <ul style="list-style-type: none"> -Project Manager -Coordinator -Working Group Members -Conference rooms for seminars and workshops to be held at the offices of the implementing partners -Office equipment for project implementation -Communication and coordination expenses 	<p>Pre-Conditions</p> <ul style="list-style-type: none"> -No major organizational reforms at the implementing organizations occur. -No major changes in roles and responsibilities of the implementing organizations occur.
(1-2-1)	In cooperation with the Long-term Experts, OOG analyzes, examines and synthesizes effective and efficient measures to achieve the minimization and correction of inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of legal normative documents and to promote appropriate understanding and uniform implementation of legal normative documents.			
(1-2-2)	In consultation with the Long-term Experts, OOG selects target legal normative documents for achieving the minimization and correction of inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraphs of the legal normative documents and for promoting appropriate understanding and uniform implementation of the legal normative documents.			
(1-2-3)	OOG and the Long-term Experts formulate an annual work plan for the target legal normative documents agreed in (1-2-2) based on the measures analyzed in (1-2-1).			
(1-2-4)	In cooperation with the Long-term Experts, OOG holds workshops/seminars based on the work plan formulated in (1-2-3).			
(1-2-5)	In cooperation with the Long-term Experts, OOG develops reference materials based on the contents of, and lessons learned from, the seminars and other events held in (2-4).			
(2-1-1)	In cooperation with the Long-term Experts, MOJ, SPC, SPP and VBF individually formulate (1) an overall work plan and (2) an annual work plan for Output 2 at the beginning of each year (Japanese fiscal year), based on the roadmap for the legal and judicial reform up to 2020.			
(2-1-2)	JCC formally confirms the plans formulated in (2-1-1).			
(2-1-3)	JCC confirms the progress of (1) the overall work plans (2) annual work plans formulated in (2-1-1).			
(2-2-1)	In cooperation with the Long-term Experts, MOJ holds seminars and other events for finalizing the drafts of the revised Civil Code, revised Law on Civil Judgment Execution, and revised State Compensation Liability Law, (including related legal normative documents and other guiding documents), respectively, in collaboration with related organizations.			
(2-2-2)	In cooperation with the Long-term Experts, MOJ collects information on the development of the Law on Property Registration and the Law on Private International Law, analyzes the information and then synthesizes the results in collaboration with related organizations.			
(2-2-3)	In cooperation with the Long-term Experts, MOJ plans and holds seminars and other events for improving capacity of giving advice and guidance on promoting appropriate understanding of legal normative documents in collaboration with related organizations.			
(2-3-1)	In cooperation with the Long-term Experts, SPC holds seminars and other events for finalizing the drafts of the revised Civil Procedure Code and the revised Administrative Procedure Law (including related legal normative documents and other guiding documents), respectively, in collaboration with related organizations.			
(2-3-2)	In cooperation with the Long-term Experts, SPC plans and holds seminars and other events for improving capacity for giving advice and guidance on realization of adjudication based on appropriate understanding of legal normative documents, in collaboration with related organizations.			
(2-3-3)	In cooperation with the Long-term Experts, SPC collects information on the formation of judicial precedents which enables uniform application of laws, analyzes the information and then synthesizes the results in collaboration with related organizations.			
(2-3-4)	In cooperation with the Long-term Experts, SPC holds seminars and other events for analyzing issues concerning international civil cases in collaboration with international organizations.			
(2-4-1)	In cooperation with the Long-term Experts, SPP holds seminars and other events for finalizing the draft of the revised Criminal Procedure Code (including related legal normative documents and other guiding documents), in collaboration with related organizations.			
(2-4-2)	In cooperation with the Long-term Experts, SPP plans and holds seminars and other events for improving capacity for giving advice and guidance on realization of prosecution and adjudications based on appropriate understanding of legal normative documents, or improvement of civil, administrative, and criminal adjudications, in collaboration with related organizations.			
(2-5-1)	In order to fulfill lawyers' role to promote harmonized legislation and uniform application of law, to protect human rights, and to ensure the access to justice, in cooperation with the Long-term Experts, VBF, either on its own or with other related organizations, plans and holds seminars, training courses, and other events for improving VBF's capacity for giving advice and guidance on improvement of lawyers' practice based on appropriate understanding of legal normative documents.			
(2-5-2)	In order to fulfill lawyers' role to promote harmonized legislation and uniform application of law, to protect human rights, and to ensure the access to justice, in cooperation with the Long-term Experts, VBF, either on its own or with other related organizations, analyzes the target legal normative documents, synthesizes the opinions from its members, and holds seminars and other events for proposing recommendations on the improvement and uniform application of these legal normative documents.			
(2-5-3)	In cooperation with the Long-term Experts, VBF establishes a working group (WG) for developing the Lawyer's Manual and other professional and skills guidelines.			
(2-5-4)	In order to fulfill lawyers' role to promote harmonized legislation and uniform application of law, to protect human rights, and to ensure the access to justice, the WG established by VBF develops the Lawyer's Manual and other professional and skills guidelines in cooperation with the Long-term Experts.			
(2-5-5)	In cooperation with the Long-term Experts, VBF holds seminars, training courses, and other events for analyzing and addressing issues concerning the professional development of commercial lawyers in dealing with international transactions and civil cases in collaboration with international organizations.			

(3-1)	In cooperation with the Long-term Experts, MOJ, OOG, SPC, SPP and VBF individually review the results of the analysis on annual performance of the project activities at each organization.			
(3-2)	In cooperation with the Long-term Experts, MOJ, OOG, SPC, SPP and VBF individually analyze and examine measures to improve work procedures after the year 2021 at each organization.			
(3-3)	In cooperation with the Long-term Experts, MOJ, OOG, SPC, SPP and VBF individually write a report on the results of their analysis, examination and reviews at each organization.			

