



Performance Evaluation of the Central Asia Regional Program

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**Submitted by:
Technologist, Inc.
12020 Sunrise Valley Drive, Suite 100
Reston, VA 20191**

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ACRONYMS

ABR	Annual Budget Review
ACE	Assistance to Europe, Eurasia, and Central Asia
ADR	Alternative Dispute Resolution
C5+1	The five countries of Central Asia plus the United States
CLA	Collaboration, Learning, and Adapting (CLA)
CLDP	Commercial Law Development Program
EEU	Eurasian Economic Union
EQ	Evaluation Question
FGD	Focus Group Discussion
IP	Intellectual Property
KII	Key Informant Interview
M&E	Monitoring and Evaluation
SMART	Specific, Measurable, Attainable, Realistic, Timebound
SPS	Sanitary and Phytosanitary
TA	Technical Assistance
TIFA	Trade and Investment Framework Agreement
USG	United States Government
WG	Working Group

EXECUTIVE SUMMARY

This evaluation is a performance evaluation of CLDP CAR activities where the focus of the examination is on implementation, inputs, outputs, and likely expected outcomes. Importantly, this performance evaluation was designed to address CLDP CAR activities for the previous two years only (roughly April 2021 through May 2023). Furthermore, the evaluation focused only on the five supported regional expert working groups, and the Vis Moot alternative dispute resolution activity.

The evaluator utilized a combination of quantitative and qualitative data collection techniques to assess the performance of CLDP CAR technical assistance over the past two years. These data collection methods included desk research, literature review, key informant interviews, an online survey distributed to program stakeholders, and focus group discussions with CLDP CAR activity managers. The evaluation focused on four key evaluation questions, each of which is discussed in more detail below.

EQ 1: To what extent has the CLDP technical assistance program in Central Asia supporting trade and other commercial reforms in the region been effective in achieving its aims? (Effectiveness is defined as the degree to which objectives are achieved and the extent to which targeted problems are solved).

The data collected for this performance evaluation indicates clearly that the technical assistance program **has been effective** in achieving its aims. Scoring data from the Key Informant Interviews and the Online Survey were the primary sources of data used to make this determination. Respondents were asked to provide a score/ranking for each of the outputs and short-term outcomes from the FY2023 CLDP CAR logic model.

Scoring Key

- 1: Very little progress
- 2: Partial progress but with significant challenges
- 3: Significant progress with some remaining challenges
- 4: Output/Short-Term outcome achieved with few or no challenges remaining

For the five Working Groups, the combined average score for output and short-term outcome progress is 2.88 which sits just below the “significant progress” score of 3.0. For the VIS Moot ADR activity, the score is 3.08, above the same progress level of “significant progress.”

EQ 2: To what degree do the Regional Expert-Level Working Groups facilitated by CLDP contribute to the capacity of government officials to create and implement regional approaches to economic reforms, regional and international economic integration, and increased trade?

In order to make a determination on this evaluation question, a discreet set of outputs and short-term outcomes from the Working Groups that dealt more directly with capacity building was looked at. Of the 14 total (9 outputs and 5 short-term outcomes), three of them (1 output and 2 short-term outcomes) focus on the actions of the Central Asian governments taking concrete actions to create and implement the referenced regional approaches. When isolating those scores, **the combined total average is 2.43**, indicating moderate success, and less than the average score for all outputs and short-term outcomes of 2.88 noted earlier.

EQ 3: To what degree does CLDP's support of 7 universities from the region to participate in the Vis Moot program meet its stated objective of providing practical training for young lawyers in order to ensure efficient and effective dispute resolution mechanisms, including availability and access to alternative dispute resolutions (ADR) mechanisms?

The CLDP CAR logic model for FY2023 includes 8 outputs and 3 short-term outcomes that can be looked at to help answer this evaluation question. Rankings/scores of output/outcomes achievement were collected for this purpose during the Key Informant Interviews with CLDP CAR activity managers. The online survey of legal students and mentors from Central Asia was also specifically designed to collect such data. Overall, scores in general, were relatively consistent across all eleven outputs/outcomes with the **average score being 3.08** as indicated above. Referring back to the scoring key, this result indicates that program managers and participants believe that the Vis Moot ADR activity has made “**significant progress** with some remaining challenges” when looking at progress towards its stated objective.

EQ 4: What are the strengths and weaknesses of CLDP's current monitoring and evaluation practice for the Central Asia region, particularly in relation to assessing medium to longer-term effects of their activities?

To address this question, the evaluation relied on a series of Focus Group Discussions (FGDs) with the CLDP CAR activity managers (9 staff total), who possess first-hand knowledge relative to the evaluation question. Strengths include a capable, knowledgeable, and dedicated staff; a well-established system for program verification; and the use of tools to solicit and collect participant feedback. Weaknesses include the use of imprecise performance indicators; a lack of standard operating procedures and tools for M&E functions; and the lack of a systematic way to capture project learnings and share such lessons across the project.

The evaluation concludes with a set of five recommendations: (1) The use of SMART indicators which stands for specific, measurable, achievable, relevant, and time-bound. (2) Reporting on progress towards indicator attainment quarterly, even if in-house. (3) Instilling a culture of collaborating, learning, and adapting. (4) The development and use of standard operating procedures around essential M&E functions. (5) Provide guidance and/or training and tools for essential M&E functions, tailored specifically to CLDP CAR and its form of technical assistance.

EVALUATION REPORT

Purpose & Scope of Evaluation

The purpose of this evaluation is to:

- (1) Assess the performance of CLDP Central Asia project activities against objectives and expected outcomes;
- (2) Examine the implementation problems or successes of CLDP Central Asia project activities; and
- (3) Draw lessons learned from CLDP Central Asia project activities for future programming.

This evaluation is a performance evaluation where the focus of the examination is on implementation, inputs, outputs, and likely expected outcomes. Recommendations and findings from this evaluation will identify corrective measures for the design, implementation, monitoring, and evaluation of the project. Additionally, the evaluation can articulate actions for follow-up or to reinforce initial benefits of previous activities. **Importantly, this performance evaluation was designed to address CLDP CAR activities for the previous two years only (roughly April 2021 through May 2023).**

CLDP in Central Asia

Created in 1992, the Commercial Law Development Program (CLDP) is the technical assistance arm of the U.S. Department of Commerce. CLDP's mandate is to work with emerging economies to improve the policy, legal, and regulatory conditions for trade, investment, and commercial activity. CLDP provides legal technical assistance, legislative and policy advisory services, and institutional capacity building to host country governments in support of their economic development goals.

