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Final Independent Project Evaluation of
**“Strengthening Criminal Justice Capacities of
Central Asian Countries to Counter
Terrorism in Compliance with Principles of
Rule of Law”**

XAC/X50
Central Asia

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ACRONYMS AND ABBREVIATIONS

CA	Central Asia
CARICC	Central Asia Regional Information and Coordination Centre
CIS	Commonwealth of Independent States
CSTO	Collective Security Treaty Organisation
CT	Counter Terrorism
CTC	Counter Terrorism Committee
CTED	Counter Terrorism Committee Executive Directive
CTIF	Counter Terrorism Implementation Task Force
DEA	Drugs Enforcement Agency
EAG	Eurasian Group
FATF/EAG	Financial Action Task Force/Eurasian Group
FIU	Financial Investigation Unit
GPO	General-Prosecutor's Office
HQ	Headquarters
IEU	Independent Evaluation Unit
INL	International Law Enforcement and Narcotics Affairs
IPC	International Project Coordinator
LEA	Law Enforcement Agency
MFA	Ministry of Foreign Affairs
NGO	Non-Governmental Organisation
ODIHR	Office for Democratic Institutes and Human Rights
OSCE	Office for Security and Cooperation in Europe
OHCHR	Office of the High Commissioner for Human Rights
RATS-SCO	Regional Anti-Terrorism Structure – Shanghai Cooperation Organisation
ROCA	Regional Office for Central Asia
TPB	Terrorism Prevention Branch
TIP	Trafficking in Persons

UN	United Nations
UNHCR	UN Refugee Agency
UNODC	United Nations Office on Drugs and Crime
UNRCCA	UN Regional Centre for Preventive Diplomacy in Central Asia
UNTOC	United Nations Convention against Transnational Crime
USA	United States of America

EXECUTIVE SUMMARY

The overall objectives of Project XACX50: “Strengthening Criminal Justice Capacities of Central Asian Countries to Counter Terrorism in Compliance with Principles of Rule of Law” are to promote a regional approach to counter terrorism in Central Asia (CA) and, at the same time, strengthen the capacities of the Central Asian States to address terrorism related issues at national levels while respecting the rule of law. These two objectives were to be achieved by, (i) contributing to the improvement of the domestic laws in each State, (ii) developing the sustainable national capacity building training programmes for the main parties in the criminal justice process, (iii) increasing the effectiveness of international cooperation in terrorism-related casework and (iv) through supporting effective preventative measures via criminal justice responses to terrorism incitement and recruitment, and facilitation of the regional dialogue among the civil societies and the States for the purpose of preventing radicalisation and violent extremism that lead to terrorism.

The purpose of the evaluation of Project XACX50 was to assess objectively the achievements of results and outcomes as regards the project's relevance, efficiency, effectiveness, impact and sustainability of the Project and to identify lessons learned, best practices, partnerships and governance to assist UNODC increase the effectiveness and impact in strengthening criminal justice capacities of Central Asian (CA) countries to counter terrorism. It sought to determine whether the project objectives were met and resources were wisely utilised, as well as identifying areas of improvement in the project, and providing feedback, appraisal and recognition.

This two year project commenced on the 8th March 2012 and was revised in December 2013, at no cost, for 4 months until 30th June 2014. The project was further extended at the Steering Group Meeting on 16th June 2014 until the 31st August 2014, although no further project activities will be undertaken. The total project budget was \$1,499,900, which was provided by United States Department of State, who were the only project donor. The project was in full compliance with the UNODC mandate and regional programme Regional Cooperation in Precursor Control between Afghanistan & Neighbouring Countries (AFG/185) and the thematic programme “Strengthening the legal regime against terrorism” (GLOR35)¹.

Project XACX50 was implemented by the UNODC Regional Office in Central Asia (ROCA) under the overall guidance of the Regional Representative and substantive guidance of UNODC Terrorism Prevention Branch (TPB), Vienna, who provided substantive backstopping and technical expertise as and when required. The associated / implementing Agencies for the project were The General-Prosecutor Offices of Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan. However, different State agencies took over the responsibility for Counter Terrorism (CT) within each CA country after the project commenced.

The design of the project was well structured and assimilated the consultations and feedback received from the senior criminal justice officials from the CA countries in relation to the need for work at a national and regional level on the ratification and implementation of international counter-terrorism instruments and relevant Security Council resolutions. However, no needs assessment or context analysis had been undertaken to determine if any other similar projects or interventions had been undertaken. The project promoted a regional approach to CT in accord with the UNODC mandate from the CA region and at the same time sought to strengthen the capacities of the CA countries to address terrorism related issues. It was relevant to the needs of stakeholders and recipients who were in agreement that CT required a regional approach because of the need for standardisation both within the region and internationally it also enabled stakeholders to communicate and learn from other CA countries that they wouldn't have done without the project.

¹ <https://www.unodc.org/middleeastandnorthafrica/en/project.../glor35.htm...>

Legislative reviews and gap analysis reports were undertaken within each CA country and the findings were presented to the respective governments. These reports made recommendations for legislative change that resulted in amendments to the Criminal Code in Kazakhstan and provided a foundation for future legislative changes. Training workshops and Train the Trainer programmes were held within each CA country with the exception of Turkmenistan who did not participate in that aspect of the project as they did not see a major threat of terrorism in the country. The training provided an exchange of experience and knowledge and provided recommendations and the opportunity for stakeholders to network with colleagues from within the region who faced similar issues. Stakeholders stated that the training was effective and those judges and prosecutors who were trained are being used in Kazakhstan and Tajikistan to train their judges and prosecutors.

The majority of stakeholders provided constructive criticism which related to how the training was developed and they were of the opinion that a training needs analysis should have been undertaken prior to the design and development of the training. Training materials were produced which included a compendium of guidance of the Supreme Courts that was amalgamated with the digest of anti-terrorism cases of CA. A manual on the relevant laws of the participating countries, extradition and mutual legal assistance and a training manual on "Investigation, Prosecution and Adjudication of cases, related to the Financing of Terrorism" were also produced under the project.

Project XACX50 aimed to strengthen cooperation mechanisms and provide networking opportunities for senior CT policy makers through the provision of training programmes, conferences, a regional workshop and a "Study Tour", to Washington US, which took place in May 2014. This outcome succeeded and gave participants the opportunity to network and reinforce cooperation and to enhance regional and international cooperation. The project also facilitated dialogue between State agencies and civil society by hosting a regional conference. A number of State agencies stated that multi-agency cooperation was needed to combat terrorism and that dialogue between State and civil actors was the most effective way to counter terrorism. However, whilst several stakeholders were of the opinion that it was too early to commence a positive dialogue the project laid foundations that can be built on by either future projects or the governments of the participating countries.

The key recommendations of this evaluation are that UNODC should undertake a needs assessment and context analysis prior to the design development of a project to ascertain if a project is required and to inform the outcomes and outputs of the project. The analysis should consider what other interventions are being undertaken in anti-terrorism and the Rule of Law and should also take account of other non-CT projects, either undertaken by UNODC or other agencies that are conducting legislative reviews or similar project activities.

UNODC should carry out a training needs analysis prior to the development and design of training programmes and the preparation of training material. This would identify the training needs both on a State and regional basis and whether it is necessary or duplicitous. It would also identify the content of the training, who should deliver the training and which participants should attend. UNODC should also consider reviewing their training methodology and the design of their training programmes. This would enable them to meet the needs of the participants and provide, within the UNODC mandate, focussed training with clear objectives delivered by the correct trainers.

The Project is reviewed by the Project Management at its commencement to ensure that the project implementing agencies/partners are still current and that there have been no changes to these agencies within the participating countries. The Project Management should also ensure those partner organisations identified in the project documentation as being involved in the project delivery and development undertake their defined role. The input and experience of these organizations would have benefited the project in both the short and long term.

There are a number of lessons that can be learnt from the evaluation of Project XACX50. A review of the project document should be undertaken at the commencement of the project by the Project Management to ensure that the partner organizations stipulated within the document were still correct and that those with a defined role within the project undertake that role. An initial needs and context analysis should be undertaken prior to the project commencing to determine if there was a requirement for an additional project, that it added value and was not duplicitous. A training needs analysis should also be undertaken to determine if the training was relevant, its content was valid, it was delivered by proficient and up-to-date trainers and/or experts and it met the needs of the stakeholders. Any national or international experts recruited to a project should have current knowledge and experience and an understanding of the legal systems of the countries participating in the project.

Project XACX50 was delivered in accord with the project document and as planned, it achieved the majority of its targets, delivered all activities within the currency of the revised project time table and with an under spend on the budget. The main recommendation of the evaluation is that UNODC should give consideration to undertaking a future project which is needed as part of the long term UN Global Strategy in CA and due to the request from all stakeholders that they build upon the achievements of the Project XACX50. There is a demand for good practice and expertise within the CA countries that they believe can only be provided by a project. Any future project should also consider encompassing a wider geographical spread of participants that have a nexus to terrorism in CA including, Afghanistan, Pakistan, Syria.

SUMMARY MATRIX OF FINDINGS, EVIDENCE AND RECOMMENDATIONS

Findings ²	Evidence (sources that substantiate findings)	Recommendations ³
Key recommendations		
There was strong representation amongst all stakeholders for a follow-up project to build on the achievements of Project XACX50 and to implement its recommendations.	Interviews, roundtables, documents.	UNODC should consider a follow-on project in accord with the UN Global Counter-Terrorism Strategy ⁴ by identifying: <ul style="list-style-type: none"> - potential partners - funding streams - time frame
A significant number of stakeholders, from all CA countries, made constructive comments on how the training could be improved this included: <ul style="list-style-type: none"> - the objective and content of the training and what want to achieve - the training should reflect the current needs of needs of participants - more operationally based training - a review of the training methodology - the use of expert trainers 	Interviews, roundtables, desk review.	UNODC, both ROCA and HQ, should consider reviewing the format and design of their training programmes to enable them to meet the needs of the participants and provide, within the UNODC mandate, focussed training with clear objectives delivered by the informed trainers. This review should include: <ul style="list-style-type: none"> - how training is delivered - the content of training programmes - how participants are selected - how experts/trainers are chosen and do they have the necessary current experience
Important recommendations		
That a training needs analysis	Interviews, roundtables, desk	UNODC should carry out a

² A finding uses evidence from data collection to allow for a factual statement.

³ Recommendations are proposals aimed at enhancing the effectiveness, quality, or efficiency of a project/programme; at redesigning the objectives; and/or at the reallocation of resources. For accuracy and credibility, recommendations should be the logical implications of the findings and conclusions.

⁴ Resolution adopted by the General Assembly on 8 September 2006 (60/288 and re-affirmed in Resolution 62/272)

<p>should have been undertaken. This should have included in-country liaison about the objective of the training and the choice of experts. The training was found to be “one size fits all” within each CA country and more time was required to plan the training and ensure the correct participants attended.</p>	<p>review.</p>	<p>training needs analysis prior to the development and design of training programmes and the preparation of training material to:</p> <ul style="list-style-type: none"> - identify if there is a training need and whether training is necessary or duplicitous - identify the content of the training, who should deliver the training and what participants should attend - determine the duration of training programmes
<p>The associated/implementing agencies for the project from each CA country were changed, by the governments of the respective countries, after the commencement of the project. This caused problems in the management and coordination of the project. The partner organisations, identified within the project documents, did not assist in the design and delivery of project activities.</p>	<p>Interviews, desk review.</p>	<p>Project Management to review the project to:</p> <ul style="list-style-type: none"> - ensure that the implementing agencies/partners identified in the project document are correct/current and have responsibility for the management of the project and if they change it is planned for within the project - ensure partner organisations identified in the project documentation are involved in the project delivery and development
<p>There was no documentary or interview record to show a needs assessment and a context analysis had been carried out to determine what other interventions and projects were being undertaken or had been</p>	<p>Interviews, desk review.</p>	<p>UNODC when drafting project proposals should undertake a needs assessment and context analysis to:</p> <ul style="list-style-type: none"> - inform the outcomes and outputs of the project

<p>undertaken by other stakeholders, partners, institutions and organisations operating in the anti-terrorism and Rule of Law areas in the region.</p>		<ul style="list-style-type: none"> - enable an improved working relationship with key stakeholders - determined what other interventions and projects were being undertaken or had been undertaken by other stakeholders, partners, institutions and organisations
<p>The project did not take cognisance of projects not related to CT were there was a nexus with the project. These included projects that were undertaking legislative reviews, involved with organised criminality or included the same stakeholders and/or participants.</p>	<p>Interviews, roundtables, desk review.</p>	<p>UNODC when designing projects proposals should consider taking account of other non-CT projects/programmes being undertaken by the UNODC or other agencies that have similar project objectives and a nexus to the project being undertaken e.g. legislative review.</p>
<p>The targets and indicators within the project Logical Framework were measurable but not all of them provided any indication of achievement and they needed to be better formulated. For example the indicator relating to increasing the number of persons trained did not measure the impact or sustainability of the Train-the Trainers Programme.</p>	<p>Desk review, interviews.</p>	<p>UNODC when designing and developing project proposals/documents should review the validity of targets/indicators to ensure they measure:</p> <ul style="list-style-type: none"> - the impact and sustainability of projects - identify if an outcome has been achieved - how they contributed to UN strategy

I. INTRODUCTION

Background and context

Project XACX50 is a two year project, involving four CA countries (Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan), that commenced on the 8th March 2012 and was revised in December 2013, at no cost, for 4 months until 30th June 2014. The project was further extended at the Steering Group Meeting on 16th June 2014 until the 31st August 2014, although no further project activities will be undertaken. There were two reasons for the project revision, firstly, to allow sufficient time to complete all the remaining activities in accord with the project document and, secondly, to fully meet the project objectives. The project revision was necessary because of the delays caused by the late arrival to post, due to the lengthy recruitment, of the International Project Coordinator (IPC) and the late accession of two partner States, Kyrgyzstan and Turkmenistan, who approved the project in December 2012 and March 2013 respectively. Uzbekistan, for reasons that are not apparent, declined to cooperate in the project. The total project budget was \$1,499,900, which was provided by United States Department of State, who were the only project donor. Although charges to the project budget were made in March 2012 the project effectively started with the arrival of the IPC on 20th July 2012. The associated / implementing Agencies for the project were The General-Prosecutor Offices of Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan and the partner organizations were CTED, CTITF, UNRCCA, OHCHR, OSCE/ODIHR, UNHCR, Interpol, FATF/EAG and RATS-SCO.