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Attachment-3: List of Interviewees

	Date	Name / Attendant	Affiliation
1	08 January 2018	Takako Tsukabe	Project
2	08 January 2018	Masanori Tsukahara	Project
3	08 January 2018	Nobuhiro Matsuo	Project
4	08 January 2018	Sakiko Kamada	Project
5	08 January 2018	Tsugunori Teramoto	Project
6	08 January 2018	Ms. Dang Hoang Oanh	ICD, MOJ
7	08 January 2018	Ms. Tran Thu Huong	ICD, MOJ
8	08 January 2018	Ms. Le Thi Hien	ICD, MOJ
9	08 January 2018	Mr. Nguyen Thanh Tu	CED, MOJ
10	08 January 2018	Ms. Le Thi Hoang Thanh	CED, MOJ
11	08 January 2018	Ms. Trinh Thi Thuy Nga	CED, MOJ
12	09 January 2018	Mr. Jacob Gammelgaard	NLD Project
13	09 January 2018	Dr. Do Ngoc Thinh	VBF
14	09 January 2018	Ms. Tran Thuy Dung	VBF
15	09 January 2018	Mr. Vu Xuan Nuoc	VBF
16	10 January 2018	Mr. Nguyen Hong Tuyen	GALD, MOJ
17	10 January 2018	Ms. Do Thi Thanh Huong	GALD, MOJ
18	10 January 2018	Ms. Thai Thi Hai Yen	GALD, MOJ
19	10 January 2018	Ms. Hoang Thi Ngoc Phuong	GALD, MOJ
20	10 January 2018	Mr. Dinh Dung Sy	OOG
21	10 January 2018	Ms. Nguyen Thuy Linh	OOG
22	11 January 2018	Ms. Vu Thi Hai Yen	SPP
23	11 January 2018	Ms. Hoang Thi Thuy Hoa	SPP
24	11 January 2018	Ms. Nguyen Cam Tu	SPP
25	11 January 2018	Ms. Ngo Thi Thu Van	SPP
26	11 January 2018	Mr. Mai Luong Khoi	CJED, MOJ
27	11 January 2018	Ms. Le Thi Thu Hien	CJED, MOJ
28	11 January 2018	Ms. Mai Thi Thu Ha	CJED, MOJ
29	11 January 2018	Ms. Nguyen Thi Nhung	CJED, MOJ
30	11 January 2018	Mr. Nguyen Thang Loi	CJED, MOJ
31	11 January 2018	Mr. Le Anh Tuan	CJED, MOJ
32	11 January 2018	Ms. Pham Thi Thu Trang	CJED, MOJ
33	11 January 2018	Mr. Pham Tuan Ngoc	NRAST, MOJ
34	11 January 2018	Ms. Nguyen Thi Thu Hang	NRAST, MOJ
35	11 January 2018	Ms. Tran Ngoc Yen	NRAST, MOJ
36	11 January 2018	Mr. Le Thai Phuong	SCD, MOJ
37	11 January 2018	Ms. Pham Ho Huong	ILD, MOJ
38	11 January 2018	Ms. Tran Thi Minh Ha	ILD, MOJ
39	12 January 2018	Mr. Chu Trung Dung	SPC
40	12 January 2018	Ms. Vu Thuy Hang	SPC
41	12 January 2018	Mr. Dong Ngoc Ba	BPR, MOJ
42	12 January 2018	Mr. Vu Hong Thang	BPR, MOJ
43	12 January 2018	Ms. Le Thi Uyen	BPR, MOJ
44	12 January 2018	Ms. Tran Thu Giang	BPR, MOJ
45	12 January 2018	Mr. Tran Manh Hieu	BPR, MOJ
46	12 January 2018	Ms. Nguyen Thi Hong Vinh	BPR, MOJ
47	12 January 2018	Ms. Tran Thanh Loan	BPR, MOJ
48	12 January 2018	Mr. Nguyen Hong Son	BLEM, MOJ
49	12 January 2018	Ms. Tran Thi Mai Suong	BLEM, MOJ

Attachment-4: Expenditure Details from Vietnam Side

Currency: VND (UP), USD (DOWN)

No.	Item	2015 (Apr.-Dec.)	2016 (Jan.-Dec.)	2017 (Jan.-Oct.)	Total
	Salaries for administrative officers				
	Miscellaneous (stationaries etc)	1,200,000,000	1,800,000,000	1,600,000,000	4,600,000,000
	Expenses for internet and phone				
	Expenses for meetings and seminars				
	Travelling Fee for representatives from local authorities				
	Payment for seminar experts	52,898	79,348	70,531	202,777
	Preparation of seminar materials				
	DSA for seminar participants				
Vietnamese Side (SPC)					
	Salaries for administrative officers				
	Miscellaneous (stationaries etc)	1,000,000,000	1,020,000,000	1,040,000,000	3,060,000,000
	Expenses for internet and phone				
	Expenses for internet and phone				
	Travelling Fee for representatives from local authorities				
	Fee for venues, equipment rental	44,082	44,964	45,845	134,891
	Payment for seminar experts				
Vietnamese Side (SPP)					
	Salaries for administrative officers				
	Miscellaneous (stationaries etc)	1,135,000,000	1,150,000,000	1,000,000,000	3,285,000,000
	Expenses for internet and phone				
	Expenses for internet and phone				
	Travelling Fee for representatives from local authorities,				
	Fee for venues, equipment rental	50,033	50,694	44,082	144,809
	Payment for seminar experts				
Vietnamese Side (Total)					
	Total	3,335,000,000	3,970,000,000	3,640,000,000	10,945,000,000
		147,013	175,006	160,458	482,477

Source: Provided data by OOG, SPC, and SPP

Attachment-5: List of Experts dispatched

No.	Area	Number	Times	Days	M/M
Long term expert					
1	Chief Advisor	3	3		36.00
2	Improvement of Court Practice	2	2		36.00
3	Legal Reform	3	3		36.00
4	Capacity development of Lawyer	1	1		36.00
5	Project Coordination	1	1		36.00
Short term expert					
6	Seminar on Civil Law/Civil Code	2	1	8	
7	Seminar on Judicial Precedent	2	1	20	
8	Seminar on International Commercial Disputes	1	1	6	
9	Seminar on Intellectual Property Rights	1	1	8	
10	Survey on Property Registration in Vietnam	3	1	21	
11	Seminar on Judicial Precedent	2	1	8	
12	Seminar on Property Registration	3	1	18	
13	Survey on Property Registration in Vietnam	3	1	16	
14	Seminar on Duty Lawyer	1	1	7	
15	Seminar on Judicial Precedent	2	1	10	
16	Seminar on Family Court	2	1	10	
		32	21	132	180.00

Source: Data provided by the Project

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Attachment-6: Local Cost borne by Japanese Side