Overview of CLDP's Central Asia Portfolio

CLDP has been tasked by the United States Department of State in coordination with the United States Trade Representative to provide technical assistance to facilitate trade and economic connectivity in and among the countries of Central Asia (Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, Uzbekistan), and between Central Asia and other countries and regions of the world. CLDP's work furthers the goals of the [C5+1 Diplomatic Platform](#) and the [U.S. – Central Asia Trade and Investment Framework Agreement \(TIFA\)](#). Flowing from the TIFA process, CLDP facilitates five expert level regional working groups on key trade issues: Customs, Digital Trade, Intellectual Property Rights, Sanitary/Phytosanitary, and Women's Economic Empowerment. These working groups provide a regional platform and mechanism for ongoing government-to-government and multistakeholder dialogue, cooperation, and engagement on trade-related legal and regulatory reform. Regionally, CLDP also supports the development of alternative dispute resolution mechanisms through the Willem C. Vis Moot International Commercial Arbitration

Moot competition (Vis Moot). On a bilateral level, CLDP also supports work on capital markets, investment, digital trade, and alternative dispute resolution.

Programs Evaluated

Regional Expert-Level Working Groups

The intent of the following programs is to improve the economy and stability of Central Asia through improving trade, food safety, women's empowerment, intellectual property rights protection and entrepreneurship in the Central Asia region.

- **Customs Working Group** consists of expert-level government representatives from all five countries in Central Asia and focuses on simplification and harmonization of customs procedures to promote greater regional integration and increased trade. Areas of focus include broader implementation of the TIR Convention, digital TIR trade facilitating tools, and international e-TIR system. CLDP partners with the International Road Transport Union (IRU) on all aspects of TIR system implementation in Central Asia.
- **Digital Trade Working Group** is a multistakeholder group that includes government, private sector, and civil society. Areas of focus include consumer protection, cybersecurity, e-payments, e-transaction, e-signatures, data protection/privacy, digital tax.
- **IPR Working Group** consists of expert-level government participants and aims to identify and address priority IPR related concerns, including the need for more effective remedies/penalties to stop and deter counterfeiting and piracy based on international standards.
- **SPS Working Group** includes expert-level governmental participants in all five countries. Areas of focus include transparency; notification to the SPS committee, World Organization for Animal Health, and International Plant Protection Convention; risk assessment and management; digitalization of certification; and inter-ministerial cooperation.
- **WEE Working Group** brings together private sector women entrepreneurs in Central Asia to identify and overcome obstacles to women's full participation in trade and economic activity.

Regional ADR Vis Moot Program

CLDP works to improve the legal and business enabling environment by working to ensure efficient and effective dispute resolution mechanisms, including availability and access to alternative dispute resolution (ADR) mechanisms such as arbitration and mediation. CLDP supports 7 Universities from Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan to participate in the Vis Moot, which provides a hands-on practical training for young lawyers in the region and supports the development of pipeline of future ADR practitioners and a culture of arbitration in legal and academic communities in Central Asia.

ILLUSTRATIVE INPUTS

The following are illustrative examples of CLDP programs/activities (inputs) that occurred during the period of performance for this evaluation (previous two years).

Women's Economic Empowerment Working Group on Regional Women's Business Agenda

From April 24 – 26, 2023, CLDP held the Central Asia Women's Economic Empowerment Working Group (WEE WG) in Baku, Azerbaijan. The working group brought together WEE WG participants and Women and Girls Empowered (WAGE) country leads from Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan to initiate development of a Regional Women's Business Agenda (RWBA) for Central Asia. CLDP's WG meeting provided a platform for each country representative from the WEE WG and WAGE to build alignment and alliance with WEE regional recommendations and country level WAGE national agendas on barriers and opportunities to advance women's participation in economic activities in Central Asia for the advancement of the RWBA. As a result of the meeting, participants achieved consensus regarding four priority topics, agreed on common methodology and action plan for the RWBA process, and solidified commitment for effective cooperation for the advancement of the RWBA. The development of the RWBA promotes Central Asia's regional integration by supporting a unified approach for the advancement of inclusive policy reforms to improve the business enabling environment for women in the region.

Digital Trade Working Group and E-Commerce Case Study

From May 15-21, 2023, 30 Government officials, civil society, and private sector representatives from Central Asia will travel to Malaysia and Singapore for a digital trade case study and Working Group Meeting. CLDP is collaborated with USAID Future Growth Initiative (FGI), and USAID Trade Central Asia (TCA) to organize this study tour in response to recommendations from the Digital Trade Working Group to develop peer-learning session with third-country governments on digital trade development and regional integration models and regional e-commerce legislative harmonization. These case studies exposed the Central Asian delegations to policies and global best practices in promoting e-commerce, attracting investment in technology sectors, advancing public sector digital transformation conducive to e-commerce, and building e-commerce businesses and logistics operations.

Digital Trade Cybersecurity Conference and Workshop

On March 28-29, 2023, CLDP facilitated a Regional Cybersecurity Conference and Workshop in Almaty, Kazakhstan. Experts and partners include DHS, AmCham, HP, MasterCard, Boeing, World Bank, and AUCC. The conference also launched the Regional Cyber Champions Network.

South and Central Asia: Law Students Compete In and Win International Commercial Arbitration Moot

From March 19-26, 2023, law students representing 8 universities from Sri Lanka, Nepal, the Maldives, Kazakhstan, Uzbekistan, and the Kyrgyz Republic competed among 111 universities in the 20th Annual Willem C. Vis East Moot in Hong Kong. CLDP sponsored the teams' participation

in this premier international commercial arbitration competition as a capstone to a 7-month training program that CLDP organizes yearly to prepare young lawyers in emerging markets for careers in commercial arbitration and oral advocacy. The CLDP-sponsored team from the Royal Institute Colombo (Sri Lanka), coached by The Moot Court Bench, won the moot, and Sri Lanka Law College (Sri Lanka) and Villa College (Maldives) broke into the Round of 32. Additionally, two students from Sri Lanka Law College, one student from Villa College, and one student from KAZGUU University received Honorable Mention for Best Oralist.