The Central Asian (CA) States of Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan faced a variety of security challenges although the situation in each country varied to a considerable extent. Addressing terrorism threats that are largely cross-border phenomena in CA was a priority of the political leaders of all States. Each country has made considerable progress in preventing and suppressing terrorism both in the legislative and capacities building areas. It is significant that three out of four countries are parties to the first 12 United Nations (UN) instruments against terrorism⁵.

All the CA countries have upgraded their anti-terrorism substantive and procedural laws, having criminalized some of the new forms of terrorist acts including terrorism financing, and amended old or adopted new provisions on international cooperation in criminal matters (i.e. extradition and mutual legal assistances)⁶. All the countries have established financial intelligence units and adopted anti-money laundering and counter-terrorism finances laws. They have set up specialized anti-terrorism units within the ministries of national security, internal affairs and general-prosecutor offices that had investigated and prosecuted various acts of terrorism committed on the states' respective territories.

The countries became the members or observers of the regional and inter-regional anti-terrorism networks including the CIS Anti-Terrorism Center, Collective Security Treaty Organization (CSTO), the Shanghai Cooperation Organization (SCO) and its acting agency the Regional Anti-Terrorism Structure (RATS) as well as Eurasian Group (EAG). The four States are parties to the Minsk Convention and three of them ratified the Kishinev Convention, which are the two CIS treaties that provide for international legal cooperation in criminal matters including in terrorism-related cases.

Since 2001, this progress, particularly with regard to the legislative developments and capacities building of the Central Authorities and Financial Intelligence Units (FIUs), has been greatly facilitated by the technical

⁵ see UNODC Project Document XACX50 p.4

⁶ Ibid p.4

assistance provided to the CA governments by UNODC through its Global Legal Advisory Programme, Global Anti-money Laundering Programme and Global Programme on Strengthening the Legal Regime against Terrorism. However, consultations and feedback received from senior criminal justice officials of the CA countries indicated that much remained to be done at the national and regional levels with regard to the ratification and implementation of all 16 international counter-terrorism instruments and relevant Security Council resolutions. The domestic legal frameworks of the CA States needed to be reviewed and updated for the purpose of bringing them into closer compliance with international instruments. These included the procedural laws that guarantee due process.

The regional cooperation needed to be strengthened, and professional skills and knowledge of the criminal justice personnel improved, especially, in the areas of extradition and mutual legal assistance in terrorism-related casework. In addition, international support was needed in addressing the spread of radicalization and violent extremism leading to terrorism. The national authorities of CA States requested UNODC technical assistance in legislative and capacities building areas, including in the area of strengthening regional cooperation, both officially and informally through the discussions and consultations held at national and regional events organized by the UNODC Terrorism Prevention Branch (TPB) and Regional Office for Central Asia (ROCA).

Project XACX50 built upon the experience already gained through providing technical assistance to CA countries by UNODC jointly with various international stakeholders and was implemented in full compliance with the decisions and policy guidance of the UN Security Council’s Counter Terrorism Committee (CTC). The project contributed to the implementation of the UN Global Counter-Terrorism Strategy in CA and was integrated into the UNODC sub-regional programme for CA. The project activities were carried out in line with and contributed to UNODC Strategy for 2008-2017 in supporting the theme rule of law through the promotion of (a) ratification and implementation of conventions and protocols (result area 1.1), (b) international cooperation in criminal justice matters (result area 1.2), and (c) Terrorism prevention (result area 1.4). They were linked to the project; “Regional Cooperation in Precursor Control between Afghanistan & Neighbouring Countries” (AFG/185) and the global programme “Strengthening the legal regime against terrorism” (GLOR35)⁸.

The purpose and scope of the evaluation

This final independent evaluation of Project XACX50 provided insights that will help UNODC increase the effectiveness and impact of its technical assistance to project States in the area of prevention of and counter terrorism. The field mission for the evaluation took place between 8 -21 June 2014 and the evaluation covered the period of the project implementation from March 2012 to June 2014, the project has subsequently been extended to August 2014. The evaluation covered the activities of the projects implemented in Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan.

The evaluation focussed mainly on the project’s concept, design, implementation, results, efficiency, effectiveness, relevance, impact, partnerships, outputs and outcomes. It assessed the extent of: the relevance of projects in the context of governments’ priorities and needs; the alignment of projects with UNODC’s strategic instruments e.g. strategic programme framework, UNTOC; the appropriateness of projects strategies and activities as the most effective UNODC measure for preventing and countering terrorism; the effectiveness of projects, i.e. to what extent have the objectives of the projects been achieved.

⁷ www.unodc.org/unodc/en/frontpage/unodc-strategy.html

⁸ Ibid. p.iv

The evaluation ascertained whether the project had achieved its intended objectives, and reflected on the following: Did it meet its outcomes? Did it meet its outputs? Were there any constraints that affected the implementation of the project?

The final evaluation of the project was carried out by an independent International Evaluation Expert.

Evaluation methodology

The evaluation of the project was completed after visits to Astana and Almaty in Kazakhstan, Dushanbe in Tajikistan, Bishkek in Kyrgyzstan and Ashgabat in Turkmenistan, to meet with project stakeholders from all sectors (see Annex VI). The following methodology was also used:

(a) The desk review of relevant strategic and project documents including; project proposals, mission reports, progress reports, reports produced by outside experts, statistics on identified victims and crimes related to TIP (see Annex III). The aim of this desk review was to understand the contexts, roles, objectives and capacities of key stakeholders and to monitor activities and changes to activities carried out during the project. The project documents were reviewed to measure intentions and plans against results and outcomes where possible.

(b) Interviews, including 16 in person, 1 via Skype, 3 via telephone. 10 roundtable meetings with stakeholders from national counterparts including government, non-governmental organisations (NGOs), the project donor and the UNODC project team in Turkmenistan, Kazakhstan, Kyrgyzstan, Tajikistan and Vienna (see Annex IV). The interviews and roundtables provided additional information that wasn't apparent during the document review. It provided stakeholder responses about their experiences and their knowledge and opinions regarding the project components including what made an impact as well what were the challenges in the project implementation. It also confirmed or refuted any assertions within the project documentation.

The analysis of the desk review, the information and analysis of interviews and roundtables with stakeholders and observation of stakeholders during these interviews and roundtables, was triangulated to provide answers to the evaluation research questions (see Annex II) in terms of relevance, effectiveness, efficiency, sustainability, impact, partnerships and cooperation and best practice. The triangulation of the analysis from these diverse stakeholders reduced the likelihood of any inherent bias in the evaluation. It also enabled any outstanding questions from the desk review stage to be answered by either confirming or refuting the assertions and provided quantitative and qualitative data for the evaluation process.

Semi-structured interviews

The evaluation questions were used as a guide in each interview, either in person or by Skype, to ensure a standardised approach to the rationale for the questions, enable questions to be created during the interview and provide the flexibility to allow the stakeholders to react to the questions and provide their own experience and judgement of the project (see Annex II). The evaluation questions included those that were set in the Terms of Reference (see Annex I) and additional questions which have been elaborated upon and delivered to determine whether the project objectives were met.

Roundtables

When either the group of stakeholders was too large to question by interview, or when the independent evaluator was of the opinion that a roundtable was the preferable option to obtain the best outcome, a roundtable was undertaken. The independent evaluator facilitated the group of stakeholders so they could hear and react to each others responses and provide their informed opinions on the project.

Quantitative data collection

Identified quantitative data was obtained from all stakeholders who had a responsibility for collecting relevant data during the period of the project. This data was evaluated to determine if there had been any identifiable changes that could be attributed to the Project. The data was also verified in stakeholder interviews and roundtables to determine if any identifiable changes could be attributed to the Project. This data included: number of trained law makers and criminal justice practitioners including judges and prosecutors; number of trained public officials; number of participants at conferences; number of MOUs and bi-lateral agreements; number of draft laws, regulations and amendments adopted; numbers of assessment mission reports and gap analysis reports; amount of training materials produced (e.g. workshop manuals, compendiums of guidance and digest of anti-terrorism cases).

Documents

A desk review of all the relevant documents was completed (see Annex III) which enabled an analysis of the background to the project, an assessment of the project against the evaluation criteria, and an identification of the issues to be addressed and an assessment of the outcomes and outputs of the project. The purpose of this analysis was to evaluate the questions of relevance to the project and the efficiency and effectiveness of the project, review the documents to measure intentions and plans against outcomes and outputs, and where possible, assess it against the Terms of Reference of the evaluation.

Sampling Strategy

All interviews and roundtables were facilitated by the independent evaluator which ensured that: (i) the stakeholders provided their opinions, judgement and experiences on the project; (ii) the views expressed by the stakeholders excluded any subjectivity or self-interest; (iii) the records of the interviews and roundtables were factually correct and reflected the views on the project of the stakeholders, excluding any replies that were outside the scope of the project.

A balance of stakeholders were involved in the evaluation (see Annex IV) to avoid the potential for the sample to reflect the views of either one group of stakeholders or the views of a minority of stakeholders. The office of UNODC ROCA was responsible for all the logistical arrangements for stakeholder interviews and roundtables.

Limitations to the evaluation

There were limitations to the evaluation which included the delay in commencing the evaluation which resulted in an unrealistically short time period to arrange the evaluation meetings schedule. This affected the outcome of the evaluation by limiting the time the evaluator had to talk to stakeholders particularly in those States that the evaluator visited first. It also affected the evaluator's ability to talk to a representative sample of stakeholders, especially, those stakeholders with knowledge of the project. The evaluator was also unable to determine the most effective evaluation methods due to the uncertainty about whether all CA countries involved in the project would participate in the evaluation and what stakeholders would be available to be interviewed.

These limitations were mitigated by contacting stakeholders, following an interview or roundtable, by Skype, telephone or e-mail to adduce further information or to clarify specific points. Stakeholders who were not available for interview in person were contacted by telephone to conduct an interview. The data collection instruments were also selected to concur with the limitations to the project.

Additional factors that limited the assessment of the project objectives, outcomes and outputs were that it was too early to assess the impact and sustainability of the project. Key stakeholders, during interview and roundtable discussions, stated that any impact or sustainability could not be assessed in the short term and any potential outcomes may only be realised in the long term. A number of stakeholders stated that it was not possible to assess the outcomes within the time period of the project e.g. both changing legislation and assessing the impact of any changed legislation needed more than the length of the project. The indicator(s)/targets were difficult to quantify due to the lack of consistent and meaningful data because there were no consistent data sources within each of the CA States and in Turkmenistan there was legislation prohibiting the disclosure of statistics.

II. EVALUATION FINDINGS

Design

The design of the project was well structured and its objectives, outcomes and outputs incorporated the situation analysis undertaken within the project proposal. It assimilated the consultations and feedback received from the senior criminal justice officials from the CA countries in relation to the need for work at a national and regional level on the ratification and implementation of international counter-terrorism instruments and relevant Security Council resolutions. The design also reflected the need to review and update domestic legislation within CA countries to bring them into closer compliance with international instruments. This was verified by the stakeholders, during interview and roundtable discussions, and in the “Survey of Legislation” undertaken, by national and international experts, within each country. The project design also incorporated the, formal⁹ and informal¹⁰, requests from the national authorities of the CA States for technical assistance in legislative and capacities building areas. However, stakeholders commented in interviews that the project could also have taken cognisance of projects not related to CT were there was a nexus, for example, projects that were undertaking legislative reviews, that were involved with organised criminality or included the same stakeholders and/or participants.

Stakeholders who were engaged in the project proposal, having attended project meetings with the UNODC regarding the project content, confirmed that the project corresponded with the government issues in CA countries and that it was a worthwhile project with good objectives which reflected the current and actual needs of the CA Region. The length of the project was based on UNODC experience of projects with a similar scope and it was their opinion that if the project was longer there was the potential to lose focus. The project had a considerable number of outcomes, outputs and activities which reflected the situation analysis and the feedback from stakeholders. A project revision was required to complete all the activities and whilst the project was completed on time stakeholders stated that the quality of the content and delivery of the latter activities was affected including the final workshop in Bishkek in 2014. Stakeholders were of the opinion that the preparatory work for the later meetings was not done efficiently, there were communication issues and there was insufficient time and notice to plan the programmes to ensure the right participants and trainers attended.

The target groups selected within each CA State were chosen because it was believed they would benefit from the project. Stakeholders stated that the project was timely and the objectives were useful but not complete as they did not include Law Enforcement Agencies (LEA) with the exception of output 4.1. The main target groups did not include LEA and it was the stakeholders opinion that to enhance any investigation they were essential and that the project was missing this dimension. However, the project design was compliant with the crime aspects of the UNODC mandate for criminal law and criminal justice and the project was delivered within this mandate.

Whilst the project proposal stated that it was designed to complement the interventions of other agencies there is no documentary or interview record to show a needs assessment and a context analysis had been

⁹ For example, the Deputy Head of the State Service on National Security of Kyrgyzstan requested UNODC assistance with reviewing domestic anti-terrorism laws in terms of their compliance with the sixteen international instruments during the assessment mission undertaken by UNODC/ROCA SLA to Bishkek on 17-21 January 2011. Director of the Training Centre of the General-Prosecutor Office of Kazakhstan, in the letter of 2 February 2011, requested UNODC assistance in delivering training courses for prosecutors within the UNODC mandated areas.

¹⁰ For example, the Supreme Court of Tajikistan requested UNODC assistance with sharing terrorism-related casework practices of CA and other countries.

carried out to determine what other interventions and projects were being undertaken or had been undertaken by other stakeholders, partners, institutions and organisations operating in the anti-terrorism and Rule of Law areas in the region. A needs analysis would have informed the outcomes and outputs of the project and enabled an improved working relationship with key stakeholders and complemented the work of other agencies. The targets and indicators within the project Logical Framework should have been better formulated they were measurable but not all of them provided an indication of achievement e.g. measuring the number of persons trained is not a measure of the impact or sustainability of the activity.