Currency: USD

Item	JFY 2015	JFY 2016	JFY 2017	Total
	Apr. 2015- Mar. 2016	Apr. 2016- Mar. 2017	Apr. 2017- Oct. 2017	
Training Expenses	357,783	338,704	233,188	929,675
Survey Expenses	16,703	25,719	17,045	59,467
Printing Fee (Manuals)	13,709	41,125	0	54,834
Recurrent expenses for the Project Office	250,317	276,857	183,401	668,226
Total	638,512	682,405	499,257	1,820,174

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Attachment-7: List of Equipment Provided

No.	Equipment Purchased	Details	Qty	USD	JPY (Equiv.)	Status
1	Desk Top PC	Dell Vostro 3900MT, Dell E1914H	5	3,338	401,551	In use - An Giang - Bac Ninh - Ben Tre - Hung Yen - Tien Giang
2	Desk Top PC	Dell Vostro 3653MT, Dell E1916H	5	4,469	471,211	In use - Ninh Thuan - Binh Thuan - Phu Tho - Thanh Hoa - Binh Phuoc
3	Desk Top PC	Dell Inspiron 3268 INS ST, Dell E2016	2	1,764	191,906	In use - Kien Giang - Dong Thap
4	Desk Top PC	Dell Inspiron 3268 INS ST, Dell E2016	3	2,462	277,506	In use - Ha Nam - Hoa Binh - VBF
TOTAL			15	12,033	1,342,174	

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Attachment-8: Record of Training/Workshop/Meetings (April 2015-December 2017)

2015	C/P	Department	No.	Activities	Category	Date/Month	Venue	Participants (1 day)	Participants (2day)	Participants (3day)
	MOJ			Working session on amendment of the Civil Code	Working Session	Jun.8	Ha Noi	37		
				Making Civil Code explanation book		Aug.7	Ha Noi	11		
				Amendment of the Civil Code with Professor Morishima and Niimi	Workshop	Jan.28	Ha Noi	7		
			1.4.1	Dissemination of the Civil Code	Workshop	Sep.3.4	Ha Noi	62	15	
					Workshop	Jan.6	HCMC	82		
					Workshop	Jan.26	Ha Noi	46		
			GED Total							
		ILD	2.1	Workshop on part V of the Civil Code	Workshop	Sep.8	Ha Noi	19		
			2.2	Study on conflict of international jurisdiction between 2 experts	Report	Sep.7				
			2.4	Seminar on conflict of international jurisdiction and Japanese experience	Seminar	Sep.7	Ha Noi	30		
			ILD Total							
		CJED	3.4	Getting opinions on the draft of the circular on denunciation and complaints	Workshop	Jul.10	Ha Noi	60		
			3.2	Development of e-database on information of obligors who have no conditions for execution of civil judgment execution	Survey	Jul.17-19	Long An, Binh Duong, HCMC		92	
			3.1.1	Circular guiding the publication about obligors who do not have conditions for civil judgment execution	Workshop	Oct.30	Ha Noi	51		
			3.1.2	Circular guiding the procedures of civil judgment execution	Workshop	Nov.27	Ha Noi	54		
			Add	assessment of the civil judgment execution Law regarding the settlement of complaints and denunciation	Workshop	Mar.15	Da Nang	70		
			Add	Situation for management of material evidences and disclosure of information about obligors who do not have civil judgment execution conditions	Workshop	Mar.17	Ha Noi	51		
			CJED Total							
		SCD	4.2.2.1	Evaluation of the situation of the State Compensation Law	Workshop	May.28	Do Son	31		
			4.2.2.1	Evaluation of the situation of the State Compensation Law	Workshop	Jul.7	Vung Tau	58		
			SCD Total							
			7.1.2	Joint-circular ensuring the feasibility of implementation of the circular 20/2011	Working Session	Jul.17	Ha Noi	40		
		NRAST	7.1.1	Joint-circular ensuring the feasibility of implementation of the circular 20/2011	Working Session	Oct.12	HCMC	65		
					Working Session	Dec.17	Da Nang	56		
			NRAST Total							
				Survey on the Decree 55	Survey	Jun.2,5,17,18	Vinh Phuc, Ha Nam, Hung Yen, MOET		121	
		GALD		Draft of the Decree stipulating provisions in details and measures of implementation of the law on promulgation of normative legal documents	Workshop	Dec.22	Ha Noi	53		
			8.3.4	Draft of the Decree stipulating provisions in details and measures of implementation of the law on promulgation of normative legal documents	Workshop	Jan.14	Ha Noi	33		
			GALD Total							

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BPR	7.1	Practical inspection and workshop on the situation of examination of legal documents on the topics of taxation, custom, anti-smuggling.	Workshop	Sep.24	Da Nang	18		
	7.1	Practical inspection and workshop on the situation of examination of legal documents on the topics of taxation, custom, anti-smuggling	Workshop	Sep.30	Hai Phong	24		
	7.1	Practical inspection and workshop on the situation of examination of legal documents on the topics of taxation, custom, anti-smuggling	Workshop	Oct.13	HCMC	29		
BPR Total								
BLEM	6.2	Organization of implementation of laws	Workshop	Oct.16	Ha Noi	64		
MOJ Total								
SPC	1	Situation and solution to improve the settlement quality of the civil cases in the first instance court	Seminar	Jun.04-05	Cua Lo	62	62	
	add	Training on adjudication skills for jurors in Bac ninh province	Training Course	Jun.18-19	Nam Dinh			
	6	Meeting on the adversarial procedure at the court	Working Session	Oct.16	Ha Noi	20		
	10	Court precedent system	Seminar	Nov.19-20	Can Tho	74	74	
	Add	Court precedent system	Seminar	Nov.23-24	Da Nang	59	59	
	11	Court precedent system	Seminar	Nov.25-26	Ha Noi	80	80	
	12	International Commercial Transaction	Seminar	Nov.30-Dec.1	Ha Noi	79	79	
	13	International Commercial Transaction	Seminar	Dec.2-3	Da Nang	65	65	
	14	International Commercial Transaction	Seminar	Dec.4-5	HCMC	76	76	
	add	Argument procedure in the court	Seminar	Mar.10-11	Ha Noi	145	146	
	add	situation and solutions to improve the settlement quality of the administrative cases in the first instance court	Seminar	Mar.14-15	Bac Ninh	93	93	
	7	Drafting of book on the argument procedure in the court	Book	Mar.23				
	SPC Total							
	SPP	add.	Collection of comments for the draft of Penal Code (Revised)	Seminar	Sep.1	Ha Noi	100	
add.		Collection of comments for the draft of Penal Code (Revised)	Seminar	Sep.4	Nghe An	61		
add.		Collection of comments for the draft of Penal Code (Revised)	Seminar	Sep.8	HCMC	88		
1.9		Role and function of Japanese Prosecutors in criminal proceedings in Procuratorate University	Seminar	Oct.8	Ha Noi	150		
1.5		Organization and operation of High People's procuracy	Seminar	Nov.4	HCMC	67		
1.4		Some experiences on the work of protest against civil, marriage and family cases according to cassation and reopening procedures of SPP	Working Session	Nov.3	Ha Noi	50		
1.3		developing 8 research reports on protest according to cassational procedure	Report	Nov.10				
1.6		developing 8 research reports on revising Law on Mutual Legal Assistance 2007	Report	Dec.10				
1.7		Developing 5 research reports for revising Law on Conclusion, Accession to and Implementation of international treaties 2005	Report	Dec.10				
1.10		Japanese experience on leading the investigation agency to collect evidence of criminal cases	Seminar	Jan.27	Ha Noi	167		
1.2	Relation between High People's Procuracy and provincial procuracy in handling appellate and cassational cases	Seminar	Mar.11	Ninh Binh	120			
1.8	International cooperation in fighting crimes under provisions of Criminal Procedure Code 2015	Working Session	Mar.15	Ha Noi	55			
Central								