Regional SPS Working Group Meeting

On March 12-14, CLDP held an in-person meeting of the SPS Working Group in Tashkent, Uzbekistan, in cooperation with USTR and USDA. This working group meeting engaged representatives from Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan, and the Kyrgyz Republic to discuss sanitary and phytosanitary (SPS) measures and notification to the World Trade Organization (WTO) and World Organisation for Animal Health. The meeting continued work on transparency and interagency cooperation-related recommendations, which were adopted by the TIFA Council, and discussed issues of risk assessment and management, digitalization, notification, and various approaches to SPS. Each of the Central Asian delegations shared updates since the previous SPS Working Group meeting in summer 2022. This meeting was part of CLDP's continued efforts to help the Central Asian Republics meet their WTO SPS Agreement, customary, and other international obligations, improve their SPS and food safety legal and regulatory regimes and procedures, and improve market access for agricultural exports.

Women Artisans Workshop at Creativeworld 2023

From February 2 – 7, 2023 in Frankfurt, Germany, CLDP partnered with USAID's Trade Central Asia activity and the Smithsonian Center for Folklife and Cultural Heritage to conduct a workshop on marketing strategies and trade fair best practices for a group of 10 small and medium women-run artisan businesses-owners from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. The women artisans proceeded to apply newly acquired strategies, and best practices while exhibiting their handicrafts at Creativeworld, the world's most important trade fair for the international craft sector. This in-person workshop formed part of a series of coaching sessions for the women-run artisan businesses on marketing and trade fair strategies tailored to the Central Asian region. At the end of the series, their businesses will be highlighted in a catalogue of handicraft products documenting fifty women artisans from five Central Asian countries, published by the Smithsonian. This event furthered CLDP's goal of promoting women's economic empowerment in Central Asia and supporting gender inclusive trade policies in the region.

Digital Trade Stakeholder Engagement Workshop January 2023

Government officials, civil society, and private sector representatives from Central Asia and the United States gathered in Tbilisi, Georgia for a Workshop on Stakeholder Engagement from January 17-20, 2023. At the first regional Working Group meeting, it was agreed that one area of focus would be on stakeholder engagement and good regulatory practice as a priority area of

reform. There were requests to address aspects of stakeholder engagement including, inter-Ministerial / internal institutional design and frameworks; government-wide coordination; procedures of rulemaking process; best practices for public consultation including detailed process deep dives, examples, lessons learned; and modernizing the rulemaking processes for the digital economy. The goal this workshop was to provide Central Asian delegations with options of how to improve stakeholder engagement as they begin to update and draft new laws and regulations to enable digital trade.

Central Asia Regional Women's Economic Empowerment Conference

In Almaty, Kazakhstan from December 9-10, 2022, CLDP and the WAGE (Women and Girls Empowered) Consortium held a regional conference on approaches to improve the business environment for women in Central Asia. The event reached 133 participants, including government officials and representatives from women's business associations from each Central Asian country. The event provided a platform to strengthen dialogue between the women business associations and government representatives on efforts to remove barriers to women's entrepreneurship in their respective countries. As a result, the Women Business Association Coalitions in Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, and women entrepreneurs from Turkmenistan signed a Memorandum of Cooperation, aiming to promote cohesion among the coalitions and strengthen cooperation among business communities in the region. This event furthered CLDP's goal of promoting women's economic empowerment in Central Asia and contributed to CLDP's efforts to identify challenges and develop regional approaches for the promotion of gender inclusive trade and economic policies in Central Asia.

Digital Trade and Women's Economic Empowerment

In September 2022, government officials, civil society, and private sector representatives including women SMEs from countries of Central Asia (Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, Uzbekistan) and the United States gathered for working group meetings on (1) digital trade and (2) women's economic empowerment. The goal of these meetings was to promote and strengthen public-private dialogue that supports the creation of regional approaches for digital trade and inclusive gender-responsive trade and economic policies for women's economic empowerment.

Istanbul 2022

September 5-8, 2022. Government officials, civil society, and private sector representatives including women SMEs from countries of Central Asia (Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, Uzbekistan) and the United States gathered for working group meetings on (1) digital trade and (2) women's economic empowerment. The goal of these meetings was to promote and strengthen public-private dialogue that supports the creation of regional approaches for digital trade and inclusive gender-responsive trade and economic policies for women's economic empowerment.

Digital Trade & Women's Economic Empowerment Working Groups

From September 5 – 8, 2022, CLDP hosted the first ever joint Central Asia regional working groups on Digital Trade and Women’s Economic Empowerment (WEE), held in Istanbul, Türkiye. The working groups gathered 74 government and private sector representatives from Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan, who presented on new initiatives, progress, and challenges in their respective countries related to digital trade and e-commerce. The meetings also included experts from around the globe and international organizations, who touched upon best practices in digital trade, including digital connectivity, consumer protection, cross-border data flows, cybersecurity, data protection, stakeholder engagement, and facilitation of cross-border payments. The WEE sessions covered improving financial inclusion, facilitating delivery and logistics for SMEs, a skills-building session for women using e-commerce platforms, and a women’s networking engagement. The final day of this 4-day workshop served to generate actionable recommendations and solutions for e-commerce development and to broaden women’s access to national, regional, and international markets and commercial opportunities, as well as the development of a regional digital trade agenda.

Pakistan and Central Asia: CLDP Organizes a Mission to Pakistan on Customs Issues

On August 21 -26, 2022, CLDP, in partnership with the International Road Transport Union, organized an on-site mission to Pakistan focused on the enhancement of Central Asia – Pakistan regional trade and transit connectivity. The mission included a feasibility study at the Karachi port to identify technical and legal barriers and propose solutions to mitigate trade disruptions using internationally accepted procedures under the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR). The program also included several hands-on trainings, and the exchange of best practices from the Uzbek and Tajik TIR national association representatives on TIR and Digital TIR system for Pakistan customs officers, private sector representatives, and other non-government stakeholders in an effort to streamline and harmonize customs and border crossing procedures between Pakistan and Central Asia.