The project proposal outlined the key political, economic and social risks and mitigation strategies related to each risk. It set out the main preconditions and assumptions both during implementation and after implementation. It identified that a key risk was that the governments needed to be receptive and committed to the implementation of the recommendations provided by experts. Whilst Uzbekistan, for reasons not known, withdrew from planned participation in the project and Turkmenistan was a passive partner, because according to the project documents they did not see terrorism as a major threat, representatives of both countries still attended project activities. The project objectives and activities within the Logical Framework are impact-oriented, specific, practical, time limited and measurable. The present evaluation concludes that the project was designed and extended in accordance with the UN results based management principles.

The project complied with the procedures for monitoring which were operated through result-oriented reporting as per UNODC standards and the procedures for evaluation were applied under the framework of UNODC results-based management ensuring that the project was subject to regular monitoring and a final independent evaluation. The project documentation contained Annual Progress Reports and Annual Budget Reviews, which were prepared for the Project donor the US Department of State (INL/EA). A Project Steering Committee met to review the project performance reports, these meetings took place on 3rd September 2013 and 16th June 2014. The committee comprised of the UNODC management, national delegates from the four participating CA countries and a representative of the donor. The final evaluation of the project has proceeded as per the project plan and the regular monitoring has been undertaken which has provided a transparent and audited evaluation and monitoring process.

Relevance

The CA States of Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan faced a variety of security challenges including terrorism although the situation varied to a considerable extent within each country. The project incorporated the feedback received from senior criminal justice officials of the CA countries which showed that much remained to be done at the national and regional levels with regard to the ratification and implementation of all 16 international counter-terrorism instruments and relevant Security Council resolutions. The domestic legal frameworks of the CA States also needed to be reviewed and updated bringing them into closer compliance with international instruments which included the procedural laws that guarantee due process.

The Central Authorities, judiciary and financial investigators of the CA countries indicated that, regional cooperation needed to be strengthened and the professional skills and knowledge of the criminal justice personnel improved, especially, in the areas of extradition and mutual legal assistance in terrorism-related casework. In addition international support was needed in addressing the spread of radicalization and violent extremism leading to terrorism.

The national authorities of CA countries requested UNODC technical assistance in legislative and capacities building areas, including in the area of strengthening regional cooperation, both officially and informally through the discussions and consultations held at national and regional events organized by the UNODC Terrorism Prevention Branch and UNODC Regional Office for Central Asia (ROCA).

The project is in line with the UNODC mandate in CA as the UN Security Council in resolution 1373

(2001) which emphasised the need for enhanced coordination of national and international efforts in order to strengthen a global response to terrorism. The United Nations Global Counter-Terrorism Strategy, adopted by the General Assembly in its resolution 60/288 of 8 September 2006 (and reaffirmed in Resolution 62/272,

encourages the UNODC to enhance its technical assistance. It is also in accord with the CA Plan of Action to implement the Global UN Counter-Terrorism Strategy (Ashgabat Declaration, November 2011).

The UNODC possesses significant comparative advantages for delivering assistance in counter-terrorism (CT), as it combines a range of expertise in the related areas of crime prevention and criminal justice, rule of law, drug control, transnational organised crime, money-laundering, corruption and related international cooperation matters with operational field-level capacity. It was also well placed to achieve the projects objectives and provide the needed technical assistance given the recognition and appreciation by the CA governments of assistance in ratification and implementation of UN anti-terrorism instruments that has already been provided by the UNODC ROCA and the strong partnerships that UNODC has built with the various national and international stakeholders in the region and globally in addressing terrorism threats.

The project was relevant to the needs of the recipients by seeking to promote a regional approach to CT in CA and at the same time strengthening the capacities of the CA States. It proposed doing this through contributing to the improvement of the domestic laws in each CA country to ensure that the necessary legislation was in place. This was done by identifying the gaps in the domestic counter-terrorism laws and making recommendations to bring those laws into compliance with universal anti-terrorism instruments, relevant UN Standards and Norms in Crime Prevention and Criminal Justice and the International Covenant on Civil and Political Rights. Government stakeholders stated that the assessments on legislation were well received and helped to clarify the UN interpretation of terrorism and made recommendations for changes to bring their countries legislation in-line with the UN definitions. The project also proposed building training programmes for the main parties in the criminal justice process to develop a sustainable national capacity, increase international cooperation and facilitate dialogue between state and civil society actors to prevent terrorism. Government stakeholders, in interview, were supportive of the regional approach and improved cooperation stating that the project provided the opportunity to learn from the neighbouring countries and because they had similar legislation there was common ground and it also engendered a good exchange of experience and knowledge.

Efficiency

Project XACX50, following the project proposal, was implemented by the UNODC ROCA located in Tashkent under the overall guidance of the Regional Representative and substantive guidance of UNODC TPB, Vienna, which provided substantive backstopping and technical expertise as and when required. Whilst it was a sub-regional and not a national project this did not impact on the efficiency of the project because the management structure was designed to facilitate a sub-regional project. There were concerns expressed, in interview, that the management structure whilst providing sufficient staff did not provide sufficient in-house expertise on terrorism and this had been a constraint on the project. However, this was unfounded as the International Project Coordinator (IPC), the Senior Legal Advisor and the representative from UNODC TPB were all experts and they were supported by national and international experts engaged under the project. There were no adverse comments from stakeholders regarding the expertise provided under the project impacting on the delivery of the project.

The Project donor was the US Secretary of State and the Project Management reported to the donor through an Annual Budget Review. Representatives from the US Embassies, either from the Drugs Enforcement Agency (DEA) or the International Law Enforcement and Narcotics Affairs (INL), attended the Project Steering Committee Meetings. They were invited to participate in the training programmes and conferences but had no active part in the coordination or management of the project. The donors were also briefed by UNODC in advance of all activities within the CA countries. The project donor did not report any problems with either the management of the project or the management of the budget.

The project documentation contained FO Project Summary Ledgers which gave a detailed and itemised breakdown of the costs of the project and the budget expenditure. During the interviews and roundtable discussions with stakeholders and representatives of the donor there was no criticisms of the budget allocation or spend and the budget ledgers within the project documentation show an under-spend in the project budget. The Project Management stated that the design of the project, with numerous activities, did

not cause any budgetary problems and when interviewed, in June 2014, confirmed there was an underspend on the budget of \$40,000 and that the budget would be finalised in August 2014. The PO Project Ledger for 2014 specifies that the total approved budget is \$897,008.00 and there is a current underspend of the allocated budget.

Figure I. Project budget allocation and spend.

Budget	2012	2013	2014 (to June 2014)
<i>Allocated</i>	<i>\$104,000.00</i>	<i>\$466,900.00</i>	<i>\$351,900.00</i>
<i>Spent</i>	<i>\$85,522.83</i>	<i>\$462,585.64</i>	<i>\$323,879.02</i>
<i>Remaining</i>	<i>\$21,477.17</i>	<i>\$4,313.98</i>	<i>\$28,020.98</i>

The delayed start of the project was due to the lengthy recruitment process for the IPC and the late accession of two partner States, Kyrgyzstan and Turkmenistan, however, the delay did not adversely effect on the budget management or the achievement of the objectives of the project in the long term. The budget spend commenced in March 2012 whilst the main project activities only commenced with the recruitment of the IPC in July 2012. However, whilst this did not impact on the distribution of the budget to the differing cost centres it necessitated a re-allocation of the spending into a third year. A Project Revision was approved in December 2013, at no additional cost to the project, which allowed the project to be extended to June 2014 and enabled the remaining activities to be completed. The project documentation contained the minutes of meetings, conferences, training programmes and workshops, mission reports, budget ledgers, and progress reports and the project work and monitoring plan. Whilst there was delay in the commencement of the project and the need for a project revision these documents support the conclusion that the project achieved its targets within budget and confirmed that there was an allocation of resource to each project activity.

Project XACX50 achieved the majority of the outcomes and outputs within the project Logical Framework which contributed to the overall project objective¹¹. Stakeholders, in interview, stated they were satisfied with the efficiency of the project, however, they expressed concerns about the quality of the outcomes that were undertaken after the project revision. The planned outputs of the project increased the number of trained law makers, criminal justice practitioners, judges and prosecutors which can be verified by the project documents. The project has also strengthened cooperation mechanisms with the provision of networking opportunities, including a "Study Tour", which enabled stakeholders to communicate and collaborate with international experts, regional participants and civil society actors both formally and informally. However, this did not result in an increase in MoUs or bi/multilateral agreements.

The planned outputs there were not achieved included the production of a Supreme Court compendium and a digest of anti-terrorism cases which were amalgamated and reduced in size due to the limited availability of case law within the CA countries which was not foreseen by the project document. The implementation of the recommendations that resulted from the "Survey of Legislation" and gap analysis reports and also the incorporation of training curricula into national training centres were decisions for the governments of the respective CA countries. These planned outcomes were constrained by the fact that their implementation was not the responsibility of the Project Management.

¹¹ The criminal justice systems in Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and Turkmenistan are strengthened and cooperate to counter terrorism while respecting the Rule of Law.

Partnerships and Cooperation

The project involved working with a number of identified stakeholders, each, having a differing relationship and differing coordination and collaboration arrangements with the UNODC.

The project document identified the correct partners at the outset of the project however Project Management did not collaborate with all of them to benefit the project. They worked effectively with stakeholders in the CA countries during the design and implementation of the project and these countries, with the exception of Turkmenistan, provided national experts who assisted within the project. The UNODC Project Management also had productive meetings with the stakeholders in the CA countries during the development of the project and, according to those stakeholders, they took into account their opinions on content and there was good coordination and collaboration with stakeholders throughout the project.

There were problems with stakeholders and those from Kyrgyzstan and Turkmenistan expressed concerns about the management of the project relating to communication issues and specifically the coordination of the project revision. These concerns included timing issues when arranging meetings and inviting participants and in the project preparatory work for the conference. They were of the opinion that although all the activities proposed under the project were completed the quality of the activities had been reduced in the period of the project revision. One of the main stakeholders in Kyrgyzstan stated that the “Project had big plans and a lot of noise but not all expectations met due to technical issues and lack of logistics. Ambitions were too high and too many parties involved and with no one person taking responsibility”. There were further problems caused by the change of responsibility for CT from the General Prosecutor’s Offices, within each CA country, to other ministries during the currency of the project which affected the Project Management’s ability to coordinate the project and also the coordination amongst agencies in the respective CA countries.

The project document specified that the associated/implementing agencies for the project were the General-Prosecutor Offices of Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan which had been identified as the correct offices within each country when the project was developed in 2011. However, as the project commenced the General Prosecutor Offices in each CA country were replaced as the implementing agencies by either Anti-Terrorist Centres or Counter Terrorism Departments that had the mandate for CT. According to the UNODC Project Management this transition caused both delay and problems in the management of the project as initially the UNODC was working with multiple partners in each country whilst these new government agencies took on their responsibilities. It also created uncertainty within the CA countries between agencies as to who should be responsible for implementing the project.

The project proposal indicated that a number of partner organisations would be involved in the project and would assist in the development of the Rule of Law component of the training programmes for judges and prosecutors and would assist in the design and delivery of the regional training workshop on effective extradition and mutual legal assistance in terrorism. Whilst these activities took place under the project, and utilised UNODC experience, there is no confirmation from stakeholders in interview or within the project documentation that these activities either used the experience of or were developed in conjunction with any partner agencies. The project would have benefited from the expertise and assistance of partner organisations in the development, design and delivery of the training activities. This was confirmed by one of these partner agencies who, in interview, stated that at the beginning of the project they were only invited to project activities out of politeness. However, in November 2013, they became a partner in the project and formed a positive working relationship with the UNODC that benefited the project. This included contributing to project agendas, content, speakers and participant funding including the regional workshop in Dushanbe in December 2013 and the conference in Bishkek in April 2014. There was no indication either in interviews or within the project documentation that the UNODC contacted any other partner organisations to work on the project.

The aim of outcome 4 of the project was to strengthen cooperation mechanisms between senior CT policy makers, Central Authorities and criminal justice practitioners in the CA countries. The project was successful as it increased collaboration and established cooperation between diverse stakeholders. Personal networking opportunities were provided by the programmes, conference and “Study Tour” that enabled participants to build relationships with international experts, representatives from the CA region and from their own countries and also with civil society. These collaboration arrangements, especially those with civil society, were promoted by the project and may not have existed without the project.

Effectiveness

The expected outcomes and outputs of Project XACX50 were provided within the project documentation. One of the aims of the evaluation was to indicate the extent to which the objective and planned outcomes have been achieved. The Project aimed to promote a sub-regional approach to counter terrorism in Central Asia (CA) and, at the same time, strengthen the capacities of the Central Asian States to address terrorism related issues at national levels while respecting the rule of law.

The promotion of a regional approach is in accord with the UNODC mandate for the CA region and according to stakeholders from all CA countries, either in interview or roundtable discussion, this objective was achieved. Stakeholders were in agreement that the regional promotion within the project was positive and that CT demands a regional approach because there is a need for standardisation both within the region and globally. Stakeholders also stated that projects provide a situation where they can communicate with other CA countries, share mutual issues and learn from neighbours which they wouldn't have done without the project. The fact that the countries were part of the CIS and had common legislation and procedures was helpful and enabled them to work together.

Stakeholders confirmed that a regional approach was necessary as the problem of CT in the CA countries was increasing but there were contrary opinions: in Kazakhstan some stakeholders thought a State programme would be more effective as the CT issues in the country were different from the region and in Turkmenistan stakeholders were of the opinion that terrorism was not a problem. However, this objective was successful in the short term and provided a foundation that medium and long term plans can be built upon either by the development of new projects or by government ministries within each country adopting a regional approach.

The project objective was to be achieved by, (i) contributing to the improvement of the domestic laws in each State, (ii) developing the sustainable national capacity building training programmes for the main parties in the criminal justice process, (iii) increasing the effectiveness of international cooperation in terrorism-related casework and (iv) through supporting effective preventative measures via criminal justice responses to terrorism incitement and recruitment, and facilitation of the regional dialogue among the civil societies and the States for the purpose of preventing radicalisation and violent extremism that lead to terrorism.

