



Evaluation Summary



International
Labour
Office

Evaluation
Office

Strengthening Labour Law Governance in Afghanistan – Final evaluation

Quick Facts

Countries: Afghanistan

Final Evaluation: January 2015

Mode of Evaluation: Independent

Administrative Office: ILO Office in
Afghanistan

Technical Office: ILO DWT/CO-Delhi,
LAB/ADMIN ILO HQ

Evaluation Manager: Ms. Pamornrat
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Project Code: AFG/10/01/USA

Donor & Project Budget: USDOL
(US\$ 600,000)

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law reform, Afghanistan, labour standards

inspection and dispute settlement procedures. Tripartite constituents have little awareness about social dialogue regarding fundamental principles and rights at work.

Therefore, the Strengthening Labour Law Governance in Afghanistan (SLLGA) project was designed to seek four outcomes:

- (1) A reformed labour law administrative machinery at the central level and in selected provincial offices
- (2) A set of revised labour laws and regulations in line with international labour standards
- (3) Mechanisms for labour law implementation, such as labour inspection and dispute settlement
- (4) A tripartite consultative structure for effective social dialogue between representatives of government, employers and workers.

The SLLGA project was implemented in Afghanistan, in Kabul and in selected provincial offices. A national project manager managed the project and a steering committee - comprising representatives of the ILO, the Ministry of Labour, the Ministry of Justice, unions and employers' organisations - provided oversight.

Background & Context

Afghanistan has witnessed more than three decades of war and internal conflicts that have adversely affected people's livelihoods, and severely disrupted the entire social fabric of society. The labour law in Afghanistan does not comply with international labour standards. The labour administration is inadequate to effectively implement the law, lacking mechanisms including sufficient labour

Present Situation of the Project

Several activities took place outside of the project's official timeline - the second occupational safety and health mission, the dispute resolution training workshop, and the final evaluation. The missions were delayed due to the change of government and the security situation. Commendably, the ILO's Afghanistan office committed to complete the project activities with its own resources and the final activity - the workshop - will be taking place in

March 2015¹. Whilst the in-country developments were the primary cause of the delay, ILO's staff reshuffling in various offices associated with the project made implementation challenging at times. However, ultimately the activities that took place outside of the project lifetime were those affected by elections.

Purpose, scope and clients of the evaluation

The purpose of the evaluation was to document key achievements, challenges, lessons learned and good practices for future programmes and projects.

The evaluation looked at project activities implemented from July 2011 to October 2014. The geographical scope of the evaluation was limited to Kabul, although some project activities were carried out in the provinces. Due to fiscal and security constraints, the decentralised perspective was not been included.

The primary clients of the evaluation are ILO Afghanistan Office, RO-Bangkok, key constituents, donor, DWT-New Delhi and LAB ADMIN at ILO HQ.

Methodology of evaluation

The evaluation methodology involved a desk review of project documents and reports, as well as in depth interviews and focus group discussions with a range of stakeholders in Afghanistan, Delhi, Bangkok, and Geneva to gather qualitative data. Primary and secondary data were analysed and compiled into a report into which various stakeholders provided input.

There were several limitations in this evaluation. The geographical scope of the evaluation was generally limited to Kabul, although some project activities were carried out in the provinces. Due to fiscal constraints, the decentralised perspective was not been included. The Terms of Reference explicitly excluded interviews with stakeholders outside Kabul. In consideration of the heightened security concerns surrounding the Presidential elections in 2014, which coincided with the timing of the evaluation, it was decided that a

field mission to conduct interviews with stakeholders in Afghanistan would not be possible. Due to the lack of videoconference facilities in the provinces outside Kabul, it was not possible to remotely interview stakeholders in those areas. However video conference facilities in Kabul allowed for remote interviews with stakeholders in the capital. The limited geographical scope of the evaluation was considered unavoidable due to security concerns. Moreover, because all interviews were conducted via Skype and video conference, the evaluation did not benefit from the types of observation inherent in field missions. Other limitations of the evaluation included a lack of sex-disaggregated data and very limited gender analysis in project documents, which inhibited a comprehensive gender evaluation. Finally, language was a barrier with most local stakeholders and an interpreter was used.

Main Findings & Conclusions

The evaluation found that the project was **relevant** and well suited to the policies and priorities of the ILO and its counterparts in Afghanistan. It was especially relevant for addressing the needs of the social partners, for national priorities identified in the Afghanistan National Development Strategy, for ILO priorities identified in the Decent Work Country Programme, and for UN priorities identified in the UNDAF.

Furthermore, the project was **effective** in many ways. The project empowered the tripartite constituents to engage in ongoing social dialogue with respect to labour issues, including the drafting of the new labour law and regulations. Moreover, the project helped to raise awareness of the general public, the government and the social partners about fundamental rights and labour issues. In addition, it laid the groundwork for the tripartite constituents to train their staff and members in Kabul and beyond in what they learned in the labour standards workshops. It drafted a new labour code and three regulations relating to the tripartite consultative body, labour inspection and dispute settlement.