CLDP Convenes Meeting of Trans-Caspian Intellectual Property Forum

On July 28, CLDP brought together delegations of IP government officials from Armenia, Moldova, Georgia, Kyrgyz Republic, Uzbekistan, Turkmenistan, Tajikistan, and Kazakhstan for the Trans-Caspian Intellectual Property Forum (“Forum”) in Batumi, Georgia. Coming on the heels of the meetings of the Eastern Europe and Central Asian Expert Level Working Groups, the Forum allowed the assembled delegations to engage in direct dialogue with their counterparts from across the Trans-Caspian region on best practices in the enforcement and protection of intellectual property rights. CLDP divided the country delegations into groups to address different aspects of IP protection and enforcement, including internal markets, customs and transshipment, and digital markets, with each group reporting on the most pressing regional issues, best practices, and proposed solutions to their assigned topic. By the end of the Forum, participants had not only broadened their perspective of IP issues affecting other countries throughout the region, but also gained valuable insight into how to best address these issues in their home countries.

Uzbekistan: CLDP hosted a workshop on Digital Tax as part of Regional Digital Trade Working Group

On June 27, 2022, CLDP and Organisation for Economic Co-operation and Development (OECD) brought together members of Uzbekistan's Tax Committee and Strategic Development Agency (SDA) to discuss updates to the tax framework to address tax challenges arising from digital trade and digitalization of the economy. OECD shared a presentation on a Two-Pillar Solution to address the challenges, as part of the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting. Uzbekistan is exploring joining the Inclusive Framework, which already includes 144 other jurisdictions. OECD offered to provide technical assistance on implementation of the Framework and related tax reform, which includes (among other things) model rules on a 15% global minimum tax for multinational enterprises. CLDP and OECD are hosting a follow up workshop in July with a wider stakeholder group from the Uzbek government that includes SDA, Tax Committee, Customs, and the Ministries of Trade and ICT.

CLDP Conducts Round Tables on SPS and Agricultural Trade

In April 2022, CLDP held four separate in-person roundtable meetings on sanitary and phytosanitary measures (SPS) in Kazakhstan, Kyrgyz Republic, Uzbekistan, and Tajikistan respectively. Roundtables were attended by officials from the Ministry of Agriculture, Agency for Plant Protection and Quarantine, Committee for Veterinary and Livestock Development, and Ministry of Investments and Foreign Trade, among others. CLDP was joined virtually by the US Department of Agriculture's Foreign Agricultural Service and Animal and Plant Health Inspection Service, and the Office of the US Trade Representative (USTR), who discussed their goals in supporting the US-Central Asia Trade and Investment Framework Agreement. As a result of these round tables, each stakeholder group identified top priorities in the area of food safety and agricultural trade in preparation for the upcoming Central Asia Regional Expert-Level SPS Working Group Meeting. The meeting furthered CLDP's continued efforts in Central Asia to strengthen regional dialogue around overcoming SPS related barriers to trade and economic reforms in Central Asia.

CLDP Holds the Regional Customs Working Group Meetings

On April 19-22, 2022, CLDP, in partnership with the International Road Transport Union, hosted the Central Asia Regional Customs Working Group meetings gathering over 20 expert-level customs officials and the private sector representatives of transport operators from Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, Uzbekistan, and Pakistan in-person in Tashkent, Uzbekistan and in online format. The meetings began with a study tour of best digital practices of the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR) at the Uzbekistan-Kazakhstan border crossing point followed by in-depth discussions and dialogue focused on the enhancement of Central Asia – Pakistan and Central Asia – Trans-Caspian Digital TIR trade routes. The meeting furthered CLDP's continued efforts in Central Asia to facilitate regional trade and transit connectivity by way of harmonizing and streamlining customs and border crossing procedures.

Digital Trade Working Group Meetings

Tashkent, Uzbekistan | April 18 - 19, 2022

The U.S. Department of Commerce, Commercial Law and Development Program (CLDP) hosted digital trade meetings with government, private sector, and civil society as part of the U.S.- Central Asia Regional Digital Trade Working Group. Government participants included the Central Bank, Ministry of Investment and Foreign Trade, Ministry of Transport, Ministry of Water Resource, State Customs Committee, and the Strategic Development Agency. The group was joined by experts from the Organization for Economic Cooperation and Development (OECD), NextTrade Group LLC, Cyber Readiness Institute, PricewaterhouseCoopers (PwC), and USAID's Future Growth Initiative who shared presentations on a range of digital trade topics including e-commerce, digital tax, customs and logistics, cybersecurity, data protection, consumer protection, and cross-border e-payments. The participants discussed opportunities, challenges, and priorities for digital trade in Uzbekistan.

Dushanbe, Tajikistan | April 25 - 26, 2022

The U.S. Department of Commerce, Commercial Law and Development Program (CLDP) hosted digital trade meetings with government, private sector, and civil society as part of the U.S.- Central Asia Regional Digital Trade Working Group. Government participants included Ministry of Industry and New Technologies, Ministry of Labor, Agency for Standardization, Ministry of Economic Development and Trade, State Investment Committee, and the Ministry of Foreign Affairs. The group was joined by experts from the Organization for Economic Cooperation and Development (OECD), NextTrade Group LLC, Cyber Readiness Institute, Global System for Mobile Communications Association (GSMA), and USAID's Future Growth Initiative who shared presentations on a range of digital trade topics including e-commerce, digital tax, customs and logistics, cybersecurity, data protection, consumer protection, and cross-border e-payments. The participants discussed opportunities, challenges, and priorities for digital trade in Tajikistan.

Digital TIR Pilot Project Extended to the Kyrgyz Republic

On March 18, 2022, CLDP, in close partnership with the International Road Transport Union, supported the first digital TIR (the Customs Convention on the International Transport of Goods under Cover of TIR Carnets) transport of goods from Uzbekistan to the Kyrgyz Republic relying upon digital TIR functionalities. A truck from Uzbekistan carrying electrical items crossed the border into the Kyrgyz Republic with customs authorities from both countries successfully handling the digital TIR processes and transit guarantees. This successful shipment of goods using the digital TIR tools marks another milestone in the regional trade facilitation connecting Kyrgyz Republic to the ongoing Uzbekistan-Kazakhstan-Tajikistan digital TIR corridor. Digitalization of the system of transport of goods streamlines border-crossing procedures, reducing transport times and costs for operators, and facilitates trade by providing countries greater access to the regional and global markets.