Project XACX50 had four outcomes, together with the outputs and activities, designed to achieve the objectives:

Outcome 1 - presentation to relevant governments for their consideration, of recommendations for ratification of the universal instruments against terrorism that have not been ratified and Outcome 2 – presentation to relevant governments, for their consideration and approval, of draft amendments, procedural laws and legislative recommendations, pertaining to counter terrorism and defendant's rights, in line with the universal anti-terrorism legal instruments and relevant standards and norms in crime prevention and criminal justice. The outputs and activities relating to these outcomes were the most successful within the project and they were all completed within the scope of the project.

The most effective activities related to output 2.1 which included the “Surveys of Legislation on Compliance with International Instruments on Suppression of Terrorism and Observance of Human Rights” these were undertaken in each CA country either by a national or international expert. The surveys provided content that included international terrorism legal instruments and status of ratification, compliance with international counter terrorism instruments and the compliance with international standards of human rights in combating terrorism. These surveys were praised by all stakeholders and provided a platform for legislative review and change. Gap analysis reports were completed in each of the CA countries and the findings and recommendations were presented to the CA country governments and were discussed at the respective Legislative Drafting Workshops.

Stakeholders stated that the project helped clarify the UN interpretation of terrorism and this led to changes in legislation which brought it in line with UN definitions. Legislative Drafting Workshops were undertaken within all four CA countries and a national roundtable on the recommendations for Kyrgyzstan was held in February 2013. The project assisted in simplifying the adoption and drafting of laws in Kazakhstan by identifying and analysing the laws in a national gap analysis report and presenting the findings and recommendations at a Legislative Drafting Workshop in January 2013. As a result of the analysis there were amendments to the domestic laws which were adopted into legislation and in October 2013 a revised draft code was submitted to the lower chamber of Parliament. The UNODC ROCA was in contact with the relevant organs of government during the drafting process and according to stakeholders from Kazakhstan and the project documentation the amendments proposed could be attributed to the project. According to representatives of Supreme Court in Tajikistan, which is supported by the project documentation, amendments to their Criminal Code have been adopted that brought them into compliance with international standards. These amendments correspond to the same recommendations made in the gap analysis report and were discussed at the Legislative Drafting Workshop held in the country.

This outcome was in accord with the UNODC global programme “Strengthening the legal regime against terrorism” (GLOR35)¹² and the UNODC Strategy for 2008-2011¹³ in supporting the theme rule of law through the promotion of (a) ratification and implementation of conventions and protocols (result area 1.1), (b) international cooperation in criminal justice matters (result area 1.2), and (c) terrorism prevention (result area 1.4). Progress was made in the achievement of this outcome, according to stakeholders it was valuable as it enabled legislative review to be undertaken and, as in Tajikistan, the discovery that they had laws that they didn’t realise needed amending e.g. the use of the post office and notaries by terrorists. The project resulted in legislative reviews being undertaken, presented to governments and recommendations made for legislative change that resulted in the achievement of outcomes 1 and 2 and subsequent outputs with the exception of output 2.2 which was only partial achieved. The project enabled legislative change to be take place within two of the CA countries and provided a foundation for future legislative change in all the CA countries.

Outcome 3 – trainers and National Training Centres deliver appropriate training to judges and prosecutors in prosecution and the adjudication of terrorism related cases while respecting rule of law. Activities 3.1.1 – 3.1.2 the National Train-the-Trainers Programmes for Judges and Prosecutors were held within each CA country, with the exception of Turkmenistan who did not participate in this aspect of the project. A workshop was also held in Dushanbe in December 2013 relating to “Sharing practices in International Cooperation” which was organized in cooperation with OSCE and included participants from each CA country and international experts¹⁴. The training was well received by the majority of stakeholders who learnt from the presentations and experience of both the international and national experts. According to stakeholders the workshops

¹² <https://www.unodc.org/middleeastandnorthafrica/en/project.../glor35.htm...>

¹³ www.unodc.org/unodc/en/frontpage/unodc-strategy.html

¹⁴ Mission Report Dushanbe, Tajikistan (8-12 December 2013) dated 26 December 2013 Figure II. National Train-the-Trainers for Judges and Prosecutors

allowed a strong exchange of experience and knowledge and provided helpful recommendations especially from the international experts. They also had the opportunity to network with colleagues from within the region who faced similar issues.

A significant number of stakeholders, from all CA countries, made constructive comments on how the training programmes could have been improved. They stated that at the outset the objective of the training and the required outcomes should have been identified and this should have been reflected in the content. The training should also have reflected the current needs of the participants and stakeholders. The international experts who delivered the training should have understood the laws and procedures of CA countries and that could give realistic examples that related to CA countries. National experts should continue to be used to complement the international experts this was supported by the evaluation of the training delivered to judges in Kazakhstan. The evaluation concluded that there was a preference for using national experts who knew what they were talking about rather than international experts who, in their opinion, did not know the legal system of the country and wasted time on irrelevant examples.

Stakeholders stated that a training needs analysis should have been undertaken and included in-country liaison regarding the objective of the training and the choice of experts. According to the stakeholders an analysis would have ensured that the training was not “one size fits all” and would have provided time to plan the training and ensured the correct participants attended. Stakeholders, in interview, commented that there were a high density of speakers and a lot of information to assimilate within the two day training period. UNODC training the trainer programmes are normally of 5 days duration and, according to the UNODC HQ expert, provide a deeper and more lasting impact. There was also a suggestion from judicial stakeholders that there should have been separate training for judges to preserve their independence.

Figure II. National Train-the Trainers for Judges and Prosecutors

Date	Title	Country	Participants
4-5 November 2013	National Train-the-Trainers for Judges and Prosecutors	Bishkek, Kyrgyzstan	24 Prosecutors (9 female) and 30 Judges (4 female)
7-8 November 2013	National Train-the-Trainers for Judges and Prosecutors	Astana, Kazakhstan	31 Prosecutors (3 female) 40 Judges (21 female)
11-12 November 2013	National Train-the-Trainers for Judges and Prosecutors	Dushanbe, Tajikistan	30 Prosecutors (all male) 25 Judges (3 female)
10-12 December 2013	Regional Workshop “Sharing practices in international cooperation for the purpose of investigation, prosecution and adjudication of terrorism related cases”.	Dushanbe, Tajikistan	General Prosecutor’s Office, Supreme Court, Ministries of Interior, National security, FIU from Afghanistan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Interpol, EAG, CARICC, US. (35 participants).

The training material was well received by the majority of stakeholders, as indicated in interviews and roundtable discussions, and will be incorporated into the training materials in Kazakhstan and used as background information in Tajikistan. An UNODC HQ expert, in interview, stated that the training material produced would be useful as reference documents and could be used as a foundation for future training manuals and the material would provide a good start for another long term project that could furnish training tools with the assistance of material from UNODC HQ, Vienna. Stakeholders were also appreciative of the training material that the experts, both national and international, and project partners referred to in their respective presentations at workshops and training programmes they were of the opinion that it was useful and informative.

Output 3.2 - the capacities of National Training Centres to deliver terrorism related training programme with the rule of law component are increased. National trainers as well as judges and prosecutors in each CA country are trained to apply procedural guarantees for fair trial in practice while investigating, prosecuting and adjudicating terrorism related cases. The activities under this output, as defined above, were not all achieved during the currency of the project. The two day training courses were organised and completed (see Figure II), however, the compendium of guidance of the Supreme Courts was not finalised. According to the Project Management there was insufficient case law available from all the CA countries to make the compendium viable, although, case law was made available in Kyrgyzstan and was available from open sources in Kazakhstan. The Project management also indicated there were time constraints and a paucity of available guidance within CA countries so a decision was made to amalgamate the compendium of guidance with the digest of anti-terrorism cases of CA under activity 4.1.2.

The provision of training and increasing the capacity of training centres in each CA country to deliver terrorism training are in accord with the UNODC mandate. Whilst it was possible to evaluate the short term effect of the training by referring to the numbers of persons who attended, the comments of the participants and the documentation relating to the project, it is not possible to evaluate the outcomes in the medium to long term. The indicators for the outcomes only refer to the number of persons trained as a target and not how the training is to be utilised within each CA country and is therefore only a short term measure. The outcome needs to be re-formulated to show how the outcome has been achieved and how it contributes to the attainment of the results of UN strategy. This was reinforced by stakeholder comment that more needed to be done in the planning to ensure the correct participants attended any training, however, there are clear indications that the training and training material will be utilised (see Sustainability).

The project proposal indicated that the Rule of Law component of the training programmes for judges and prosecutors would be developed in cooperation with OHCHR and OSCE/ODIHR, with active involvement and support of the respective national agencies on human rights in each CA country. It also indicated that the regional training workshop on effective extradition and mutual legal assistance in terrorism would be designed and delivered in partnership with UNHCR, Interpol, FAFT/EAG and RATS-SCO. Whilst these activities took place under the project, and utilised UNODC experience, there is no confirmation from stakeholders in interview or within the project documentation that these activities either used the experience of or were developed in conjunction with any partner agencies. The contribution of partner agencies, according to UNODC and stakeholders, would have improved the quality and content of the outcomes and outputs.

Outcome 4 – senior counter terrorism policy makers, Central Authorities and criminal justice practitioners in the countries of Central Asia strengthen cooperation mechanisms. The activities related to improvement of knowledge and professional skills through the provision of personal networking opportunities. These networking experiences were provided through the training programmes, conferences and a “Study Tour” which took place in May 2014. A regional workshop “Sharing practices in international cooperation for the purpose of investigation, prosecution and adjudication of terrorism related cases” was held in Dushanbe, 10-12 December 2013, which gave participants the opportunity network and reinforce cooperation. A workshop

manual including information on law enforcement cooperation, extradition and mutual legal assistance was also provided to participants.

Project XACX50 strategically sought to improve international cooperation in criminal justice matters and had an objective to promote a regional approach to CT in CA countries. The project succeeded with these goals and it also succeeded in improving cooperation at a national level providing the opportunity for diverse State actors to meet and network with each other. It also enabled diverse actors within the CA region to meet and collaborate and it improved international cooperation by providing the opportunity for all participants to meet international experts, consider their recommendations and learn from their experiences. The project provided the opportunity to discuss and build future networks outside this project and according to stakeholders, including those from the National Security in Bishkek, and set up personal contacts with colleagues within the CA States. These networking opportunities continued beyond the conference and the contacts obtained were used both within country and the CA countries.

Activity 4.1 was the organisation of a “Study Tour” which visited Washington DC, US, 19 – 23 May 2014, and included the senior policy makers from each of the CA countries, 16 persons in total 4, from each country. The objective of the “Study Tour” was for senior CT policy makers to strengthen cooperation mechanisms and to enhance personal networking opportunities in accord with output 4. According to the project documentation the evaluation of the tour rated highly. Those participants of the tour who were interviewed concurred with the evaluation and commented that the tour had been a constructive experience and produced positive networking opportunities that they have since utilised.

Output 4.3 - Conference for state actors and civil society partners of Central Asian countries on preventative measures against terrorism. In relation to this output and activities 4.3.1 – 4.3.2 all stakeholders, including those that attended the Regional Conference “Sharing Practices in Preventing Terrorism” in Bishkek, 2-3, April 2014, were of the opinion that it was important to engage with civil society. There were a number of recommendations made at the conference, according to the summary of the conference, including following up the panel discussions with in-depth symposiums and better exploiting a number of existing frameworks such as the UN Global Counter-Terrorism Strategy and the CA Plan of Action to implement the Global UN Counter-Terrorism Strategy (Ashgabat Declaration, November 2011).

A number of State agencies commented that multi-agency cooperation was needed to combat terrorism and that the repressive messages needed to be replaced with preventive action and awareness. They provided examples of how working with civil society assisted in prevention activity and identified potential CT activity. The majority of stakeholders, when either interviewed or within a roundtable discussion, stated that dialogue between State and civil society actors was the most effective way to counter terrorism. However, it was recognised by a number of stakeholders that whilst it was good to commence a positive dialogue, and there was positive networking at the conference, it was too early for continued dialogue and it did not foster any sustainable networks.

The project outcomes were only partly achieved and no MOUs or bi/multilateral agreements were signed as a consequence of the project according to the project documentation. There was a delay in the publication of the final Training Manuals “Investigation, Prosecution and Adjudication of cases, related to the Financing of Terrorism” for judges and prosecutors in CA which had to be reduced, revised, edited and translated and the Supreme court compendium had to be amalgamated with the digest of cases. However, the workshop and conference both took place and provided a platform for both networking and enhanced cooperation on a State, region and international level and provided a foundation that can be built upon. Whilst outcomes had a positive short term effect it is not possible to evaluate the medium and long term effects because cooperation and dialogue are only just commencing and it is too early to make an assessment. One of the major constraints was the limited number of civil society actors within each the CA countries which makes meaningful and long term dialogue difficult to achieve.

There were two unintentional and unassessed outcomes of the project both of which were supported by the UNODC under the project. In Tajikistan a book was produced by the Ministry of Justice containing references to Tajik law and comments on how to improve the response to terrorism within the country. Initially 500 copies of the book were printed it has been circulated to all agencies within the country and there is a demand for further copies. In Kyrgyzstan the National Security Agency, as a result of the project, produced an awareness brochure on terrorism for the public. There is a distribution strategy to ensure wide dissemination and an information and training programme in educational establishments and military and police training.

Impact

Project XACX50 successfully completed the assessment missions and gap analysis in all four CA countries which assessed the reasons for non-ratification of outstanding instruments and identified the gaps in their domestic CT laws. The short term impact was that an effective analysis of each CA State was completed, despite the fact that the initial report for Kyrgyzstan had to be re-drafted due to its poor quality, and as a result of the findings of these reports recommendations were made for legislative change. In Kazakhstan both stakeholders and the project documentation confirmed that the adoption of the new Criminal Code, with amendments, was influenced by the UNODC Project assessment. The assessment reports and subsequent amendments to legislation demonstrate both the intended, short and long term, impact of the project.

