

MILLENNIUM CHALLENGE CORPORATION

BENIN ACCESS TO JUSTICE PROJECT EVALUATION DESIGN

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INTRODUCTION

In February 2006, the US government through the Millennium Challenge Corporation (MCC) signed a \$307 million 5-year compact with the Government of Benin designed to increase investments and private sector activity through the implementation of four projects. One of these, the Access to Justice Project, aimed to reform Benin's legal and judicial environment, which suffered from insufficiently qualified personnel, case delay, corruption, weak enforcement, and outdated legislation.

The overall objective of the Access to Justice Project was to improve the ability of the justice system to enforce contracts and reconcile claims. In more detail, the principal goals of the project were to: (1) increase access to justice for citizens through improved functioning of the judicial system, (2) promote recourse to arbitration, (3) facilitate business registration, and (4) restore confidence in the judiciary. The Access to Justice Project was designed to facilitate greater access, confidence, and efficiency in the justice sector in Benin through building courts, strengthening case management and capacity in the court system, improving the business registration process, implementing arbitration services, and providing training to various actors in the justice sector. The MCC interventions in the Benin justice sector were based on the premise that Benin's economic growth was substantially hindered by an inadequate justice system. The logic of the Access to Justice project was that through the MCC investments and activities the functioning of the justice system would improve, more businesses would be registered, contract disputes would be resolved faster, and the public would have greater confidence in the system. All of these would improve access to justice and stimulate economic growth.

This document outlines the design and plan for the final evaluation of the Access to Justice Project. The evaluation is being implemented by US small business Millennium Partners (MP) in coordination with its subcontractor Tetra Tech DPK (Tt DPK).

1. SCOPE OF WORK

This evaluation seeks to understand the impact of activities implemented under MCC's Access to Justice Project, and also to identify which planned activities were modified, partially completed, or not undertaken. The evaluation will analyze and evaluate the program logic, including the assumed links between the inputs, outputs, and results. The evaluation will identify which intended beneficiaries benefited from the project's interventions, and will try to assess the sustainability of any gains. The evaluation will also highlight overall lessons learned from implementation of the project, with a view to assisting MCC to design future similar activities to have the greatest impact and greatest chance for sustainability of results.

The MP/Tt DPK team will analyze survey data and project documents provided, and will conduct interviews with stakeholders, including the Coordination Unit, judiciary leadership, justice sector users, local NGOs, and international partners, to understand the impacts of the Access to Justice Project three years after the close of the Benin Compact I.

2. EVALUATION QUESTIONS

The Access to Justice Project had three activity areas: courts, business registration, and arbitration. The following sections outline the purposes of each activity area, the specific activities implemented, and illustrative questions for the evaluation research. The evaluation team intends to conduct interviews and administer questionnaires in Cotonou, Allada, and Porto-Novo.

Objective 1: Improved Court Services

The overarching objective of the court services activity was to increase efficiency and access to justice through a reduction in the time and cost required to resolve disputes, with a secondary objective of improving public confidence in the justice system. The project's activities focused predominantly on improved case management and court construction. The project built four new courts and one appellate court to expand court access in underserved areas, and also supported the sector through provision of equipment and supplies such as furniture and computers and training on substantive and procedural law. The aim of the project's case management reform was to move away from the paper-based system and towards a fully automated case management system with increased efficiency and transparency.

Specific project activities included:

- Construction of new courthouses
- Support to increase efficiency in case management, including through introduction of an automated case management system
- Training of judges and court personnel
- Passage of a new administrative code to improve case management
- Creation of a legal information center
- Establishment of a legal aid fund

Based on the desk review of project documents provided to date, potential evaluation questions for this objective include:

1. Is the public experiencing easier access to court? [questions to the public]
2. Is the new electronic case management system being used, and if so, for what type of cases? If not, why not? [questions to court staff]
3. Has the amount of time to resolve a contract case¹ decreased? [questions to the public, court staff, NGOs, EU, INSAE, *Observatoire de la Justice*]
4. Has the cost of filing a contract case decreased? [questions to the public, court staff, NGOs, EU, *Observatoire*]
5. Are courts implementing the recent circulars intended to reduce delay? If so, which ones? If not, why not? [questions to court staff, judges, EU, *Observatoire*]
6. Are skills learned in training being used by judges and court staff? [questions to court staff, judges]
7. Are more of the public accessing the legal information center? [questions to the public, legal information center, NGOs, INSAE]
8. Has confidence in the court system increased? [questions to the public]

¹ Since the program logic refers to enforcement of contracts, the assumption of the evaluation team is that questions should focus only on contract cases – to be confirmed by MCC.