CLDP Hosts Women's Economic Empowerment Working Group Meeting

On March 14-15, 2022, CLDP hosted a virtual meeting of the Central Asia Regional Women's Economic Empowerment (WEE) Working Group gathering over 72 expert-level government officials and private sector women representatives from Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan, in collaboration with the U.S. Census Bureau, OECD Development Center, the European Bank for Reconstruction and Development (EBRD), and Enterprise Georgia. The meeting focused on best practices in (1) streamlining and simplifying government processes for business registration; and (2) improved government data collection and disaggregation methodologies to encourage the creation of evidence-based policies tailored to facilitate women's active participation in the formal economy. The meeting furthered CLDP's continued efforts in Central Asia to strengthen public-private dialogue around overcoming barriers to women's economic empowerment, thereby supporting the creation of gender-responsive trade and economic reforms and activities in Central Asia.

Vis Pre-Moot Competition and Training

On March 11-15, 2022, in partnership with the Astana International Financial Center's (AIFC) International Arbitration Center (IAC), CLDP held its first Central Asia Vis Pre-Moot for 22 teams, including 7 teams from Central Asia. 11 teams joined in person, with the other 11 joining virtually. The U.S. Charge to the Kyrgyz Republic opened the program and the U.S. Acting Charge to Kazakhstan closed the event. This Pre-Moot marked the last event to prepare the students for the Vis Moot Competition, which will take place virtually from Vienna and Hong Kong in April. The IAC hosted the Pre-Moot at its state-of-the-art facility in Nur-Sultan, Kazakhstan. Through the Vis Pre-Moot competition, CLDP helps develop skills in legal analysis, advocacy, and international arbitration for future lawyers in Central Asia, which will help improve the contracts enforcement mechanism in the Central Asia and encourage regional cooperation and implementation of international best practices in regional arbitration.

Digital Trade Working Groups

From March 11-19, 2022 CLDP, hosted bilateral stakeholder roundtables in Nur-Sultan, Kazakhstan and Bishkek, Kyrgyzstan for the Regional Expert Level Working Group on Digital Trade. The goal of the Digital Trade Working Group is to engage with stakeholders in the region to develop an open, inclusive, and secure digital infrastructure that will serve as a foundation for regional development and economic growth. The Digital Trade Working Group aims to achieve this goal by addressing digital trade barriers and fostering the necessary legal and regulatory environment that will allow digital trade to develop and thrive across the region. These March bilateral Digital Trade Roundtables included government, private sector, and civil society stakeholders in Kazakhstan and Kyrgyz Republic, and identified specific country-level digital trade priorities – in preparation for a regional Digital Trade Working Group meeting in Summer 2022. Topics for discussion during the Digital Trade Roundtables include, policies that facilitate effective cross-border data flows, cross-border electronic payments, signatures, and transactions, taxes on digital goods and services, e-government, and consumer protection.

CLDP Leads an SPS Working Group Meeting

November 17 - 18, 2021. CLDP, in cooperation with USTR, USDA, and USAID, hosted a virtual meeting, which engaged representatives from Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan, and the Kyrgyz Republic to discuss sanitary and phytosanitary (SPS) measures and notification to the World Trade Organization (WTO) and World Organisation for Animal Health. This meeting focused on the Central Asia Trade and Investment Framework Agreement (TIFA) recommendations and served as a listening session for the U.S. interagency to deepen their understanding of the major notification-related challenges affecting the Central Asian Republics. USTR and USDA each provided a summary of U.S. notifications practice and philosophy as well as their experiences working across agencies. Each of the Central Asian delegations shared updates since the previous SPS Working Group meeting in July, their respective experiences with notification, and the delegates' positions within the process for each of their countries. This meeting built on CLDP's previous activities, which have engaged SPS officials from the Central Asian Republics to implement the TIFA recommendations. Information gathered from the meeting will further CLDP's continued efforts to help the Central Asian Republics meet their WTO SPS Agreement, customary, and other international obligations, improve their SPS and food safety legal and regulatory regimes and procedures, and improve market access for agricultural exports.

CLDP Conducts the Regional Women's Economic Empowerment Working Group Meeting

On November 1-2, CLDP, in collaboration with the United Nations Conference on Trade and Development (UNCTAD) Business Facilitation Program and the European Bank for Reconstruction and Development (EBRD) Gender & Economic Inclusion, led the Central Asia Regional Women's Economic Empowerment Working Group (WEE) meeting. The meeting gathered private sector women representatives from all five Central Asian countries and focused on the development of a set of recommendations on (1) the benefits of online information portals and Single Windows for entrepreneurship and women's economic empowerment in Central Asia; and (2) overcoming gender-related constraints to achieve inclusive economies by ensuring that governments in the region develop and adopt gender-responsive legislation and policies that provide better access to grants, loans, financing, skills development, and other relevant resources for women. Ultimately, CLDP, on behalf of the Working Group, will present the recommendations at the next meeting of the U.S.-Central Asia Trade and Investment Framework Agreement (TIFA) Council, for consideration and adoption.

CLDP Launches Vis Moot Program in Central Asia

From October 16 – November 4, 2021, CLDP traveled to Tashkent, Uzbekistan, Almaty and Nur-Sultan, Kazakhstan, and Bishkek, Kyrgyz Republic as part of the official CLDP visit to Central Asia to launch Central Asia Vis Moot program. As a result of the visit, CLDP selected 3 Vis Moot teams from Kazakhstan: KIMEP University and Caspian University in Almaty, and KAZGUU University from Nur-Sultan; 3 Uzbek Vis Moot Teams: 2 teams from the Tashkent State University of Law and 1 from the University of World Economy and Diplomacy; and 1 Vis Moot Team from Bishkek, Kyrgyz Republic from the American University of Central Asia (AUCA). Each team was assigned a coach and an advisor, and provided with a syllabus and a roadmap of the

CLDP Vis Moot Program. CLDP also met the leadership of the universities and received their commitment to institutionalize Vis in each university by adding it to their curricula as a course or a module for credit.

Intellectual Property Rights Working Group Meeting

On July 14-15, 2021, CLDP virtually gathered over 35 government experts from Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan with U.S.-based interagency advisors. The meeting provided a unique platform for interactions among the Central Asian experts and set up a series of meetings to address and overcome deficiencies in intellectual property rights (IPR) protections in Central Asia, as noted in the U.S. Trade Representative's Special 301 Report. Aligning IPR protections and enforcement in Central Asia with international best practices will promote innovation and economic diversification and will lead to increased trade and investment in the region.