The train the trainer programmes were held in each CA country, with the exception of Turkmenistan, and the short term impact was that 85 prosecutors and judges received training. Whilst there has been an increased number of prosecutors and judges trained it is difficult to assess how these training programmes have impacted on building capacity within the national training centres. Stakeholders in Kazakhstan stated that national training would include judges and prosecutors who had attended the training programmes and that they would build on these programmes to increase capacity in the short and the medium term. In Tajikistan they intend to include those judges who attended the train the trainer programmes in future training events and in the other two CA countries, although they had made positive comments about the training, they had no tangible plans to build directly on the outcomes of the training programme and therefore it was not possible to assess the impact.

The training materials initially produced were too long and needed editing and translating however they were a positive step forward that can, in the long term, be used as a foundation for an improved training manual. The compendium of guidance and case law digest were amalgamated due to limited access to case law and guidance material. This guidance does not appear to have had any short term impact and neither the stakeholders nor the project document made any reference to its impact.

One of the outputs of the project was to provide personal networking opportunities and improve the professional skills and knowledge of senior CT policymakers. Activities included a regional workshop in Dushanbe in December 2013 and a “Study Tour” to Washington, US, in May 2014. The short term impact of these activities, according to all stakeholders, was that it enabled networking and enhanced cooperation on a State, regional and international level. The “Tour” provided an opportunity to communicate with fellow participants and build positive relationships and gain experience from the experts in the US.

A regional conference was held in Bishkek, in March 2014, one of the objectives was to promote dialogue between State agencies and civil society. The conference was well attended and according to the majority of stakeholders it succeeded in its objective in promoting dialogue on both a formal and informal level. Whilst the conference had a positive short term impact any medium or long term impact cannot be assessed on the basis of one conference, however, stakeholders have expressed the importance of continued dialogue to combat CT.

The evaluation was undertaken after the completion of the project objectives and activities and in relation to the majority of these it was only possible to assess the short term impact. Stakeholders confirmed that a number of the project outcomes will take more than the length of the project to achieve any change and other goals of project can't be measured.

Sustainability

The outcome of Project XACX50 that will continue after the completion of the project and provide long term benefits are the "Surveys of Legislation on Compliance with International Instruments on Suppression of Terrorism and Observance of Human Rights" and the gap analysis reports. These reports have provided each CA country with the current status of their legislation, the gaps in their legislation, draft amendments and recommendations indicating how they can be brought into line with International Standards and improved. The reports have already been used to make amendments to the Criminal Code in Kazakhstan and it is probable they will continue to be used in each CA country after the completion of the project.

The outcomes of the project included the provision of the training manuals, a compendium of guidance and a training workshop manual. Within Kazakhstan the training material, in both State languages, is to be introduced into all State training. In Kyrgyzstan, according to the General Prosecutor's Office, and in Tajikistan the training materials will be used in their respective training academies and in workshops. The training material provided during the workshops and training programmes that was not specifically developed under project is also being utilised in these training academies. Whilst it is difficult to assess the short term effect of the training material it is probable, according to the intentions expressed by stakeholders in interview, that the material will continue to be used within these CA countries and provide benefit.

Participants stated that the training the trainer programme was effective and those judges and prosecutors who were trained are being used by stakeholders in Kazakhstan and Tajikistan to train their judges and prosecutors. The number of these training programmes cannot be specified however any increase in the training programmes undertaken within these countries increases the number of prosecutors and judges who are trained as a result of the project. It is probable that within these two States that the capacity to deliver CT training will continue in the medium and long term. It is not possible to assess if capacity building will be sustained in the other two CA countries as there are no apparent plans to commence training programmes.

The outputs to outcome 4 related to the promotion of networking and cooperation amongst both senior CT policy makers and State and civil society actors and whilst these outputs achieved the objective in the short term it is probable that the dialogue and networking, both formally and informally, will continue in the medium term. However, another project may be required to give impetus to the long term creation of networking and cooperation.

Best Practices

The promotion of a regional approach was the key factor in the project and all stakeholders were in agreement that CT demands a regional approach. The project provided an opportunity to improve communication, cooperation and coordination and to share issues that could not have been undertaken without the project. The regional approach complied with the UNODC mandate in the CA region and also the donor requirements for the project. It provided an opportunity for dialogue between government, criminal justice, civil society and senior policy makers allowing them to share experience and ascertain what was occurring within each of their respective countries.

The engagement of international experts complemented by the employment of national experts in the drafting of assessment reports, the development and delivery of the project activities and delivery of training

programmes and workshops was regarded as good practice by stakeholders in interview. The Tajikistan National Security and other stakeholders complimented both the regional approach and the use of experts stating both these approaches assisted countries to enhance their current experience by the sharing of experiences. The use of international experts provided access to global information and the combination of international and national experts created a dialogue between experts and countries that all stakeholders found useful and informative.

The assessments undertaken during the project including the “Surveys of Legislation on Compliance with International Instruments on Suppression of Terrorism and Observance of Human Rights” and the gap analysis reports which were completed in each CA country, either by a national or international experts, which provided a review of the international terrorism legal instruments and the status of ratification and compliance. They also identified gaps in the legislation that stakeholders were not aware of and recommended changes that stakeholders stated were good practice. These surveys were praised by all stakeholders and provided a platform for legislative review and amendments to domestic legislation to comply with international standards.

The conference organised for state actors and civil society stakeholders in accord with output 4.3 with the objective to promote dialogue between State agencies and civil society. No other project or organisation, government or otherwise, had previously facilitated this dialogue and the conference provided a platform for actors on both a State and regional level. It acted as a conduit for continued dialogue, on a formal and informal level, and according to stakeholders would continue after the completion of the project.

The “Study Tour” was acclaimed by all participants and held up as a positive example of inter-agency coordination and networking as well as providing the opportunity to learn and gain experience from similar agencies. The participants, according to the report of the tour, believed that the information they acquired will be used to enhance the understanding of CT related legislative frameworks and the contacts they acquired will help them organise more efficient and smoother interaction amongst government authorities. Stakeholders, in interview, stated it enabled them to see how CT worked in practice, learn from the experience and use that information obtained on their return. They also stated that it enabled them to build networks that they can continue to use.

Human rights and gender

Whilst the project did not specifically deal with gender and the advancement of women issues, it promoted and took into account gender mainstreaming aspects wherever applicable. The training materials, according to stakeholders, were all gender compliant, however, there is no direct reference in the training materials that refers to gender compliance. The training programme information, disaggregated by gender, showed that 15 women received training.

“Surveys of Legislation on Compliance with International Instruments on Suppression of Terrorism and Observance of Human Rights” were undertaken in each CA country which assessed their compliance with international standards of human rights in combating terrorism. These included an assessment of the following: any derogations from obligations on human rights: state of emergency; the right to life; legal safeguards, judicial protection; the right to privacy (confidentiality) and the protection of personal data.

The “Surveys of Legislation” made recommendations on how each CA country should consider possible amendments to their domestic legislation to comply with the international standards. The findings of these reports were presented to the governments of each CA country and were then discussed in the respective Legislative Drafting Workshops. The “Survey of Legislation” prepared for Kazakhstan included the observations of the participants who attended the Legislative Drafting Workshop and also the

recommendations for the proposed amendments to Article 5 of the law “On Emergency” and Article 172 of the criminal procedure code.

III. CONCLUSIONS

Project XACX50 was a two year project with a budget of \$1,499,900 which was extended for an additional four months to complete the project activities. The project was in full compliance with the UNODC mandate and regional programme Regional Cooperation in Precursor Control between Afghanistan & Neighbouring Countries (AFG/185) and the thematic programme “Strengthening the legal regime against terrorism” (GLOR35)¹⁵. The delay in the start of the project was due to the recruitment of the IPC and the late accession of two partner States, Kyrgyzstan and Turkmenistan, who approved the project in December 2012 and March 2013 respectively, did not adversely affect the project.

The design of the project was well structured and reflected the government issues in the CA countries, however, a number of targets could have been better formulated to ensure they identify the outcome to be achieved. It incorporated both the situation analysis undertaken within the project proposal and the consultations and feedback received from the senior criminal justice officials from the CA countries. A needs assessment and a context analysis were not undertaken to determine what other interventions and projects were being undertaken or had been undertaken by other organizations and this would have informed the objectives and activities of the project and enabled an improved working relationship with key stakeholders and complemented the work of other agencies. The project could also have taken cognisance of projects not related to CT were there was a nexus.

At the outset of the project the implementing agencies/partners were the General Prosecutor’s Offices of the CA countries who had responsibility for CA within their respective countries. As the project commenced the responsible agencies within each country changed and this caused communication and coordination problems for the UNODC Project management and within the CA countries. However, once the newly appointed responsible agencies in each CA country had been identified the UNODC established meaningful working relationships with these agencies. The project proposal indicated that a number of partner organisations would be involved in the project and would assist in the development design and delivery of project activities. The initial project activities did not use the experience of partner agencies, however, when a partner agency became involved in the project they formed a positive working relationship with the UNODC that benefited the project and stakeholders.

The legislative reviews of the CA countries fully achieved the intended objective and were the most successful outcome within the project. The “Surveys of Legislation on Compliance with International Instruments on Suppression of Terrorism and Observance of Human Rights” and the gap analysis reports provided a platform for legislative review and change and the findings and recommendations were presented to the government of each CA country prior to the respective Legislative Drafting Workshops. The project enabled legislative change to be take place within two of the CA countries and provided a foundation for future legislative change in all the CA countries.

The training programmes met the project objectives and were delivered within the currency of the revised project timeframe. 85 judges and prosecutors attended National Train the Trainer Programmes and 35 participants attended a Regional Workshop on “Sharing Practices on International Cooperation”. The participants learnt from the presentations and experience of both the international and national experts and this enabled a strong exchange of experience and knowledge and provided informed recommendations. Whilst complimenting the training the stakeholders provided constructive criticism on the development and delivery of the training that could inform future projects. This criticism included the fact that a training needs analysis should have been undertaken at both a State and regional level prior to the design and development of the training to identify both the need for training and the content. The project would also have benefited from

¹⁵ Ibid p.iv

the expertise and assistance of partner organisations in the development, design and delivery of the training activities as per the project proposal.

The project was relevant to the needs of the recipients by seeking to promote a regional approach to CT in CA and this objective was successful with all stakeholders in agreement that a regional approach was required. The project outcomes included strengthening the cooperation mechanisms between senior CT policy makers, senior judges and prosecutors and Central authorities by providing networking opportunities and the facilitation of dialogue between State agencies and civil society actors. These outcomes were achieved and as a consequence of this objective, either intended or unintended, was that communication, coordination and cooperation between these stakeholders improved not only on a regional level but also on a State and international level. The project provided the first regional conference with the aim of promoting dialogue between State and civil society which succeeded in facilitating dialogue both formally and informally.

Project XACX50 met its expectations and those of its stakeholders, achieved the majority of its targets and delivered everything it was designed to deliver with no changes except for the project revision, therefore, it must be considered a success. It provided the platform for legislative review within each of the CA countries. It provided a platform to promote a regional approach amongst the CA countries and also to facilitate dialogue between State agencies and civil society. It succeeded in providing training programmes, workshops, conferences and training materials that provided the opportunity for international experts to impart knowledge and best practice whilst utilising the skills and expertise of national experts. The project laid foundations that can be built on by either future projects or the governments of the participating countries

IV. RECOMMENDATIONS

UNODC should undertake a review of its training methodology and the design of the training programmes. The content of the training should be assessed to ensure it meets the needs of the participants and provides, within the UNODC mandate, focussed training that is not overly theoretical and provides relevant operational and practical training with case studies. The training, according to stakeholders in interview, needed more tangible outcomes, a focus on emerging issues and to provide information and expertise that cannot be obtained from other sources. This review should include a review of both the national and international experts engaged to ensure that they are familiar with the law and procedures of the countries and regions participating in the training and to ensure that they are current practitioners with relevant experience. This would also apply to those experts undertaking assessments and preparation of training material

UNODC should ensure that all training programmes are preceded by a training needs analysis that would assist in determining the necessity for the training, the objective of the training, identify the content and the participants. It should identify the training needs, both on a State and regional basis, and ensure that the participants who attend the training have the correct skills and experience and will utilise the training provided within their own countries. This analysis should also be applied to any training materials to be produced under the project.

UNODC when drafting project proposals should undertake a needs assessment and context analysis which would inform the outcomes and outputs of the project and enable an improved working relationship with key stakeholders and complement the work of other agencies. A needs assessment and a context analysis would have determined what other interventions and projects were being undertaken or had been undertaken by other stakeholders, partners, institutions and organisations operating in the anti-terrorism and Rule of Law areas in the region.

The project design was in accord with the UNODC mandate and regional, country and thematic programmes and projects. However, when designing a wide ranging project involving legislative review and training participants from diverse backgrounds account should be taken of other non-CT projects, either undertaken by UNODC or other agencies, who are conducting legislative reviews or undertaking similar project activities. This is because the nexus between CT and other criminality, such as organised crime and drugs, are proximate and should be taken into account to avoid duplicity or conflict and ensure improved coordination and cooperation.

Project designs should allow the timeframe for the commencement of regional projects to be reviewed to take into account delays that are caused by either the late accession of countries or that they may decline to cooperate in the project. This would enable project activities to be completed within the duration of the project and negate the need for project extensions or the timetabling of outstanding project activities in haste which can impinge on their quality. The design should have project targets/indicators that are formulated to ensure that they measure the impact and sustainability of the project and can identify if an outcome has been achieved and how it contributed to UN strategy. The design should also ensure that the targets and indicators are formulated to be capable of measuring achievement as oppose to the number of persons who attended a training programme.

The Project Management should continually review the project both at its commencement and throughout the project, to ensure that the implementing agencies/partners are still current and there have been no changes within the participating countries. If there is a change of implementing agency/partner all stakeholders should be informed. This would improve communications and prevent misunderstandings that occurred in Project XACX50, especially, those in Kyrgyzstan regarding both the project revision and the coordination of the project activities. The Project Management should also ensure at the outset of the project that the partner organizations, which were referred to in the project documentation, are involved in the project design and delivery as indicated in the project document. According to stakeholder interviews the

project directly benefited from the input of a partner organisation which provided greater impact in the short term as well as long term benefits.

To sustain the objectives and activities from Project XACX50 there should be a clear structure and mechanism, with an agreed timetable, to ensure that the regional approach to CT continues and also that there is a platform for continued dialogue between state actors and civil society. This should be provided by State actors or by a follow-up project sponsored by the UNODC.