Objective 2: Improved Business Registration

The overarching objective of the business registration activity was to reduce the average time for business registration through the creation of a more efficient network of *Guichets uniques de formalisation des entreprises* (GUFÉ) – one-stop shops for business registration. This activity was designed under the assumption that a reduction in the time, effort, and cost needed to register a business would lead to an increase in the number of small and medium-sized enterprises being registered and operating in Benin. Another assumption is that improved business registration and better contract enforcement will facilitate economic development

Specific project activities included:

- Streamlining the registration process
- Creating a database of enterprises
- Improving promotion and communication materials regarding business registration in Benin

Based on the desk review of project documents provided to date, potential evaluation questions for this objective include:

1. Has the time necessary to register a business been reduced as a result of the creation of the GUFÉs? [questions to GUFÉ staff in Cotonou and Porto-Novo, selected businesses in Cotonou]
2. Has there been an increase in the number of businesses registered? [questions to GUFÉ staff in Cotonou and Porto-Novo, INSAE]
3. Is the electronic registration system working? [questions to GUFÉ staff in Cotonou and Porto-Novo, selected businesses in Cotonou]
4. Are business owners experiencing improvements in the business registration system? [questions to selected businesses in Cotonou]

Objective 3: Facilitate Arbitration

The overarching objective of the arbitration activity was to facilitate business operations in Benin by encouraging arbitration for disputes and reducing dispute times. The Arbitration Center (*Centre d'Arbitrage, de Médiation et de Conciliation, CAMEC*) activity was implemented under the assumption that an increased use of arbitration would decrease the time and cost of resolving commercial disputes and thereby lead to a reduction in the average time required to enforce a contract.

Specific activities included:

- Training arbitrators
- Developing operational procedures for arbitration center
- Providing staff salary support for arbitration center
- Procuring equipment and office space for arbitration center
- Carrying out public outreach regarding arbitration

Based on the desk review of project documents provided to date, potential evaluation questions for this objective include:

1. Are more contract disputes being resolved through arbitration? [questions for arbitration center staff, NGOs, notaries, INSAE]
2. Are users satisfied with the ability to access arbitration? [questions for users of arbitration]
3. Are arbitrators using the training provided? [questions for arbitration center staff]

Because this is not a research project and no testing on human subjects will take place, it is the position of MP that no institutional review board need be convened in connection with the implementation of these evaluation questions.

3. TEAM ROLES AND RESPONSIBILITIES

The international expert/team leader will guide the overall implementation of the final evaluation of the Access to Justice Project. The two short-term national experts will provide legal, monitoring and evaluation, and logistical support to the overall evaluation, including refining interview questions and an interviewee list, arranging and attending meetings, convening and leading focus groups, administering questionnaires, and collecting data/reports from the Coordination Unit, court staff, arbitrators, judges, officials in the Ministry of Justice, GUFEs, notaries, and others; and translating, drafting, reviewing, and editing documents, presentations, and reports as assigned by MP or the team leader. The respective duties are set out in the following table:

Team Member	Role and Primary Duties
Management	
Brian Hannon, MP CEO	Overall leadership and liaison with MCC <ul style="list-style-type: none"> ▪ Designing overall evaluation plan ▪ Updating MCC on evaluation implementation ▪ Orienting and guiding evaluation team ▪ Hiring and supervising local team ▪ Organizing meetings with MCC ▪ Submitting and overseeing quality of deliverables ▪ Ensuring timely reporting
Yael Nadel-Cadaxa, Tt DPK Project Officer	Liaison between Tt DPK and MP <ul style="list-style-type: none"> ▪ Providing operational support to evaluation team ▪ Coordinating Tt DPK inputs to Millennium Partners deliverables
Technical Resources and Field Team	
Jessica Vapnek, Team Leader	<ul style="list-style-type: none"> ▪ Assisting with evaluation design ▪ Leading in-country evaluation ▪ Guiding information collection ▪ Coordinating work of national experts