Women's Economic Empowerment (WEE) Working Group Second Meeting

On April 13-15, 2021, CLDP organized the second virtual meeting of the WEE Working Group and invited private sector women entrepreneurs from the five Central Asian countries. Experts for the 3-day virtual program included U.S. government officials, international NGOs, American and local companies. The meeting focused on: (1) Covid-19's impact on women-owned small businesses globally; (2) the benefits of digital commerce platforms during the Covid-19 crisis; and (3) further development of a Central Asia Regional Business Agenda (RBA), including recommendations to address legislative gaps and industry policy that could impact women-owned businesses.

KEY EVALUATION QUESTIONS

EQ 1: To what extent has the CLDP technical assistance program in Central Asia supporting trade and other commercial reforms in the region been effective in achieving its aims? (Effectiveness is defined as the degree to which objectives are achieved and the extent to which targeted problems are solved).

EQ 2: To what degree do the Regional Expert-Level Working Groups facilitated by CLDP contribute to the capacity of government officials to create and implement regional approaches to economic reforms, regional and international economic integration, and increased trade?

EQ 3: To what degree does CLDP's support of 7 universities from the region to participate in the Vis Moot program meet its stated objective of providing practical training for young lawyers in order to ensure efficient and effective dispute resolution mechanisms, including availability and access to alternative dispute resolutions (ADR) mechanisms?

EQ 4: What are the strengths and weaknesses of CLDP’s current monitoring and evaluation practice for the Central Asia region, particularly in relation to assessing medium to longer-term effects of their activities?

DATA COLLECTION METHODS

The third-party evaluator utilized the following primary data collection methods during the course of this performance evaluation:

Data	Sources
Desk Research	Desk research included the review of: - Project documents (event agendas, design materials, post-training evaluation reports, M&E data, statistical reports/data) - CLDP public website - CLDP CAR One Pager information sheets - Annual Budget Request (FY2023) which included Logic Model and Performance Tracker - U.S. – Central Asia Trade and Investment Framework Agreement (TIFA) - C5+1 Diplomatic Platform - U.S. State Department Program Design and Performance Management Toolkit
Key Informant Interviews	Semi-structured individual interviews (via video calls) held with CLDP CAR Program Managers (4 Attorney Advisors and 5 International Program Specialists) who possess specialized and in-depth knowledge of the project or related issues.
Online Survey	An electronic survey distributed to roughly 300 CLDP Central Asia program stakeholders with 51 recorded responses.
Focus Group Discussions	Facilitated video calls organized into small groups (2 to 3 persons) of CLDP CAR Program Managers (4 Attorney Advisors and 5 International Program Specialists) to discuss issues related to Monitoring and Evaluation.

Key Informant Interviews

During late July and early August 2023, Key Informant Interviews (KIIs) were conducted with the 9 principal Program Managers of CLDP CAR program activities. These KIIs were held at the individual level with the 4 Attorney Advisors and 5 International Program Specialists who support the Regional Expert-Level Working Groups and the Regional ADR Vis Moot Program. Each KII lasted approximately 45 minutes and was designed to collect the informants’ views on program performance. More specifically, the KIIs asked the informants to rank/score progress achieved

for the Outputs and Short-Term Outcomes from the current CLDP Logic Model. For each output and short-term outcome, informants were asked to use a scale of 1 to 4 to score/rank how much progress they believe had been made over the past two years. Those values were recorded and then tabulated in order to quantify overall scores.

CLDP CAR Outputs and Short-Term Outcomes

Working Group Outputs

- 1.1.1 Working Group identifies challenges related to enhanced business enabling environment in the region, and obstacles inhibiting regional trade/commerce in Central Asia.*
- 1.1.2 Working Group identifies legislative or institutional reforms needed in Central Asia.*
- 1.2.1 Working Group proposes recommendations for legislative or institutional reforms needed to overcome the identified challenges/regional barriers to trade/commerce in Central Asia.*
- 1.2.2 Working Group agrees upon / finalizes recommendations for legislative or institutional reforms needed to overcome the identified challenges/regional barriers to trade/commerce in Central Asia.*
- 1.3.1 Central Asian countries draft laws, policies, regulations, or take other actions to advance TIFA- WG recommendations.*
- 2.1.1 Working Group engagements, including meetings, consultations, trainings, and workshops bring together relevant and consistent stakeholders in Central Asia.*
- 2.1.2 Working Group participants share updates and best practices on the legal and regulatory environment.*
- 2.1.3 Working Group provides a forum to increase public-private/civil society dialogue.*
- 2.2.1 CLDP gathers and works with Central Asia stakeholders to update the legal frameworks.*

Working Group Short Term Outcomes

- 1.1 Working Group drafts/develops a Regional Agenda or recommendations for advancing appropriate regional-level policy changes.*
- 1.2 Working Group presents the regional agenda or recommendations for adoption/consideration at US-CA-TIFA Council meetings, with relevant US interagency, at C5+1 Diplomatic Platform meetings, with the respective government authorities, and non-government Working Group participants, and international organizations and bodies working in the region.*
- 1.3 Central Asian governments adopt policies or institutional reforms in line with TIFA- WG recommendations.*
- 2.1 Working Group becomes a consistent forum for regional dialogue.*
- 2.2 Central Asian countries adopt regional agenda and/or legal and regulatory frameworks that promote greater regional cooperation (harmonization, mutual recognition, interoperable frameworks).*

Vis Moot ADR Outputs

- 1.1.1 Gaps in ADR related laws and regulations identified and incrementally addressed.*

- 1.1.2 Increased awareness and support of ADR among stakeholders.*
- 1.2.1 Increase Judiciary awareness and acceptance of ADR mechanisms and the role of the judiciary.*
- 1.2.2 Improved knowledge and skills for Judges on recognition, enforcement, and interim measures.*
- 1.3.1 Improved awareness and capacity of Central Asian stakeholders to advocate for and use ADR mechanisms.*
- 1.3.2 Expanded support for ADR mechanisms.*
- 1.3.3 Trained neutrals, counsel, businesses, and students to support ADR clauses in contracts, resolve disputes through ADR mechanisms, and create a pipeline of local counsel.*
- 1.3.4. Improved ADR centers and institutions with roster of neutrals, procedural rules, effective case management, facilities, and legitimacy/trust from the local business and legal community.*

Vis Moot ADR Short Term Outcomes

- 1.1 Laws, policies, or practices proposed, adopted, or improved that support ADR mechanisms in Central Asia.*
- 1.2 Awards recognized and enforced and applications for interim measures effectively considered.*
- 1.3 Adoption and use of ADR mechanisms and ADR mechanisms serve as an effective route to resolving disputes efficiently and transparently.*

Online Survey of CAR Stakeholders

The second principal data collection effort for this performance evaluation was a survey of other CAR stakeholders (not program managers). In early September, the online survey was distributed to approximately 300 CLDP CAR stakeholders which included Working Group members (participants), US Embassy personnel, guest lectures/expert presenters, legal students, and attorneys. The survey was translated into Russian and distributed through the cognizant International Program Staff members to their contacts. Like the Key Informant Interviews described above, the survey instrument was designed to capture respondents' views on progress made for each output and short-term outcome from the current CLDP Logic Model. Again, respondents were asked to utilize a scale of 1 to 4 to rank/score how much progress they believe has been made for each. These scores were then tabulated and used to quantify and determine overall scores. By mid-October, 51 responses had been received and tabulated for this evaluation.