UNODC should give consideration to a future CT project which is needed as both part of the long term UN Global Strategy in CA and because there is a demand from all stakeholders in Project XACX50 which could build upon the achievements of Project XACX50. There is a demand for good practice and expertise within the CA countries that stakeholders believe can only be provided by a project. The stakeholders provided a number of key issues that they would welcome in a future project including: CT data collection and data bases the link with organised crime and how to improve analysis; the role of the internet and internet servers; finance and terrorist funding; methods of investigation and prevent strategies; improved engagement with the private sector and their involvement in project workshops and training; follow on work on legislation and legislative gaps and emerging issues. There was also a request to consider a wider geographical spread of participants including, Afghanistan, Pakistan and Syria all countries with a nexus to terrorism in CA.

V. LESSONS LEARNED

There are a number of lessons that can be learnt from the evaluation of Project XACX50 that are applicable to other projects and have the potential to improve future actions. The project documentation should have been reviewed by the Project Management, at the commencement of a project, to ensure that the project document has been implemented as designed. This should have included ensuring that the partner organizations within the document are still correct and if they had a defined role within the project that they undertake that role.

An initial needs and context analysis should be undertaken, prior to the project commencing, to determine if there is a requirement for an additional project and that it added value and is not duplicitous. This analysis should also include analysing projects that are not related but were there is a potential nexus.

A training needs analysis should have been undertaken to determine if the training was relevant, its content was valid, it was delivered by proficient and up-to-date trainers and/or experts and it met the needs of the stakeholders. The constructive comments made by stakeholders and the evaluation of previous training programmes should be considered when developing and designing training programmes.

Any national or international experts engaged on a project should have current knowledge and experience of their topic and an understanding of the legal systems and procedures of the countries participating in the project.

The project indicators should have been better formulated to measure achievement including impact and sustainability instead of measuring the number of persons trained or documents signed.

ANNEX I. TERMS OF REFERENCE OF THE EVALUATION

TERMS OF REFERENCE
Independent Project Evaluation (Final Evaluation)
XACX50

1. BACKGROUND AND CONTEXT

Overview of the Project and Evaluation thereof

Project number:	XAC/X50
Project title:	Strengthening the Capacities of Central Asian Countries to Counter Terrorism in Compliance with the Principles of the Rule of Law
Duration:	08 March 2012 – 30 June 2014 (28 months)
Location:	Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan
Linkages to Country Programme:	n/a
Linkages to Regional Programme:	Regional Cooperation in Precursor Control between Afghanistan & Neighbouring Countries (AFG185)
Linkages to Thematic Programme:	Strengthening the legal regime against terrorism (GLOR35) Themes: 1. Rule of Law and Prevention Result areas: 1.1. Ratification and implementation of conventions and protocols 1.2. International cooperation in criminal justice matters 1.4. Terrorism Prevention
Executing Agency:	United Nations Office on Drugs and Crime Regional Office for Central Asia (UNODC ROCA)
Partner Organizations:	CTED, CTITF, UNRCCA, OHCHR, OSCE/ODIHR, UNHCR, Interpol, FATF/EAG, RATS-SCO
Total Approved Budget:	USD 1,499,900

Donors:	United States
Project Manager/Coordinator:	Ms. Victoria Catliff, Project Coordinator, UNODC ROCA
Type of evaluation (mid-term or final):	Final independent project evaluation
Time period covered by the evaluation:	08 March 2012 – 30 June 2014
Geographical coverage of the evaluation:	Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan
Core Learning Partners:	General Prosecutor’s Offices and Supreme Courts in each country Anti-Terrorism Centres of National Security Services in Kazakhstan and Kyrgyzstan National Security Committee/Ministry in Tajikistan and Turkmenistan Financial Intelligence Service, MFA in Kyrgyzstan (Please see Annex III)

Project overview and historical context

While the funds were secured and disbursed in September 2011 and the first Verbal Note, requesting non-objection to implementation of the project, submitted to five Central Asian states submitted on 3 October 2011, the process of approval was protracted: Kazakhstan was the first to respond in February 2012, followed by Tajikistan in April 2012. Although there was an exchange of correspondence in March and June with Kyrgyzstan regarding the partner agencies and a meeting with MFA in November, the project was approved in December 2012. Turkmenistan approved the project in March 2013. Uzbekistan officially declined implementation of the project in March 2012. Effective implementation of the project activities began with the belated arrival of the project coordinator on 19 July 2012, although preparatory groundwork (recruitment of project assistants, purchase of equipment) had commenced with the first charge to the budget on 8 March 2012.

The project, XACX50, aimed at promoting a regional approach to counter terrorism in Central Asia and, at the same time, strengthen capacities of the Central Asian states to address the terrorism-related issues at the national levels while respecting rule of law; by (i) contributing to the improvement of the domestic laws in each country, (ii) developing sustainable national capacity building training programmes for the main parties in the criminal justice process, (iii) increasing the effectiveness of international cooperation in terrorism-related casework and (iv) through supporting effective preventive measures via criminal justice responses to terrorism incitement and recruitment, and facilitation of regional dialog among the civil societies and the states for the purpose of preventing radicalization and violent extremism that lead to terrorism.

Although the security situation in each country varies considerably, addressing terrorism threats that are largely cross-border phenomena in Central Asia remains a priority of the political leaders of all five states.

Each country continues to make progress in preventing and suppressing terrorism both in the legislative and capacity building areas: The status of ratification of 18 international instruments

against terrorism varies among Central Asian states; Kazakhstan and Turkmenistan have each ratified 14 instruments, Tajikistan – 12 and Kyrgyzstan – 10. Three of the four project partner states (except Turkmenistan) have made efforts in 2013 towards further ratification:

Kazakhstan:

In 2013 Kazakhstan amended 13 legislative acts in the sphere of Counter-Terrorism, assigning new powers to the President (to decide the level of terrorist threat and approve the use of weapons and military equipment during antiterrorist operations) and duties to national and local authorities in combating terrorism, providing legal regulation for effective organization and coordination of their activities and creating regional anti-terrorism committees headed by governors of the regions, cities and districts. An additional draft Law, amending 10 legislative acts on combating Extremism and Terrorism is under consideration. The revised draft Criminal Code was also submitted to Parliament for review in October 2013. This provides a definition of terrorist organisations and the concept of terrorism (according to that of the Shanghai Cooperation Organisation Convention on Combating Terrorism, Extremism and Separatism, 2001). Furthermore, the Anti-Terrorist Centre (ATC), National Security Council initiated the process of approval to ratify 2 international anti-terrorism instruments, August 2013.

Kyrgyzstan:

In 2013 Kyrgyzstan adopted amendments to the Criminal Code and Counter Terrorism Law, (May 2013), which were analyzed in the UNODC gap analysis report and recommendations for legislative improvement were included accordingly. The Criminal Code was also amended, August 2013, increasing sentences for terrorism related offences. Furthermore, a draft Law on Ratification of the Convention for the Physical Protection of Nuclear Material is in the final stage of approval by Parliament.

Tajikistan:

In 2013 Tajikistan adopted amendments to the Criminal Code, Anti-Money Laundering and Counter-Terrorism laws, (June 2013); The amendment to Article 179-2 to the Criminal Code, adding the criminalisation of the financing of terrorist/terrorist organisation, even in the absence of a link with a concrete terrorist act/s, corresponds to the same recommendation made in the UNODC gap analysis report. The amendment to the Anti-Money Laundering law providing for the creation of a permanent inter-agency commission, tasked with the coordination and realisation of Anti-Money Laundering/Counter Financing of Terrorism standards is also a notable effort to comply with international standards in this area. Furthermore, a draft law for the ratification of one universal anti-terrorism instrument is in the process of approval.

In 2013 Central Asian states contributed to amendments to the CIS Model Law on Counter-Terrorism, which focus to a large extent on Prevention of Terrorism. All the countries have upgraded their anti-terrorism substantive and procedural laws, having criminalized some of the new forms of terrorist acts, including terrorism financing, and amended old or adopted new provisions on international cooperation in criminal matters (i.e. extradition and mutual legal assistances). All the countries have established financial intelligence units and adopted anti-money laundering and anti-terrorism financing laws. Also, Kazakhstan and Kyrgyzstan set up specialized anti-terrorism centres (ATC) within the Committees of National Security to assume coordination of the counter-terrorism effort.

The states became members or observers of the regional and inter-regional anti-terrorism networks including the CIS Anti-Terrorism Center, Collective Security Treaty Organization (CSTO), the Shanghai Cooperation Organization (SCO) and its operational agency the Regional Anti-Terrorism

Structure (RATS) as well as Eurasian Group (EAG). All five states are parties to the Minsk Convention and three of them ratified the Kishinev Convention; the two CIS treaties that provide for international legal cooperation in criminal matters including in terrorism-related cases. Additionally, all the countries established the functional Central Authorities that deal with these matters.

Since 2001, this progress, particularly with regard to legislative developments and capacity building of the Central Authorities and Financial Intelligence Units (FIUs), has been greatly facilitated by technical assistance provided to the Central Asian governments by UNODC through its Global Legal Advisory Programme, Global Anti-money Laundering Programme and Global Programme on Strengthening the Legal Regime against Terrorism. This technical assistance has included, inter alia, provision of reviews and evaluation of the domestic laws related to various thematic areas of terrorism and cross-cutting issues, drafting of laws with national authorities through the organization of legislative drafting workshops and through the participation in the working groups established by the governments, promotion of adoption of laws through consultations held with high level public officials, delivery of the capacity building training courses and workshops to lawmakers, law enforcement and judicial personnel as well as to the Central Authorities at the national, regional and sub-regional levels.

However, consultations and feedback received from senior criminal justice officials of the Central Asian countries show that much remains to be done at the national and regional levels with regard to the ratification and implementation of all 18 international counter-terrorism instruments and relevant Security Council resolutions and, in particular, the latest instruments adopted in 2005 and 2010. The domestic legal frameworks of the Central Asian states needed to be reviewed and updated for the purpose of bringing them into closer compliance with international instruments. These include also the procedural laws that guarantee due process. The four gap analysis reports, submitted to the respective Governments, in the framework of XACX50 project responded to this need.

Also, there is a constant developing need and interest to share the casework practices of the Central Asian states and good practices of the countries with more experience among the criminal justice professionals in the region. This allows them to identify and solve the legal and practical obstacles that they are facing when prosecuting and adjudicating the terrorist acts (in accordance, inter alia, with the newly adopted laws) and cooperating for these purposes with their regional counterparts and other foreign jurisdictions. To this end, national training courses on the investigation, prosecution and adjudication of cases, related to the financing of terrorism (as a developing and untrained aspect of terrorism-related case law) were conducted separately for judges and prosecutors in Kazakhstan, Kyrgyzstan and Tajikistan in the framework of project XACX50, November 2013. Accompanying training manuals were also developed. As indicated by the Central Authorities, judiciary and financial investigators of the Central Asian countries, the regional cooperation should be strengthened, and professional skills and knowledge of the criminal justice personnel improved especially in the areas of extradition and mutual legal assistance in terrorism-related casework. This need was addressed in the framework of project XACX50 by a regional seminar “Sharing practices in international cooperation for the purpose of investigation, prosecution and adjudication of terrorism related cases”, Dushanbe, December 2013. In addition, the need for international support in addressing the spread of radicalization and violent extremism leading to terrorism was expressed many times by various national authorities. This objective will be addressed in the framework of project XACX50 by a regional conference, “Sharing Practices in Preventing Terrorism”, Bishkek, April 2013.

The national authorities of Central Asian states have consistently requested UNODC technical assistance in legislative and capacities building areas, including in the area of strengthening regional cooperation, both officially and informally through the discussions and consultations held at national and regional events organized by the UNODC Terrorism Prevention Branch and Regional Office for

Central Asia.

Justification of the project

Besides the above-mentioned needs, the UN Security Council in resolution 1373 (2001) emphasized the need for enhanced coordination of national and international efforts in order to strengthen a global response to terrorism. Furthermore, the United Nations Global Counter-Terrorism Strategy, adopted by the General Assembly in its resolution 60/288 of 8 September 2006 (and reaffirmed in Resolution 62/272), makes extensive reference to the work of UNODC. The Strategy encourages UNODC to enhance its technical assistance. It encourages Member States to resort to the technical assistance delivered by UNODC. In September 2008 all 192 states confirmed their full commitment to the principles of the strategy and pledged to pursue its vigorous implementation. Indeed, Central Asia is the first region to adopt a Plan of Action to implement the Global UN Counter-Terrorism Strategy (Ashgabat Declaration, November 2011). The preparation of the Plan of Action was facilitated by a CTITF Project implemented by the UNRCCA and funded by the EU and the government of Norway launched in September 2010.

UNODC possesses significant comparative advantages for delivering assistance in counter-terrorism. In particular, it combines a range of expertise in the related areas of crime prevention and criminal justice, rule of law, drug control, transnational organized crime, money-laundering, corruption and related international cooperation in criminal matters with operational field-level capacity. This added value was highlighted during the Project Steering Committee Meeting, September 2013, all participants praised the technical content and relevance of subject matter of the project. They highlighted the unique potential of UNODC's mandate to link drugs, money and terrorism and conferred in the need for further technical assistance in the field of prevention/detection of terrorist activity by way of exposure to global practice in this regard.

Also, UNODC is well placed to achieve the project's objective and provide the needed technical assistance given the recognition and appreciation by the Central Asian governments of assistance in ratification and implementation of the UN anti-terrorism instruments that has been already provided by the UNODC Regional Office for Central Asia, and the strong partnerships that UNODC has built with various national and international stakeholders in the region and globally in addressing terrorism threats.

The project methodology was developed on the basis of UNODC's vast experience in terrorism prevention and cross-cutting areas while promoting ownership and sustainability.

Main Challenges

- The region faces a constant threat from home grown terrorist groups (e.g. Islamic Movement of Uzbekistan) with varying degrees of border control and justice sector capacities among respective states to prevent/counter terrorism;
- The withdrawal of international troops from neighbouring Afghanistan and its impact on the fight against terrorism in Central Asia is an unknown factor; UNODC, through its field presence in Afghanistan and the Central Asia region (regional programme and activities with Afghanistan in the framework of XACX50 project) is uniquely positioned to adapt criminal justice responses to the evolving situation.
- Counter-Terrorism (C-T), Counter-radicalisation and Counter-Extremism is high on the political agenda of the respective states. However, according to some reports, the prevailing approach to a perceived terrorist threat is to neutralize and not to detain, prosecute and adjudicate.