	<ul style="list-style-type: none"> ▪ Preparing draft evaluation report ▪ Preparing presentations
Serge Prince, National Legal Expert	<ul style="list-style-type: none"> ▪ Arranging meetings ▪ Collecting documents, survey results, and information ▪ Implementing surveys/questionnaires ▪ Convening focus groups ▪ Translating/interpreting ▪ Contributing to evaluation report(s)
Siddiq Nondichao, National Monitoring and Evaluation Expert	<ul style="list-style-type: none"> ▪ Arranging meetings ▪ Collecting documents, survey results, and information ▪ Implementing surveys/questionnaires ▪ Convening focus groups ▪ Translating/interpreting ▪ Contributing to evaluation report(s)

4. PROVISIONAL SCHEDULE AND TIMELINE

The provisional schedule and timeline for the evaluation includes the following:

Weeks 1-2. Contract award, kickoff meetings, hiring of national consultants, travel arrangements, and other logistics.

Week 3. Submission of evaluation design/work plan to MCC for comment and approval, receipt of MCC comments on work plan and evaluation design.

Week 4. Deployment of team leader and national consultants.

Weeks 5-7. Interviews of national stakeholders (governmental and nongovernmental), on-site data collection.

Week 10. Submit draft Evaluation Report.

Week 12. Comments on draft report received.

Week 13. Revised Evaluation Report submitted.

Week 14. Follow-up investigations/interviews carried out

Week 15. Comments on the Evaluation Report provided and adjustments made, presentations to MCC

Week 16. Submission of Final Evaluation Report which includes stakeholder comments.

5. LIMITATIONS OF EVALUATION

The evaluation has certain limitations which may affect implementation of this activity. Specifically, the evaluation may be negatively affected by:

- (1) Inability to access information on whether the Access to Justice Project also contributed to the success of the Access to Land and Access to Financial Services activities;
- (2) The fact that the evaluation is taking place 3 years after the close of the MCA project, with concomitant loss of memory, data, and documentation;
- (3) Dismantling of the national team hindering ability to provide survey results, M&E project reports, and other information to the evaluation team;
- (4) Limited time, resources, and person-hours for the evaluation;
- (5) Uncertain access to BIM and *Observatoire* case counts and other baseline surveys on case management and other measures, which will affect ability of evaluation to compare impacts from before and after MCA interventions.

Annex: PROVISIONAL WORK PLAN

Benin - Evaluation of the Access to Justice Project														
Activity	Week													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Contract award, MP provided with relevant documents														
Task 1: Work Plan														
Kick-off meeting														
Define evaluation scope and methodology														
Work plan, questionnaires, literature review prepared														
Team deploys to Benin														
Present team credentials and give entry briefing to MCC and GOB officials														
Task 2: Background Review														
Conduct literature review and incorporate findings into draft work plan and evaluation design														

Benin - Evaluation of the Access to Justice Project														
Activity	Week													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Finalize assignments, work plan, questionnaires and surveys, interview schedules, travel plans														
Finalize work responsibilities and the work schedule in accordance with the work plan and evaluation plan design														
Submit and brief MCC and the Coordination Unit on the Draft Work Plan and Draft Evaluation Design														
Submit to MCC for comment and approval a draft of the organization and structure of the planned evaluation report														
Task 3: Refine the Evaluation Design and Work Plan														
Solicit feedback from MCC on the proposed evaluation design														
Receive comments on the work plan and evaluation design														
Resubmit the Evaluation Design with comments from MCC and the Coordination Unit incorporated														
Receive approval for work plan and evaluation design														
Task 4: Implement Evaluation Design														
The evaluation team will carry out the approved														

Benin - Evaluation of the Access to Justice Project														
Activity	Week													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
evaluation design consistent with the approved work plan														
Data analysis will commence														
Task 5: Regular Updates														
We will inform MCC and the Coordination Unit of our progress through at least weekly telephone calls, bi-weekly progress reports, and other direct contacts														
Submit draft Evaluation Report														
Comments on the draft report received														
Revised Evaluation Report submitted and PowerPoint presentation slides submitted														
Task 6: Presentation of Findings in Benin and Washington, DC														
Roundtable in Benin to analyze and discuss initial findings with Coordination Unit and other key stakeholders														
In Washington, DC the presentations will include officials designated by MCC														
Task 7: Final Evaluation Report Submission														
Stakeholder comments collected and revised draft Evaluation Report submitted														
Final comments on the Evaluation Report and														

Benin - Evaluation of the Access to Justice Project														
Activity	Week													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
received and adjustments made														
Submission of Final Evaluation Report which includes stakeholder comments														