Focus Group Discussions

A third and final data collection method employed for this evaluation was a series of Focus Group Discussions (FGDs). For the purposes of this performance evaluation, the FGDs were designed to help the third-party evaluator gain a deeper understanding of the state of

Monitoring and Evaluation (M&E) efforts for CLDP CAR activities, as well as collect suggestions for improvement. Starting in late September, and ending in early October, 4 separate FGDs were conducted which included the participation of all 9 CLDP CAR program managers (4 Attorney Advisors and 5 International Program Specialists). The first FGD included 3 participants, whereas the following three FGDs included two participants. The FGDs were conducted via Teams Meeting, moderated by the third-party evaluator, with the conversation automatically transcribed. The following questions formed the basis of discussion during the FGDs.

SAMPLE FGD QUESTIONS

1. What do you think the main purpose of monitoring and evaluation is for a project like CLDP?
2. Is there a difference between monitoring and evaluation? If so, can you describe?
3. How is monitoring and evaluation currently carried out for CLDP CAR activities?
4. Do you see ways to strengthen the current M&E functions? Or, put another way, what do you think we should be doing to improve current M&E functions?

LIMITATIONS

Two limitations to this evaluation are outlined below:

1. The lack of a comprehensive database of CLDP counterparts and beneficiaries that included detailed contact information represented a limitation to the evaluation. To overcome this challenge, the evaluator worked through CLDP staff (International Program Specialists) in order to contact stakeholders such as Working Group members, US Embassy personnel, expert trainers, and law student participants of the Vis Moot ADR activity.
2. The evaluator was based, and conducted this evaluation, from his residence in the Philippines. This remote style evaluation meant that the evaluator was unable to participate in any CLDP CAR program activities, or have in-person access to CLDP CAR staff. To overcome this challenge, the evaluator participated in weekly coordination calls with the main Dept. of Commerce point of contact. The evaluator was also given access to CLDP CAR electronic files which he accessed remotely.

DATA COLLECTION RESULTS

Key Informant Interviews and Online Survey

The data collected by the evaluator in August from Key Informant Interviews (KIIs) was a mix of both quantitative and qualitative information. The quantitative data was collected in the form of ranking/scores provided by each informant. Informants were asked to score/rank, using a

scale of 1 to 4, what they believed the level of progress achieved has been for each output and short-term outcome from the FY2023 CLDP CAR logic model.

Scoring Key

- 1: Very little progress
- 2: Partial progress but with significant challenges
- 3: Significant progress with some remaining challenges
- 4: Output/Short-Term outcome achieved with few or no challenges remaining

For each Working Group (WG), scores were collected by the evaluator from both the Attorney-Advisor and the International Program Specialist working on that specific WG. The scores were then totaled and divided by the number of persons/responses (2) per WG, to calculate an average score. In some instances, the informant elected to provide no score as a way of indicating that they believed the output or short-term outcome was either not something that could be scored, or was outside their purview. In those instances, the number of responses was adjusted accordingly when calculating the average.

The online survey similarly asked respondents to rank/score their opinion as to how much progress they believed has been made per each output and short-term outcome. 51 responses were received from a range of stakeholder types and across all five working groups and the VIS moot ADR activity. The results were then totaled and then divided by the number of responses to calculate a total average.

The values below are the combined total averages from both the Key Informant Interviews and Online Survey results.

Working Groups Results by Output	AVERAGE SCORE
1.1.1 Working Group identifies challenges related to enhanced business enabling environment in the region, and obstacles inhibiting regional trade/commerce in Central Asia.	2.93
1.1.2 Working Group identifies legislative or institutional reforms needed in Central Asia.	2.70
1.2.1 Working Group proposes recommendations for legislative or institutional reforms needed to overcome the identified challenges/regional barriers to trade/commerce in Central Asia.	2.89
1.2.2 Working Group agrees upon / finalizes recommendations for legislative or institutional reforms needed to overcome the identified challenges/regional barriers to trade/commerce in Central Asia.	2.87
1.3.1 Central Asian countries draft laws, policies, regulations, or take other actions to advance TIFA- WG recommendations.	2.51

2.1.1 Working Group engagements, including meetings, consultations, trainings, and workshops bring together relevant and consistent stakeholders in Central Asia.	3.06
2.1.2 Working Group participants share updates and best practices on the legal and regulatory environment.	3.60*
2.1.3 Working Group provides a forum to increase public-private/civil society dialogue.	3.04
2.2.1 CLDP gathers and works with Central Asia stakeholders to update the legal frameworks.	2.95

(Due to a clerical error, the above output was not included in the list of outputs on the Online Survey. The value shown here is the result of KII data only).

Working Groups Results by Short-Term Outcome	AVERAGE SCORE
1.1 Working Group drafts/develops a Regional Agenda or recommendations for advancing appropriate regional-level policy changes.	2.98
1.2 Working Group presents the regional agenda or recommendations for adoption/consideration at US-CA-TIFA Council meetings, with relevant US interagency, at C5+1 Diplomatic Platform meetings, with the respective government authorities, and non-government Working Group participants, and international organizations and bodies working in the region.	3.00
1.3 Central Asian governments adopt policies or institutional reforms in line with TIFA- WG recommendations.	2.26
2.1 Working Group becomes a consistent forum for regional dialogue.	2.98
2.2 Central Asian countries adopt regional agenda and/or legal and regulatory frameworks that promote greater regional cooperation (harmonization, mutual recognition, interoperable frameworks).	2.53

For the VIS Moot Alternative Dispute Resolution (ADR) activity, CLDP CAR utilizes a separate set of outputs and short-term outcomes. The below results are derived from calculating the average responses from 3 CLDP CAR activity managers plus 14 Vis Moot ADR program participants (17 total respondents).