- There are no reported cases on terrorism related offences in Turkmenistan;
- There is limited expertise in international C-T legislation among practicing and academic lawyers in the region and in particular in Turkmenistan. All gap analysis reports had to be significantly revised and no national legal consultant was available/recommended for the study in Turkmenistan. The latter was contracted to an international legal consultant, who also revised the gap analysis report for Kyrgyzstan (due to weak analysis by national legal consultant).

Project documents and revisions of the original document

Implementation of the project XACX50 was managed within the context of certain shortfalls/challenges:

- There is limited expertise in international C-T legislation among practicing and academic lawyers in the region (and in particular in Turkmenistan); All gap analysis reports had to be significantly revised and no national legal consultant was available/recommended for the study in Turkmenistan. The latter was contracted to an international legal consultant, who also revised the gap analysis report for Kyrgyzstan, due to the poor analysis by national legal consultant.
- The project’s central focus on the promotion of a regional approach to counter terrorism policy and capacity-building depended very much on the full participation of the maximal number of states. Withdrawal of Uzbekistan from planned participation, for undisclosed reasons, may have impacted the regional dimension of the project for this reason.
- One of the project objectives was to review domestic implementing practice, in particular with regard to respect of human rights standards has posed a challenge in so far as national authorities have proved reluctant to share typology of cases (judgments) prosecuted and adjudicated in each country;
- Varying expectations of states: Turkmenistan has proved somewhat of a ‘sleeping partner’; the authorities declined to cooperate in two activities in the framework of the project (there are no reported cases on terrorism related offences in Turkmenistan). By contrast, Kyrgyzstan designated, by Government decree, two additional project partner bodies; the anti-terrorism centre of National Security Committee (ATC) and Financial Intelligence Service, each with separate expectations under the project and reporting and accountability responsibilities before the Government on progress under project XACX50. Furthermore, the Ministry of Foreign Affairs was far more involved and demanding than in any of the other project partner states;
- Delays with states coming on board (see below).

The project XACX50 was revised in December 2013 to extend the project duration, at no cost for 4 months, in order to allow sufficient time to complete all remaining activities according to the project document and fully meet its objectives, due to the delays mentioned below:

1. Late arrival to post, due to lengthy recruitment of project coordinator: Although charges to the project were made in March 2012, the project effectively started with the arrival of the project coordinator, 20 July 2012;
2. Late accession of two partner states: Kyrgyzstan and Turkmenistan approved the project in December 2012 and March 2013 respectively.

2. DISBURSEMENT HISTORY

Overall Budget (time period)	Total Approved Budget (time period)	Expenditure (time period)	Expenditure in % (time period)
2012-2014	2012-2014	2012-2014	2012-2014
1,499,900 \$ 2 years and 4 months	1,499,886 \$ 2 years and 4 months	1,012,650 \$	68%

3. PURPOSE OF THE EVALUATION

The final independent project evaluation of XACX50 was foreseen in the project document as per evaluation guidelines provided by the Independent Evaluation Unit (IEU) of UNODC. It seeks to provide accountability to donors by determining whether project objectives were met and resources were wisely utilized, as well as to identify areas of improvement in a project, to get feedback, appraisal and recognition, and to attract resources toward future projects.

Procedures for evaluation will be applied under the framework of UNODC results-based management adopted to ensure effective delivery of technical assistance. The project has been subject to regular monitoring. A steering committee meeting involving the donor and implementing agencies was conducted in September 2013 and a final one will be conducted in early June.

In compliance with the project document, the final Independent Project Evaluation is initiated by the project manager, to provide insights that will help UNODC increase the effectiveness and impact of its technical assistance to project countries in the area of prevention of and counter terrorism. With this in mind, the evaluation is expected to assess the extent of:

- the relevance of projects in the context of governments' priorities and needs,
- the alignment of projects with UNODC's strategic instruments e.g. strategic programme framework, International anti-terrorism instruments, UN TOC;
- the appropriateness of projects strategies and activities as the most effective UNODC measure for preventing and countering terrorism;
- the effectiveness of projects, i.e. to what extent have the objectives of the projects been achieved;

After the evaluation report has been cleared by IEU, it will be shared with relevant units of UNODC, government counterparts and the donor.

The main stakeholders will be interviewed and briefed as part of the evaluation process and shall receive the key findings. Their comments, opinions and ideas shall be reflected in the report where appropriate. Please see attached the list of the Core Learning Partners in Annex III.

4. SCOPE OF THE EVALUATION

The project will be evaluated during April 2014 and will focus mainly on the project's concept, design, implementation, results, efficiency, effectiveness, relevance, impact, partnerships, outputs and outcomes. The evaluation will cover the entire period of project implementation i.e. March 2012 to June 2014, 2 years and 4 months. The final evaluation will cover the activities of the projects implemented in Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan. The project has not been evaluated before at any of its stages. A Project Steering Committee meeting was conducted on 3 September 2013 to present a progress report, the status of ratification of international anti-terrorism

instruments by state, implementation and outcomes of project activities to date and the plan for completion of the project by 30 June 2014.

5. EVALUATION CRITERIA AND KEY EVALUATION QUESTIONS

Notwithstanding the adherence to the UNEG and DAC Evaluation Criteria (Relevance, Effectiveness, Efficiency, Sustainability, and Impact), additional evaluation criteria regarding design, partnerships and cooperation, and other crosscutting issues such as gender and human rights should be considered. Specifically, the evaluation may be guided by the indicative questions below.

Please note that the evaluation questions are only indicative and will be further developed by the evaluator as necessary.

Relevance:

- To what extent are the objectives of the project still valid according to current situation/environment?
- How relevant is the project to Governments’ beneficiaries, needs and priorities?
- To what extent are the activities and outputs of the project consistent with the overall goal and the attainment of its objectives?
- To what extent are the activities and outputs of the project consistent with the intended impacts and effects?

Efficiency:

Considering the current situation/environment and other influencing factors as necessary:

- To what extent is the project providing the planned services and products within optimal cost and standards?
- Is the project implemented in the most efficient way compared to alternatives?
- To what extent are the activities being performed as planned and in a timely manner?
- To what extent are the activities being adjusted in response to change in situation/environment in order to maintain efficiency?
- Are the activities leading to the expectations of implementing agencies (i.e. UNODC and its counterparts) to prevent and counter terrorism?

Effectiveness:

- To what extent were the objectives and outcomes in the project document achieved / are likely to be achieved?
- What were the major factors influencing the achievement or non-achievement of the objectives?
- How satisfied are the associated/implementing agencies with this project?
- How should the planned activities be modified to work better?
- To what extent have all intended participants received planned trainings?
- What could the project have done differently to complete the project more effectively?

- What outcomes should be considered if UNODC wants to repeat this or conduct a similar project (e.g. to improve collaboration, fasten the implementation speed, satisfy the beneficiary counterparts, etc)

Impact:

- To what extent has the project met the needs for technical assistance that formed the concept of this project (see problem analysis and justification of the project in project document? Do these needs still exist?
- What are the effects of the project towards current organizational and individual performance (e.g. enhanced networking, partnership, investigation ability, etc)?
- To what extent did the stakeholders experience any improvement in their skills, knowledge base (counterpart capacity)?
- Has the project contributed or is likely to contribute to long-term social, economic, technical, environmental changes for individuals, communities, and institutions related to the project?

Sustainability:

- To what extent will the achievements of this project continue after donor funding ceased?
- What are the major factors that influence the achievement or non-achievement of sustainability of the project?
- How do the associated/counterparts plan to implement legislative recommendations submitted in the framework of the projects' gap analysis reports, to bring national legislation into closer compliance with international anti-terrorism instruments/continue to build training capacities of national judicial and prosecutorial training centres?

Partnerships and Cooperation:

- To what extent have partnerships and cooperation been sought and established (including UN agencies) and synergies been created in the delivery of assistance?
- To what extent are stakeholders (e.g. counterparts, OSCE, UN agencies, etc) involved in planning and implementation of the project?
- To what extent do associated/implementing partners actively engage in the project activities and throughout the implementation period?
- To what extent do participating partners understand their role and responsibilities under the project scope?
- What are the main factors influencing participation and non-participation of project partners?

Lessons Learnt:

- What are the lessons learnt for future initiatives/projects?
- What are the best practices that could be applied to future activities?
- To what extent did the project implementation take into account gender mainstreaming issues?

Human rights and gender:

To what extent did the project implementation take into account training on application of procedural guarantees for fair trial while prosecuting and adjudicating terrorism related cases and human rights considerations in combating recruitment and incitement to terrorism?

Recommendations may be made on issues relating to the implementation and management of the project as well as follow up projects dealing with the same issues. The evaluation shall assess in what ways the project design and / or delivery can be improved to enhance its effectiveness. The evaluation should also identify the key elements, assumptions and risks for the development of similar initiatives in this and other regions.

6. EVALUATION METHODOLOGY

The evaluation consultant must present an inception report that includes a detailed statement of Evaluation methods and the approach to be used to identify information sources and collect information during the evaluation and to analyze the data obtained. The evaluation of the project will be based on the following:

1. The desk review of relevant strategic and project documents (project proposals, project reports; progress reports, reports produced by external experts, etc);
2. Where necessary, initial briefing by responsible UNODC staff in the Programme Office, Almaty;
3. Interviews with the representatives of national counterparts (Government), UNODC project team and other relevant personnel, and, where necessary and required, donor;
4. Interviews with national training centres (judicial and prosecutorial) ;
5. A mixed approach of qualitative and quantitative methods in line with the United Nations Evaluation Group (UNEG) Norms and Standards.

The Independent Evaluation Unit (IEU) provides mandatory normative tools, guidelines and templates to be used in the evaluation process, to be found on the IEU website:
<http://www.unodc.org/unodc/en/evaluation/independent-project-evaluations-step-by-step.html>

A meeting plan with stakeholders will be prepared by the Project Manager jointly with the CLP and sent to the evaluator at least 1 week in advance of the field missions. This plan will include interview questions and a detailed description of the full evaluation methodology to be adopted. This methodology, in the form of an inception report is to be submitted through the application of Independent Project Evaluation in ProFi and will be reviewed and cleared by IEU prior the field mission.

The Evaluation consultant will further elaborate on the evaluation methodology in the Inception Report, determining thereby the exact focus and approach for the exercise, including refining the evaluation questions, and developing the sampling strategy and identifying the sources and methods for data collection. The evaluation should provide for a mixed approach of qualitative and quantitative methods. Special attention shall be paid to an unbiased and objective approach and the triangulation of sources, methods, data, and theories. Information stemming from secondary sources will be cross-checked and triangulated through data retrieved from primary research methods. Primary data collection methods should be gender sensitive.

Upon completion of the fact-finding and analysis phase, including triangulation of data, a draft evaluation report will be prepared. The draft evaluation report should be circulated to the parties (including Project Manager, stakeholders) for comments and for IEU clearance. The Project Manager

will review the draft evaluation report of factual errors or omissions and the evaluator shall incorporate the necessary changes received. The revised draft evaluation report is then to be submitted through the application of Independent Project Evaluation in ProFi to IEU for further review and subsequent clearance, once all requested changes by IEU have been incorporated. For the draft evaluation report, Guidelines for Evaluation Report and Template Report are to be followed and are to be found on the IEU website <http://www.unodc.org/unodc/en/evaluation/independent-project-evaluations-step-by-step.html>).

While the Project Team is also part of the Core Learning Partners, their role is also to manage the process and logistics of the evaluation. The Independent Evaluation Unit at HQ provides comments and clearance of the final ToR; clears the final Inception Report, reviews and assesses the final evaluation report and posts the (cleared) final evaluation report on the IEU website.

7. TIMEFRAME AND DELIVERABLES

The evaluation will take place 11 April to 30 May 2014 (inclusive of weekends)

The Project Manager and the evaluator will develop and finalize the evaluation agenda/work plan, specifying the dates on which the evaluation will be carried out, the locations to be visited as well as the tasks to be carried out by the evaluator.

The agenda/work plan should also specify the specific period in which the Core Learning Partners will be expected to comment on the evaluation report. The evaluator, following prior consultations with ROCA will revise the final agenda.

The evaluator will submit a draft evaluation report to the Project Manager to review for factual errors or omissions, to ROCA, as well as to all “Core Learning Partners”. The evaluator shall incorporate the requested changes received. The revised draft evaluation report is then to be submitted through the application of Independent Project Evaluation in ProFi to IEU for further review and subsequent clearance, once all requested changes by IEU have been incorporated.

The report will contain the draft findings, conclusions and recommendations of the evaluator/evaluation team. The report should be no longer than 25 pages, excluding annexes and the executive summary, all in line with Guidelines for Evaluation Report and Evaluation Template Report to be mandatorily used in the evaluation process. These documents are to be found on the IEU website <http://www.unodc.org/unodc/en/evaluation/independent-project-evaluations-step-by-step.html>).