	2.5	Training workshop on fostering prosecutor's skill of supervision over civil, administration, trade and labor cases	Workshop	Jun.9	Hai Phong	98	
	2.9	Dissemination of Law on Organization of People's Procuracy (revised 2014)	Seminar	Jun.10	Hai Phong	102	
	2.10	Training workshop on the Law on Organization of People's Procuracy (revised 2014)	Workshop	Jun.26	Hai Phong	101	
	2.6	Collection of comments for the draft of Penal Code (Revised)	Seminar	Aug.27	Hai Phong	97	
	2.8	Improving prosecutor's skills of interrogation and litigation at criminal trial	Workshop	Aug.28	Hai Phong	99	
	2.7	Training workshop on improving prosecutor's skill of supervision over civil trials through a moot court	Workshop	Sep.25	Hai Phong	110	
	2.4	Real situation and solutions for improving the quality of supervision over receiving and dealing with report of crime and proposal for institution/finitiation of investigatin body	Seminar	Sep.29	Hai Phong	98	
Local	2.11	Actual situation and solution to improve the quality of supervisor onve execution of civil judgments of Phu Tho People's Procuracy	Seminar	Nov.10	Phu Tho	124	
	add.	Working session after a moot court of a criminal case	Working Session	Oct.22	Hai Phong	40	
	add.	Real situation of applying provisions of the CPC relating to assurance of rights of detainees, defendants and accused	Seminar	Oct.30	Hai Phong	98	
	add.	Criminal Procedure Code 2015	Seminar	Jan.29	Hai Phong	97	
	2.2	Improving skills of prosecutor over investigation and adjudication of criminal cases	Seminar	Dec.18	Lang Son	105	
	2.3	Conducting 10 court surveys on adjudication of crimnam cases	Survey	Feb.27	Hai Phong		
	2.1	Implementation of the new Criminal Procedure Code and the Penal Code	Seminar	Mar.7	Lao Cai	106	
	SPP Total						
VBF	4	Survey and meeting with local bars and provide equipments	Survey	Oct.28-30	Ben Tre, An Giang	9	55
	1	Workshop with Hanoi Bar association in asseing experiences in practicing law	Workshop	Jan.15	Ha Noi	38	
	2	Workshop with Hai Phong Bar association in asseing experiences in practicing law	Workshop	Jan.14	Hai Phong	28	
	II	Meeting manual of lawyer	Working Session	Jan.28	HCMC	8	
	III	Survey and meeting with local bar and provide equipment	Survey	Jan.29	Tien Giang	17	
	III	Survey and meeting with local bar and provide equipment	Survey	Dec.21	Bac Ninh	13	
	III	Survey and meeting with local bar and provide equipment	Survey	Dec.21	Hung Yen	12	
	3	Workshop with Ho Chi Minh Bar association in asseing experiences in practicing law	Workshop	Jan.28	HCMC	33	
	5	Sharing experiences of practising lawyer in VBF Hanoi	Workshop	Mar.14	Ha Noi	81	
	6	Reviewing articles of experts Hanoi (Morning)	Workshop	Mar.16	Ha Noi	6	
	6	Reviewing articles of experts Hanoi (Afternoon)	Workshop	Mar.16	Ha Noi	6	
	VBF Total						

[2016]

2016	Department	No.	Activities	Category	Date/Month	Venue	Participants (1day)	Participants (2day)	Participants (3day)
C/P MOJ	CED		Dissemination of the Civil Code	Workshop	Jun.17	Ha Noi	109		
			Dissemination of the Civil Code	Workshop	Aug.24	HCMC	45		
			Dissemination of the Civil Code	Workshop	Feb.20	Da Nang	68		
			Materials of the Civil Code	Workshop	Mar.3	Ha Noi	38		
		CED Total							
ILD		4	International private	Workshop	Aug.5	Ha Noi	34		
		ILD Total							
CJED		14	Development of actual situation of receiving and handling information about civil judgment execution	Survey	May.24-26	Vung Tau, Dong Nai, HCMC	120		
			Professional skills in settlement of claims and denunciations in civil judgment execution	Training Course	Dec.2	Ha Noi	67		
			Actual situation of implementation of provisions of settlement of claims and denunciations in civil judgement of execution law	Workshop	Dec.6	Nha Trang	48		
		CJED Total							
SCD		5	Amendment of the State Compensation Law Implementation	Workshop	Jun.14	Can Tho	56		
		SCD Total							
NRASIT		6	Decree 163	Workshop	Dec.20	Ha Noi	67		
		add	Decree 163	Workshop	Jan.9	HCMC	74		
		add	Property registration law	Seminar	Feb.9	Ha Noi	140		
		add	Report on property registration in Vietnam	Report	Feb.16				
			Result of the study tour on property registration in Japan	Working Session	Feb.10	Vinh Phuc	25		
		NRASIT Total							
GALD		11	Draft of the Decree 55	Workshop	Oct.10	Ha Noi	59		
		GALD Total							
BPR		8	Examination and settlement of normative documents	Survey	Sep.27-30	Binh Dinh, Phu Yen	47		
				Survey	Oct.25	Hoa Binh	4		
				Survey	Nov.1	Son La	38		
		BPR Total							
BLEM		9	Fundamental orientation for amendment of and supplement to the Decree 59/2012/ND-CP	Workshop	Aug.4	Ha Noi	51		
			Seminar on the monitoring of law enforcement	Seminar	Mar.13	Ha Noi	59		
		BLEM Total							
	MOJ Total								