Regarding **efficiency**, resources were allocated efficiently with the limited means available to execute the ambitious project design. The

¹ Due to consultant's availability.

project was cost-effective because it utilised the project budget to the best of its ability, and was resourceful in seeking funds from other sources where project funds were lacking, i.e. security, project office, workshop, labour law reform activities and the public awareness campaign. This had the effect that the project was able to deliver good value for money by increasing the funds available to the project to carry out its activities. Difficulties with respect to implementing all project activities in a timely manner may be explained by the over ambitious project design regarding the number and types of activities that could be implemented in a fragile state context in a project lifetime, and by the delays related to the election cycle.

Regarding **impact**, there were several positive effects which can be causally linked to the project's interventions, namely the increase in complaints lodged at the MOLSAMD – demonstrating the increased awareness of labour rights and obligations; and the ongoing workshops for tripartite constituents in the provinces - which shows the positive impact of the training of trainer workshops and the sustainability of the capacity building activities.

As for **sustainability**, the benefits of several activities under the project are likely to continue after donor funding has been withdrawn. Strengths include the continuation of social dialogue between the tripartite constituents through the Working Group for Labour Law Reform and ongoing training of social partners in the provinces. Weaknesses include the relevant approvals beyond the Ministry of Labour required for the passing of the revised labour code and regulations. Sustainability of the law reform aspects of the project would best be addressed by a phase two of the project, or by continuing support and advocacy on the part of the ILO and the MOLSAMD in the absence of a phase two of the project.

Recommendations & Lessons Learned

Three **good practices** emerged from the project: (1) the use of labour law reform as a vehicle to support tripartite social dialogue in order to consolidate peace in fragile states; (2) provision of ILO technical expertise in fragile states; and

(3) South South capacity building for labour inspectors.

Several **lessons** may be learned from the project. First, good project design is essential for the implementation, monitoring and evaluation stages of the project cycle. Second, ILO operations in fragile states need to be backed up with adequate security, logistics, and quick decision making and action. Third, women's participation needs to be emphasised in male dominated societies in order to overcome deep-rooted cultural obstacles. Fourth, fragile states need legislative reform as well as employment generation.

Main recommendations and follow-up

The following recommendations have been made to various ILO stakeholders, the tripartite constituents and donor.

Recommendations regarding project design:

1. Continue to design labour law reform and labour administration reform projects in fragile states where appropriate. Also consider simultaneous employment generation projects.
2. When designing fragile state employment creation projects, emphasise the priorities and needs of national stakeholders and beneficiaries rather than donors, and be guided by the UN Policy for Post-Conflict Employment Creation, Income Generation, and Reintegration 2009.
3. Design prodocs with baselines to measure progress, or include a baseline study as an activity of the project. Avoid committing things beyond the project lifetime and to be clear in the logframe what is controllable. Donors may consider including this as a requirement for future funding of ILO programmes.
4. When designing ILO law reform projects, adequately analyse whether objectives and timeframes are attainable and realistic. Consider the timing of the political cycle and its impact on the likely processing or stalling of law reform.
5. Ensure that project design documents adequately analyse risks associated with implementing in a fragile state environment (security, political cycle,

conflict, etc.) and include a risk management strategy.

6. Design adequate monitoring plans with baseline data, data disaggregated by sex and other categories, and greater integration of indicators.

Recommendations regarding project implementation

7. Seek no cost extensions of time if there are delays in implementation. Follow up on delayed project activities with ILO funds if project has come to a close.
8. ILO management should consider taking measures to reduce bureaucratic inertia of technical cooperation support structures through faster procedures, greater flexibility, and more decentralized management.
9. Sustainability of the law reform aspects of the SLLGA project should be addressed by a phase two of the project, or by continuing support and advocacy on the part of the ILO and the MOLSAMD in the absence of a phase two.
10. Consider forming voluntary codes of practice which are consistent with the labour law reform, as an interim measure pending enactment of the new labour instruments.

Recommendations for ILO working in fragile states

11. Consider using labour law reform as a vehicle to support social dialogue as a means of consolidating peace in fragile states. Sustainability will mostly need to be ensured by a second phase of a project.
12. ILO operations in fragile states need to be backed up with adequate security and logistics, as well as quick decision-making and action. (1) Avoid incorporating activities that would require prolonged stay of international experts in-country. Otherwise, try to target relatively safe provinces outside of conflict zones to conduct training of trainers workshops and rely on local counterparts to replicate in other places. (2) Be aware of the seasonality of armed conflicts, which are more plentiful from spring to autumn but calm down under

the snow in winter. Try to bring more missions during winter time. (3) When security risk precludes incoming missions, conduct meetings or training workshops in nearby countries or through Skype and video conferencing. (4) Consider the timing of the political cycle and its potential impact on project implementation.

Recommendations regarding gender equality:

13. Project design should mainstream gender in the situation analysis, the project goals, outputs, indicators, and monitoring and evaluation framework. Sex disaggregated data should be included in the situation analysis, baseline data, and indicators so that gender equality outcomes may be monitored throughout the project and properly evaluated in the midterm review and final project evaluation. Consider including these elements in a project document template.
14. Women's participation can be encouraged (1) through a quota (2) by advocacy at senior management levels in tripartite organisations (3) by inviting members of the women's movement to participate (4) by requiring women's representation in tripartite bodies (5) by raising awareness about women's labour rights and non-discrimination thereby highlighting the reasons for encouraging women's participation.