The report will be distributed by the Project Manager as required to the governmental authorities and donor, and will be discussed at a Steering Committee Meeting by the parties to the project, as well as posted on the IEU website <http://www.unodc.org/unodc/en/evaluation/independent-project-evaluations.html>

Timeframe for the evaluation process:

Duties	Preliminary deadlines	Location	Results
Desk review	April 11-13	Home based	List of evaluation questions Evaluation tools

Prepare Inception Report Review by Project Manager Review and clearance by IEU	April 14		Draft Inception Report
Interviews with staff at UNODC ROCA/PO Almaty	April 16	Almaty	Inception report; to be cleared by IEU before the field mission
Evaluation mission: briefing, interviews and presentation of preliminary findings	April 17-30	Astana, Bishkek, Dushanbe, Ashgabat	Notes
Presentation of preliminary findings at UNODC ROCA	May 1	PO Almaty or from home base (national holidays)	UNODC HQ Notes
Drafting of the evaluation report; Review by Project Manager submission to stakeholders for comments; incorporating of comments; Review and comments by IEU; incorporating IEU-comments; finalization of report Final review and clearance by IEU	May 2-30	Home base	Draft report Final Report, to be cleared by IEU

Expected Deliverables

The Evaluator will have the overall responsibility for the quality and timely submission of all deliverables, as specified below:

- Inception Report, containing a refined work plan, methodology and evaluation tools in line with UNODC evaluation guidelines and templates; to be cleared by IEU before the field mission;
- Draft Evaluation Report in line with UNODC evaluation policy and guidelines
- Final Evaluation Report, including annex with management response (if needed); to be reviewed and cleared by IEU;
- Presentation of evaluation findings and recommendations to CLP and other key stakeholders;

8. EVALUATION TEAM COMPOSITION

The final evaluation of the project will be carried out by one independent International Evaluation consultant identified by UNODC through a competitive selection process and supported by the Project Coordinator. The Evaluation consultant should have expertise in reviewing criminal justice and law enforcement structures, and have experience in evaluating technical assistance projects. Costs associated with the evaluator will be borne by the project. The expert shall act independently, in line with UNEG Ethical Guidelines and in his individual capacity and not as a representative of any government or organization that may present a conflict of interest. S/he will have no previous experience of working with project XAC/X50 or of working in any capacity linked with it.

Evaluation consultant should have the following qualifications and experience:

- A minimum first-level university degree in law or criminology
- Minimum of 7 years of relevant work experience in, or ii) in lieu of a first-level university degree, minimum of 12 years of professional experience in, at least one of the following areas:
 - o Developing evaluation methodologies and carrying out evaluations, including the drafting and finalization of the evaluation reports.
 - o Legal/policy/law enforcement experience in the field of preventing and combating terrorism;
 - o Institutional capacity building / organizational management / training of criminal justice personnel
- In addition, the evaluator should have:
 - o Experience in conducting independent evaluations (if possible, within the UN system);
 - o Familiarity with prevention and countering terrorism issues in Central Asia;
 - o Knowledge of bilateral/multilateral technical cooperation, particularly in terrorism, transnational organized crime.
- Excellent analytical, drafting and communication/writing skills in English. Knowledge of Russian is an asset (if necessary, ROCA will provide the services of an independent translator for interviews).

The evaluator will be responsible for drafting the evaluation report, ensuring the report meets the necessary standards and for submitting the drafts as described in a timely manner. He will be supported by the Project Coordinator based in Almaty.

9. MANAGEMENT OF EVALUATION PROCESS

The independent evaluation will be carried out following UNODC's evaluation policy and UNEG norms and standards. The Independent Evaluator will work with the Project Manager.

Project manager

- Manage the evaluation process
- Drafting and finalizing the ToR
- Recruit evaluators
- Responsible for the provision of desk review materials to the evaluation team
- Review the evaluation methodology

- Select and liaise with the Core Learning Partners
- Reviewing the draft evaluation report
- Assessing the quality of the final report by using the Quality Checklist for Evaluation Reports in the Independent Project Application in ProFi.
- Review the draft report and develop an implementation plan for the evaluation recommendations
- In charge of providing logistical support to the evaluation team including arranging the field missions of the evaluation team
- For the field missions, the evaluation team liaises with the UNODC regional/field offices and mentors as appropriate.
- Disseminate the evaluation report
- Follow-up on the implementation of the evaluation findings and recommendations

Core Learning Partners

- Members of the Core Learning Partnership (CLP) are selected by the project manager
- Members are selected from the key stakeholder groups, including UNODC management, beneficiaries, partner organizations and donor
- Comment on key steps of the evaluation and act as facilitators with respect to the dissemination and application of the results and other follow-up action.

Independent Evaluator

- Carry out the desk review
- provide methodological evaluation quality assurance throughout the evaluation process and inputs (in coordination with the Project Manager)
- Develop the inception report, including sample size and sampling technique
- Draft the inception report and finalize evaluation methodology incorporating relevant comments
- Assume responsibility for whole the evaluation process Implement quantitative tools and analyze data
- Triangulate data and test rival explanations
- Ensure that all aspects of the terms of reference are fulfilled
- Conduct planned missions and apply methodological tools
- Draft an evaluation report in line with UNODC evaluation policy
- Finalize the evaluation report on the basis of benefits received
- Include a management response in the final report
- Present the findings and recommendations of the evaluation at the project steering committee meeting, June 2014

The Independent Evaluation Unit (IEU)

- Clears the final TOR
- Clears the final Inception Report
- Clears the final Evaluation Report
- Posts the cleared evaluation report on the IEU-Website.
- Provides mandatory normative tools, guidelines and templates to be used in the evaluation process, to be found on the IEU web site <http://www.unodc.org/unodc/en/evaluation/independent-project-evaluations-step-by-step.html>.-

Logistical support for the evaluator will be provided by UNODC ROCA and relevant field offices (including office space, an internet connection and use of a desktop computer if necessary as well as assistance with interpretation if necessary). The evaluator will need to provide his/her own laptop, cameras or other equipment. ROCA will assist with transport within the region and support international travel arrangements and the issuance of visa (where necessary).

10. PAYMENT MODALITIES

Consultants will be issued consultancy contracts and paid in accordance with UNODC rules and regulations. Payment needs to be correlated to deliverables – three installments: upon delivery of the Inception Report, of the Draft Evaluation Report and clearance of the Final Evaluation Report and the final presentation.

75 percent of the daily subsistence allowance and terminals is paid in advance, before travel. The balance is paid after the travel has taken place, upon presentation of boarding passes and the completed travel claim forms.

The consultant is paid in accordance with United Nations rules and procedures. Payment correlates to deliverables – three installments are foreseen (25%, 25% and 50% of total fees).

- The first payment (25 per cent of the consultancy fee) upon receipt and clearance by IEU of the Inception Report;
- The second payment (25 per cent of the consultancy fee) upon receipt and clearance by IEU of the Draft Evaluation Report;
- The third and final payment (50 percent of the consultancy fee, i.e. the remainder of the fee) only after completion of the respective tasks, receipt of the final report and its clearance by UNODC/IEU.

11. ANNEXES

Annex 1. Desk review documents

Annex 2. Job description of evaluator

Annex 3. List of CLP Members and Counterparts

Annex 4. Evaluation Guidelines

ANNEX II. EVALUATION TOOLS: INTERVIEW GUIDES

INTERVIEW PLAN

The interview plans differed for each interview, and the circumstances of that interview, depending on the stakeholder to ensure flexibility and to attain the maximum amount of information. The function of each stakeholder and their relationship to the project was established.

INTERVIEW QUESTIONS

The independent evaluator outlined the evaluation criteria and the function of the evaluation and make reference to the potential evaluation questions which were used as a guide in each interview.

ROUNDTABLE

The independent evaluator facilitated groups of stakeholders so they could hear and react to each-others responses and provide their informed opinions on the project. The planning for each roundtable differed for each roundtable, and the circumstances of that roundtable, depending on the stakeholder to ensure flexibility and to attain the maximum amount of information. The function of each stakeholder and their relationship to the project was established.

ROUNDTABLE QUESTIONS

The independent evaluator outlined the evaluation criteria and make reference to the potential evaluation questions which were used as a guide in each roundtable.

EVALUATION QUESTIONS

The evaluations questions determined whether the project objectives were met and resources were wisely utilized, as well as to identify areas of improvement in a project, to get feedback, appraisal and recognition, and to attract resources toward future projects.

In determining the evaluation of the project the following questions were considered:

The following questions include those that were set in the ToR and additional questions which have been elaborated upon and defined to determine whether the project objectives were met.

1 Relevance

- (a) Were the overall objectives of the project met and to what extent are the objectives of the project still valid according to current situation/environment?
- (b) How relevant is the project to Governments' beneficiaries, needs and priorities?
- (c) To what extent are the activities and outputs of the project consistent with the overall goal and the attainment of its objectives?
- (d) To what extent are the activities and outputs of the project consistent with the intended impacts and effects?
- (e) To what effect were the activities and outputs of the project consistent with its intended impacts?
- (f) To what extent did the project design assist in the achievement of the project objective, outcomes and outputs?

2 Effectiveness

- (a) To what extent were the objectives and outcomes in the project document achieved or were likely to be achieved?
- (b) What were the major factors that influenced the achievement or non-achievement of the objectives?
- (c) How satisfied were the associated and/or implementing agencies with this project?
- (d) How could the planned activities have been modified to work better?
- (e) To what extent did all the intended participants received planned trainings?
- (f) What could the project have done differently to complete the project more effectively?
- (g) If there was to be another project what objectives needs to be established and what outcomes should be considered. Would it need to be a repeat of this project or would you need to conduct a similar project (e.g. to improve collaboration, fasten the implementation speed, satisfy the beneficiary counterparts, etc.)?

3 Efficiency

Considering the situation/environment and other influencing factors as necessary:

- (a) To what extent did the project provide the planned services and products within optimal cost and standards?
- (b) Was the project implemented in the most efficient way in in comparison to alternatives?
- (c) To what extent were the activities performed as planned and were they delivered in a timely manner?
- (d) To what extent were the activities of the project adjusted in response to changes in Situation and/or environment in order to maintain efficiency?
- (e) Did the activities meet the expectations of implementing agencies (i.e. UNODC and its counterparts) to prevent and counter terrorism?
- (f) To what extent was the situation analysis and justification for the project accurate and relevant.

4 Sustainability

- (a) To what extent will the achievements of this project continue after donor funding has ceased?
- (b) What were the major factors that influenced the achievement, or non-achievement, of the factors that affected the sustainability of the project?
- (c) Did the associated/counterparts plan to implement legislative recommendations submitted in the framework of the projects' gap analysis reports, to bring national legislation into closer compliance with international anti-terrorism instruments, continue to build training capacities of national judicial and prosecutorial training centres?
- (d) How did the project design support the sustainability of the project after completion and to what extent will the benefits of this project continue after donor funding ceases?

5 Impact

- (a) To what extent did the project meet the needs for technical assistance that formed the concept of the project and do these still exist?
- (b) What were the effects of the project relating to current organizational and individual performance (e.g. enhanced networking, partnership, investigation ability, etc)?
- (c) To what extent did the stakeholders experience any improvement in their skills and knowledge base e.g. counterpart capacity?
- (d) Did the project contribute or was it likely to contribute to the long-term social, economic, technical, environmental changes for individuals, communities, and institutions related to the project?

6 Partnerships and Cooperation

- (a) To what extent have partnerships and cooperation been sought and established, including UN agencies, and synergies been created in the delivery of assistance?
- (b) To what extent were stakeholders (e.g. counterparts, OSCE, UN agencies, etc) involved in planning and implementation of the project?
- (c) To what extent did the associated and/or implementing partners actively engage in the project activities and throughout the implementation period?
- (d) To what extent did the participating partners understand their roles and responsibilities under the project scope and their roles in the project?
- (e) What were the main factors that influenced the participation and non-participation of project partners?

7 Best practices

- (a) Were any best practices identified as a result of the project?
- (b) What were the best practices that could be applied to future activities?

8 Lessons learnt

- (a) To what extent did the project implementation take into account gender mainstreaming issues? -
- (b) What were the lessons learnt for future initiatives and/or projects?

9 Human rights and gender

- (a) To what extent did the project implementation take into account training on application of procedural guarantees for fair trial while prosecuting and adjudicating terrorism related cases and human rights considerations in combating recruitment and incitement to terrorism?

ANNEX III. DESK REVIEW LIST

A Documents provided by UNODC

- i. Project Concept
- ii. Letter to Mr. Fedetov dated 21/09/11 – confirming INL funding
- iii. Project Document (undated)
- iv. Project Revision (October 2013)
- v. An Annual Progress Report (APPR) (January – December 2013)
- vi. Annual Progress Report (APPR) (January – December 2012)
- vii. Minutes of the Steering Committee (3 September 2013)
- viii. EUR/ACE 2013 Annual Budget Review (ABR)
- ix. EUR/ACE 2012 Annual Budget Review (ABR)
- x. TFB Field Experts Meeting (July 2013)
- xi. Mission Report (Sept 2012)
- xii. Mission Report (Dec 2012)
- xiii. Mission Report (Jan 2013)
- xiv. Mission Report (Feb 2013)
- xv. Mission Report May 2013)
- xvi. Mission Report (Oct 2013)
- xvii. Budget 2013
- xviii. Summary Conclusions and Recommendations (April 2014)
- xix. Quarterly Information to ROCA (Jan – Mar 2014)
- xx. Survey of Legislation (2013)

B. Additional Documents

- i. FO Project Summary Ledger December 2012
- ii. FO Project Summary Ledger December 2013
- iii. FO Project Summary Ledger June 2014
- iv. TPB List of Activities January – December 2013
- v. TPB List of Activities January – December 2014
- vi. Report on the "Study Visit for senior counter-terrorism policy makers, national security officials, prosecutors and judges from Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan" 19-23 May 2014

ANNEX IV. STAKEHODERS INTERVIEWED

Astana

General Prosecutor's Office (interview)

Ministry of Internal affairs (interview)

Supreme Court (interview)

Anti-Terrorist Centre (interview)

General Prosecutor's Office (roundtable)

Committee of Financial Monitoring (interview)

Supreme Court Institute (roundtable)

Assoc. Of Religious Organisations of Kazakhstan (interview)

OSCE (interview)

Dushanbe

Counter Terrorism Department (interview)

Supreme Court (roundtable)

General Prosecutor's Office (interview)

Training Centre for Prosecutors (interview)

Training Centre for Training of Judges, Council of Justice (interview)

NGO "Tomaris" (telephone interview)

Ministry of Justice (interview)

National security (roundtable)

US Embassy INL (telephone interview)

Almaty

UNODC (roundtable)

Bishkek

UNODC Kyrgyzstan (interview)

Ministry of Interior (roundtable)

General Prosecutor's Office (roundtable)

Ministry of Foreign affairs (interview)

Anti-Terrorist Centre (National Security) (roundtable)

US Department of Justice (interview)

Defence Council (interview)

Supreme Court (roundtable)

Ashgabat

US Embassy INL (interview)

Government Representatives (roundtable)

UNODC HQ, Vienna (telephone interview)