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	2.6	Civil Code 2015, Civil Procedure Code 2015 and Administrative Procedure Law 2015	Workshop	May.5	Hai Phong	130	
	2.7	Dissemination of new provisions of the Civil Procedure Code and Criminal Procedure Code 2015	Seminar	May.12	Lang Son	120	
	add	Crime statistics and information technology in the procuracy system	Seminar	Aug.10	Hai Phong	70	
	add	Practising of public prosecution and supervision over adjudication of criminal cases through a mock trial	Seminar	Aug.26	Hai Phong	110	
	add	Practising of public prosecution and supervision over adjudication of civil case through a mock trial	Seminar	Sep.26	Hai Phong	110	
	add	Developing frame curriculum on prosecutorial skills	Seminar	Feb.24	HCMC	90	
	SPP Total						
	III	Surveys and meetings with local bars and provision equipments	Survey	Jul.13-15	Thuan, Ninh Thuan	38	
			Survey	Aug.9, 15-22	Phu Tho, Thanh Hoa, Binh Phuoc	85	
	IV	Training course	Training Course	Jul.8-9	Binh Dinh	192	
				Jul.16-17	Lam Dong	195	
				Aug.08	Da Nang	148	
			Workshop	Aug.23	HCMC	52	
	I	Developing Lawyer's manual	No.1,2,3	Aug.26	Ha Noi	26	
			print Vol.1	Mar.17			
			print Vol.2	Mar.20			
			print Vol.3	Mar.21			
			print Vol.3	Mar.23			
	II	Meeting of Sub-committee on developing Lawyers' manual outline	Working Session	Oct.5	Ha Noi	14	
		sharing experiences gained from Study tour in Japan	Workshop	Jan.12	Ha Noi	40	
	IV	Training course	Training Course	Feb.25	Vung Tau	140	
	VBF Total						
	1	Draft of the Ordinance on plant varieties	Workshop	Apr.11	Ha Noi	52	
	2	Draft of the Ordinance on livestock breeds	Workshop	Apr.12	Ha Noi	46	
	3	Draft of the Ordinance on plant varieties	Workshop	May.5	HCMC	55	
	4	Draft of the Ordinance on livestock breeds	Workshop	May.6	HCMC	55	
	5	Unified application of legal provisions in special laws and other laws on notarization	Survey	May.11-13	Can Tho	21	
	6	Difficulties and problems faced with in the process of implementation of the law on public notary and the overall programming for development of notary-practicing organizations by 2020	Workshop	Sep.15-16	Hue	54	
	7	Working rules and regulations of the Government issued with the Decree 138/2016/ND-CP	Training Course	Dec.5	Ha Noi	100	
				Dec.9	HCMC	80	
	8	Draft of Decree on organizations and activities of bailiffs	Workshop	Dec.8	HCMC	60	
				Mar.16-17	Quang Ninh	97	97
		Decree on amendment and supplement to a number of articles of the Decree 81/2013/ND-CP guiding the implementation of the law on settlement of administrative violation	Workshop	Mar.8	Ha Noi	80	
	OOG Total						

[2017]

2017 (up to December)										
C/P	Department	No.	Activities	Category	Date/Month	Venue	Participants (1day)	Participants (2day)	Participants (3day)	
		10	Evaluation state need of legal assistance to enterprises across ministries, services, regions and representative of enterprises	Survey	Sep.8	HCMC	67			
	CED	11	Evaluation state need of legal assistance to enterprises across ministries, services, regions and representative of enterprises	Survey	Sep.14	Ha Noi	80			
		9	the case law in specific civil relations in Ca Mau	Workshop	Sep.21	Ca Mau	40			
		7	Consultation on examination of Decree 66/2008/ND-CP	Workshop	Oct.25	Ha Noi	47			
			other rights with respect to property	Workshop	Nov.02	Ha Noi	81			
			CED Total							
	ILD	11	New regulations on private international law	Workshop	Jul.13	Ha Noi	71			
			ILD Total							
	CJED	16	Executing the court's decision of solving the bankruptcy case in accordance with the Bankruptcy Law 2014	Workshop	Oct.26	Binh Thuan	46			
		17	Actual situation and solution for enhancing effectiveness of the administrative judgment enforcement in Vietnam	Workshop	Dec.22	Ha Noi				
			CJED Total							
	SCD	5	Sharing Japanese experience on compensation settlement, compensated damage, reimbursement liability of official-duty performers	Workshop	Aug.3	Kien Giang	68			
		add	Implementing the law on state compensation	Workshop	Sep.20	HCMC	150			
			SCD Total							
	NRAS									
			NRAS Total							
	GALD									
			GALD Total							
	BPR	13	Examine the constitutionality and legality of legal normative documents in customs, taxes, fees and charges	Workshop	Sep.18	Ha Noi	55			
		14	Examine the constitutionality and legality of legal normative documents in labour, war invalids and social affairs	Workshop	Nov.22	Ha Noi	57			
			BPR Total							
	BLEM									
			BLEM Total							
			MOJ Total							

SPC	2	A number of fundamental issues of the criminal code & criminal procedure code	Seminar	Aug.7-8	Hoa Binh		
	3	Disclosure of judgement	Seminar	Jun.27	Hue	85	
	4	Disclosure of judgement	Seminar	Jul.7	Can Tho	82	
	5	Disclosure of judgement	Seminar	Jul.11	Thai Nguyen	94	
	6	Follow up study tour	Seminar	Jun.26	Hue	90	
	7	Follow up study tour	Seminar	Jul.6	Can Tho	84	
	8	Follow up study tour	Seminar	Jul.10	Thai Nguyen	97	
	9	Independent & responsibility of Judges	Seminar	Jul.28	Ha Noi	51	
	11	Independent & responsibility of Judges	Seminar	Aug.1	HCMC	60	
	10	Independent & responsibility of Judges	Seminar	Aug.14	Da Nang	91	
	add	Court precedent	Seminar	Sep.27	Ha Noi	77	
	add	Court precedent	Seminar	Sep.29	Hue	61	
	14	Special procedure codes for settling family cases	Seminar	Oct.17	HCMC	110	
	12	Special procedure codes for settling family cases	Seminar	Oct.19	Ha Noi	109	
	SPC Total						
SPP	1.1	Japanese experience in making Criminal Procedure Code, new regulations of Penal Code and Criminal Procedure Code of Vietnam	Seminar	Nov.14	HCMC	95	
	1.2	improving skills of exercising public prosecution power and supervision over criminal adjudication in cassation and reporting procedures	Seminar	Dec.19	HCMC		
	1.3	Promulgating the new contents of newly-adopted judicial laws: Penal Code, Criminal procedure code, Civil law, Civil Procedure Code, Law on Administrative procedure law...	Seminar	Dec.12	Ha Noi		
	1.4	Seminal on the roles of forensic science in Procuracies in the context of implementing the policy on strengthening public prosecution in investigation, adhering public prosecution to investigation activities	Seminar	Dec.21-22	Ha Noi		
	2.2	Improving the quality of protesting in criminal cases according to appellate procedure	Seminar	Nov.13	HCMC		
	2.4	Improving prosecutor's roles, responsibilities in interrogating the accused and defendants and enhancing the effectiveness of implementing the strategies for interrogating the accused and defendants	Seminar	Sep.6	Lang Son	88	
	2.5	Real situation, difficulties and obstacles in exercising public prosecution power and supervision over the investigation and the criminal adjudication in first-instance trials for cases with the foreign accused and defedants	Seminar	Jun.20	HCMC	128	
	2.7	Improving effectiveness of work on prevention and settlement of banking-related crime	Seminar	Jul.25	HCMC	120	
	2.8	Improving quality of practising public prosecution power and supervision over the receipt and settlement of reports of crime and denunciation for crime according to the CrPC 2015	Seminar	Jun.7	Cao Bang	82	
	2.9	Real situation of child sexual abuse related crimes and narcotic-related crimes	Seminar	Jul.21	Hoa Binh	81	
2.10	Difficulties and obstacles in implementing Civil Code, Civil Procedure Code 2015	Seminar	May.11	Hai Phong	107		

	2.11	Difficulties and obstacles and solutions for implementing the regulations in offenders favor according to article 1 Paragraph 4 Resolution 144/216/QH13	Seminar	May.12	Hai Phong	107	
	2.12	Primarily review after two years performing workplan of exercise of public prosecutions and supervision over the investigation of criminal cases	Seminar	May.26	Hai Phong	105	
	2.13	Improving the quality of prosecutor's work on supervision over suspended cases and some solutions to restrict the returned cases for additional investigation among procedural-conducting agencies	Seminar	Sep.1	Hai Phong	110	
	2.14	Prosecutor's skill in obtaining testimonies, interrogation of defendant and site examination	Seminar	Aug.15-17	Hai Phong	120	120
	2.16	Penal Code, Criminal Procedure Code 2015 on handling high-tech crimes and social networking fraud, especially, transnational frauds with the participation of foreign perpetrator; Difficulties and solution	Seminar	Jul.27	Da Nang	108	
	Add	basic content relating to functions and tasks of People's Procuracy prescribed in law and resolutions passed by the XIV National Assembly at 3rd session	Workshop	Oct.5-6	Hai Phong	120	120
	Add	the CPC 2015, the Penal Code 2015 and Seminar on Joint Circular No05/2005/TTLT-VKSTC-BCA-BQP dated 07/09/2005; Regulation on public prosecution and supervision over initiation, investigation and prosecution of criminal cases	Training Course	Nov.23-24	Hai Phong	100	100
	Add	international cooperation in fighting against crime - Experience of Japan	Seminar	Dec.14	HCMC		
	SPP Total						
	1	Code of conduct for lawyers	Training Course	Jul.29	Phu Yen	153	
	1	Code of conduct for lawyers	Training Course	Aug.12	Bac Giang		
	1	Code of conduct for lawyers	Training Course	Aug.26	Dak Lak	110	
	2	Legal aid skills for lawyers	Workshop	Nov.24	Ha Noi		
	2	Legal aid skills for lawyers	Workshop	Nov.27	HCMC		
	7	Implementing the lawyers on duty project	Workshop	Jul.21	Ha Noi	77	
	7	Implementing the lawyers on duty project	Workshop	Jul.25	Can Tho	81	
	5	Survey and meeting with local bar and provide computers to provinces	Survey	Sep.10-12	Kien Giang, Dong Thap	20	36
	5	Survey and meeting with local bar and provide computers to provinces	Survey	Oct.28-Nov.4	Ha Nam, Hoa Binh,		
	4	Collecting comments on the draft of regulation on disciplining lawyers	Workshop	Oct.26	Ha Noi	40	
	6	Summarizing lawyer protection activities	Workshop	Dec.22	Ha Noi		
	VBF Total						

	1	Real situation and solutions for completion of the laws on criminal records	Workshop	May.16-17	HCMC/Con Dao	50	7	
	add	Survey on the situation of implementation of the law on Medical examination and treatment	Survey	Sep.14-16	Cao Bang	14	14	14
	9	Review and revision of the draft of the Decree on secured measures registration	Workshop	Jun.8	Ha Noi	17		
OOG	6,8	Amendment and supplement to the Decree 123/ND-CP stipulating in details a number of articles and measures of implementation of the law on lawyers	Workshop	Aug.11	Ninh Binh	60		
	5	Amendment and supplement to the Decision 42/2014QD-TTIG on 27/7/2014 regarding the regulations on supervision of the implementation of the duties which the Government, Prime Minister assign to Ministries, Agencies, and local authorities	Workshop	Aug.12	Ninh Binh	56		
	add	Gathering opinions on the draft of the Decree on amendment and addition to the Decree No66/ND-CP dated 7 July 2006 on development of rural trades	Workshop	Dec.6-7	Vung Tau	41	12	
	add		Workshop	Sep.29	Quang Binh	72		
OOG Total								



Present	Revised
<p>Overall Goal</p> <p>The establishment of Vietnam's social foundation for growth is promoted through the development of predictable and reliable legal and judicial systems based on legal normative documents with ensured consistency.</p> <p>Việc hình thành nền tảng cho sự phát triển của xã hội Việt Nam được thúc đẩy qua sự phát triển hệ thống pháp luật và tư pháp đáng tin cậy và có tính nhất quán.</p>	
<p>Project Purpose</p> <p>Institutional capacity for legal and judicial authorities/ organization is developed for minimizing and rectifying inconsistency in legal normative documents as well as for promoting appropriate understanding and undertaking uniform implementation and application legal normative documents in line with the 2013 Constitutional and the Resolution of the Central Committee of the Communist Party of Vietnam; thereby, appropriate and efficient process and application for legal normative documents are realized.</p> <p>Phát triển năng lực thể chế đối với các cơ quan/tổ chức tư pháp và pháp luật để giảm thiểu và khắc phục sự không nhất quán trong các văn bản quy phạm pháp luật cũng như sự hiểu biết và áp dụng thống nhất các văn bản quy phạm pháp luật phù hợp với Hiến pháp năm 2013 và Nghị quyết của Ban chấp hành</p>	<p>SUB-PROJECT A</p> <p>Rules and methods for review and post-review of legal normative documents (including law enforcement monitoring) at MOJ and OOG are developed.</p> <p>Phát triển các quy định và phương pháp tham định/tham tra và hậu kiểm tra các văn bản quy phạm pháp luật (bao gồm cả việc giám sát thực thi pháp luật) tại BTP và VPCP.</p> <p>SUB-PROJECT B</p> <p>a The officials responsible for the implementation of the Civil Code and the other related legal normative documents hereinafter referred to as 'officials' are able to implement such legal normative documents appropriately.</p>



<p>Trung ương Đảng cộng sản Việt Nam; qua đó, hiện thực hóa quá trình áp dụng các văn bản quy phạm pháp luật một cách phù hợp và hiệu quả.</p>	<p>a Các cán bộ có trách nhiệm thi hành Bộ luật dân sự và các văn bản quy phạm pháp luật có liên quan (sau đây gọi là “cán bộ”) có thể thực hiện những văn bản quy phạm pháp luật một cách phù hợp.</p> <p>b MOJ completes the proposals prescribed in II 3.d) of the Resolution No. 99/NP-CP/2017.</p> <p>b BTP hoàn thành đề xuất trong Mục II điểm 3.d của Nghị quyết 99/NP-CP 2017.</p> <p>c Court practices for settlement of civil disputes and civil advocacy are improved.</p> <p>c Cải tiến thực tiễn tại tòa án trong việc giải quyết các tranh chấp dân sự và bảo chữa dân sự</p> <p>d Criminal investigation, adjudication and advocacy practices based on the revised Criminal Procedure Code are improved.</p> <p>d Cải tiến việc điều tra, xét xử hình sự, và thực hành bảo chữa dựa trên Bộ luật tố tụng hình sự sửa đổi.</p> <p>e VBF improves its capability to foster its members’ practical skills and to promote lawful and appropriate advocacy practice.</p> <p>e Liên đoàn Luật sư Việt Nam nâng cao năng lực bồi dưỡng kỹ năng hành nghề luật cho các thành viên và thúc đẩy việc thực hành bảo chữa một cách</p>
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	<p>phù hợp và đúng pháp luật.</p> <p>f In the designated provinces as agreed among SPC, SPP and VBF, joint activities for the improvement of court practice by the provincial-level people's court, people's procuracy, the bar association in the said provinces and VBF are conducted, and the result is analyzed.</p> <p>f Tại các địa phương thí điểm đã được thỏa thuận giữa TANDTC, VKSNDTC và LDLSVN, tiến hành các hoạt động chung để cải tiến hoạt động thực tiễn tòa nhân dân, viện kiểm sát nhân dân cấp tỉnh và các đoàn luật sư, và phân tích kết quả đạt được.</p> <p><u>SUB-PROJECT C</u></p> <p>Each organization identifies mid- and long term activities in the field of law and justice which need to be conducted after 2021.</p> <p>Mỗi cơ quan xác định các hoạt động trung và dài hạn trong lĩnh vực pháp luật và tư pháp cần thực hiện sau năm 2021.</p>
Outputs	
<p>(1) Capacity of human resources at MOJ and OOG is strengthened for better(1)review/verification, (2)post-checking, and (3)monitoring the implementation of civil, economic and other related legal normative documents so that inconsistent, ambiguous, or unclear articles, paragraphs and/or sub-paragraph of legal normative documents are minimized and</p>	<p><u>SUB-PROJECT A</u></p> <p>—Review/verification (need to be consult)</p> <p>—Capacity improvement activities based on reference materials such as handbooks on good practice for post-review works (including law enforcement monitoring) are conducted.</p>

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<p>rectified as well as promotion of appropriate understanding and uniform implementation of legal normative documents is realized.</p> <p>Tăng cường năng lực nhân lực của BTP và VPCP nhằm thực hiện tốt hơn công tác (1) Thẩm tra/ Thẩm định (2) hậu kiểm và (3) giám sát việc thực hiện các văn bản quy phạm pháp luật về dân sự, kinh tế và các văn bản liên quan khác để giảm thiểu và hiệu chỉnh những điều khoản, những đoạn và/hoặc tiểu đoạn của văn bản quy phạm pháp luật chưa thống nhất, mơ hồ hoặc không rõ ràng cũng như thực hiện việc tăng cường hiểu biết và áp dụng thống nhất văn bản quy phạm pháp luật.</p>	<p>- Thẩm tra/ Thẩm định (cần thảo luận)</p> <p>-Thực hiện các hoạt động nâng cao năng lực dựa trên tài liệu tham khảo như sổ tay thực hành tốt đối với công tác sau khi xem xét (bao gồm cả công tác giám sát thực thi pháp luật).</p>
<p>(2)</p> <p>Based on the work plan formulated by each implementing agency for the implementation of the legal and judicial reform up to 2020, which is in line with the 2013 Constitution and the Resolution No. 48-NQ/TW and No.49-NQ/TW2005 of the Politburo of the Central Committee of the Communist Party of Vietnam, substantive laws and procedural laws which contribute to settling civil cases are drafted and the Criminal Procedure Code is drafted. In addition, appropriate understanding of legal normative documents on civil cases and criminal procedures is promoted and capacity for giving advice and guidance on uniform implementation and conducting adjudication procedure is enhanced.</p> <p>Trên cơ sở kế hoạch do từng cơ quan lập ra để thực hiện cải cách pháp luật và</p>	<p><u>SUB-PROJECT B</u></p> <p>Officials acquire capacity and skills to appropriately implement civil code-related legal normative documents shown below:</p> <p>revised Civil Code, Ordinance on Registration of Secured Transactions, Law on Civil Judgement Enforcement</p> <p>Cán bộ có năng lực và kĩ năng để thực hiện đúng các văn bản quy phạm pháp luật liên quan đến bộ luật dân sự nêu dưới đây:</p> <p>Bộ luật Dân sự sửa đổi, Pháp luật về Đăng ký giao dịch bảo đảm, Luật thi hành án dân sự</p> <p>MOJ prepares the draft of the proposal concerning contracts and civil disputes settlement within the prescribed timeframe.</p> <p>BTP chuẩn bị dự thảo đề xuất liên quan đến hợp đồng và giải quyết các tranh</p>

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<p>tu pháp đến năm 2020, phù hợp với Hiến pháp 2013, Nghị quyết 48-NQ/TW và Nghị quyết 49-NQ/TW2005 của Bộ Chính trị Ban chấp hành Trung ương Đảng cộng sản Việt Nam, soạn thảo các luật nội dung và luật thủ tục để giải quyết những vụ án dân sự và Bộ luật tố tụng Hình sự. Ngoài ra, tăng cường sự hiểu biết về các văn bản quy phạm pháp luật về tố tụng dân sự và tố tụng hình sự; và tăng cường năng lực tư vấn và hướng dẫn việc thực hiện thống nhất và tiến hành thủ tục xét xử.</p>	<p>chấp dân sự trong khung thời gian quy định.</p> <p>MOJ prepares the draft of the proposal concerning the protection of property rights within the prescribed timeframe.</p> <p>Bộ Tư pháp chuẩn bị dự thảo đề xuất liên quan tới bảo vệ quyền tài sản trong khung thời gian quy định.</p> <p>Officials identify issues and solutions concerning court precedents, adversarial principles and family cases.</p> <p>Các cán bộ xác định vấn đề và giải pháp liên quan tới án lệ, nguyên tắc tranh tụng và các vụ án gia đình.</p> <p>SPC, SPP and VBF analyzed issues concerning the implementation of the new Criminal Procedure Code.</p> <p>TANDTC, VKSNDTC và LĐLSVN phân tích các vấn đề liên quan tới việc thực hiện Bộ luật Tố tụng Hình sự mới.</p> <p>VBF improves the modality of trainings for its members aimed at improvement of advocacy skills.</p> <p>LĐLSVN cải tiến phương thức đào tạo cho các thành viên nhằm nâng cao năng lực bảo chữa.</p> <p>VBF amends its Charter and related bylaws and disseminates them to its</p>
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<p>(3) Each organization analyzes and examines activities to be conducted after 2021 taking into consideration the Outputs of the Project in order to improve practices of (1) drafting, reviewing/verifying, post-checking and monitoring the implementation of legal normative documents, (2) giving advice and guidance on promoting appropriate understanding and uniform implementation of legal normative documents, and (3) giving advice and guidance for realizing adjudication and legal procedures based on appropriate understanding of legal normative documents.</p> <p>Mỗi cơ quan phân tích và nghiên cứu các hoạt động sẽ được tiến hành sau năm 2021 có tính đến các Hợp phần (Output) của Dự án nhằm cải tiến thực tiễn các hoạt động: (1) dự thảo, rà soát/kiểm tra, hậu kiểm và giám sát việc thực hiện các văn bản quy phạm pháp luật, (2) tư vấn và hướng dẫn việc nâng cao sự hiểu biết và thực hiện thống nhất các văn bản quy phạm pháp luật, và (3) tư vấn và hướng dẫn thực hiện công tác xét xử và các thủ tục pháp lý trên cơ sở hiểu biết đúng đắn về các văn bản quy phạm pháp luật.</p>	<p>members. LĐLSVN sửa đổi và phổ biến Điều lệ và các quy chế liên quan cho các thành viên.</p> <p>The provincial-level people's court, people's procuracy, the bar association in the said provinces and VBF conduct moot court sessions reflecting the adversarial principle.</p> <p>Tòa án nhân dân, Viện kiểm sát nhân dân cấp tỉnh, Đoàn Luật sư tại các tỉnh đã nói tới và LĐLSVN tiến hành các phiên tòa giả định phản ánh nguyên tắc tranh tụng.</p> <p>Under the supervision of SPC, SPP and VBF, the outcomes of the moot court sessions are analyzed.</p> <p>Kết quả của các phiên tòa giả định được phân tích dưới sự giám sát của TANDTC, VKSNDTC và LĐLSVN.</p> <p>SUB-PROJECT C</p> <p>Each organization identifies mid- and long term activities in the field of law and justice which need to be conducted after 2021.</p> <p>Mỗi cơ quan xác định các hoạt động trung hạn và dài hạn trong lĩnh vực pháp luật và tư pháp cần thực hiện sau năm 2021.</p> <p>Preparatory works leading to mid- and long term activities in the following</p>
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<p>fields of law and justice are conducted.</p> <ul style="list-style-type: none">- Intellectual property court, family cases court, court-annexed mediation, juvenile justice, community-based treatment of offenders.- Recommendations based on the findings in the process of joint activities as stated above in "SUB PROJECT B" <p>Tiến hành các công tác chuẩn bị hướng tới các hoạt động trung hạn và dài hạn trong các lĩnh vực pháp luật và tư pháp sau đây:</p> <ul style="list-style-type: none">- Tòa án sở hữu trí tuệ, tòa án gia đình, hòa giải bên cạnh tòa án, tư pháp vị thành niên, xử lý người phạm tội dựa vào cộng đồng.- Các khuyến nghị dựa trên những phát hiện trong quá trình thực hiện các hoạt động chung đã nêu trong "SUB PROJECT B".	
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