Vis Moot ADR Activity Results by Output	AVERAGE SCORE
1.1.1 Gaps in ADR related laws and regulations identified and incrementally addressed.	2.82
1.1.2 Increased awareness and support of ADR among stakeholders.	3.65
1.2.1 Increase Judiciary awareness and acceptance of ADR mechanisms and the role of the judiciary.	3.00

1.2.2 Improved knowledge and skills for Judges on recognition, enforcement, and interim measures.	3.00
1.3.1 Improved awareness and capacity of Central Asian stakeholders to advocate for and use ADR mechanisms.	3.12
1.3.2 Expanded support for ADR mechanisms.	3.18
1.3.3 Trained neutrals, counsel, businesses, and students to support ADR clauses in contracts, resolve disputes through ADR mechanisms, and create a pipeline of local counsel.	3.35
1.3.4. Improved ADR centers and institutions with roster of neutrals, procedural rules, effective case management, facilities, and legitimacy/trust from the local business and legal community.	3.07

Vis Moot ADR Activity Results by Short-Term Outcome	AVERAGE SCORE
1.1 Laws, policies, or practices proposed, adopted, or improved that support ADR mechanisms in Central Asia.	2.81
1.2 Awards recognized and enforced and applications for interim measures effectively considered.	2.85
1.3 Adoption and use of ADR mechanisms and ADR mechanisms serve as an effective route to resolving disputes efficiently and transparently.	3.07

Focus Group Discussions

As noted above, Focus Group Discussions (FGDs) were conducted with 9 CLDP CAR activity managers starting in late September, which were designed to help the third-party evaluator gain a deeper understanding of the state of Monitoring and Evaluation (M&E) efforts for CLDP CAR activities, as well as collect suggestions for improvement.

Summary Results

1. What do you think the main purpose of monitoring and evaluation (M&E) is for a project like CLDP?

In general, responses to this question demonstrated that CLDP CAR activity managers possess a good understanding of the need for, and purpose of, monitoring and evaluation. Most responses focused on the value of monitoring as a method for verification, its utility for checking progress, and for determining if programmatic changes may be necessary.

As one respondent said, “When I think of monitoring, I'm thinking of, do we have our objective in mind and then we're checking in periodically throughout the program to make sure that we're on track to do what we said we were going to do. So, for example, if we have just finished conducting a program and the feedback shows that we are not any closer than we were before, then ideally that would have us change course and maybe change up the way we're doing

things, or the timing, or the participants or whatever it is based on the monitoring information that we hear back”.

A second respondent noted, “I see the purpose of M&E to be to see how the program is working. If it's working well, how effective it is and if we're doing it correctly and efficiently. M&E acts as a guide to see how we can improve or change focus if necessary.”

A third discussant added, “M&E helps us also, I think, collect useful data on the effectiveness of our programs and obviously that data should serve as a guide to manage the future programming or, if we need to make any changes or pivot in another direction.”

2. Is there a difference between monitoring and evaluation? If so, can you describe?

Responses to this question were more mixed. Some respondents had a clear idea as to how they saw the differences, and others did not see much difference between the two.

For example, one participant noted, “In my mind, they would be a little bit separate, so monitoring would be the process of tracking what's happening and gathering the data and evaluation is looking at the data and kind of interpreting it.”

Whereas a second discussant said, “They're pretty similar to me, but monitoring is I guess more like the first step like tracking and seeing where things are at, and then evaluation I think of as more as, kind of the follow up process of analyzing that data.”

A third respondent answered “, I think a lot of it happens basically at the same time. But you know, there are these moments for check in where we do, you know, the annual budget review for example, and you take a look back at the everything that we've done for the year and kind of do more evaluation side. But like every time that we're kind of putting in reports like that the monitoring and evaluation kind of happened all of the same time. We'll be sitting in the room and monitoring what's happening in the room and kind of shifting our approach right there so I think largely they happen at the same time but there are these kind of check in moments where it's more focused on evaluation.

3. How is monitoring currently carried out for CLDP CAR activities?

Most responses to this question focused on the participant lists, filing of agendas and trip reports, and the documentation of recommendations that come out of the individual Working Group meetings as essential to the M&E work for CLDP CAR activities. Most working groups also utilize a survey instrument at the conclusion of each working group session as a way of capturing feedback from the participants, but the tool and what to do with that collected data does not seem to be standardized across all working groups. All respondents noted that it is primarily the International Program Specialists (IPs) who are responsible for ensuring these key

documents are developed and filed in the shared folders. The Attorney Advisors seem to have responsibility for tracking progress against outputs and short-term outcomes, principally as part of the Annual Budget Request (ABR) process.

As one discussant explained, “So the way we do it in our working group, the main tool we use is Google forms just cause it's easiest for everybody to use. It's accessible. We were using Microsoft forms at one point, but basically, it's just like a survey. We have a translated into Russian and people fill it out. That's how we track things like attendance over working groups over years. So we can see which people are still there as well as like their reactions to the program, what they'd like to see on the next program.”

When asked about a standardized survey instrument, one respondent noted, “We don't have one, so if we do send around surveys, which happens like sometimes, not all the time and I would say there, it's usually Google forms used to be Microsoft forms, and then what we do with that information is not standardized.”

4. *Do you see ways to strengthen the current M&E functions? Or, put another way, what do you think could be done to improve current M&E functions?*

Naturally, owing to the openness of this questions, responses to this focus group question were mixed. However, most responses can be grouped loosely around ideas/recommendations that focus on a) standardization of M&E procedures/processes; b) increased M&E resources; c) development of guidance/tools/instructions for M&E functions; and d) gaining increased clarity from funders on their M&E needs.

For example, as one respondent noted. “I think the how is still missing and maybe the actual frameworks are still missing, but I there I see a shift at least, and culturally maybe that this should be happening. So, I think both in our office having an in-house (M&E) team or with something like standard practices, standard frameworks that we can pull from, tools we can use, training and all kinds of stuff that goes into that would be huge.”

In another instance, a discussant said, “We could greatly benefit from an extra body in the office who could actually be dedicated to just that (M&E) work with respect to sort of pivoting and addressing the concerns that were raised in the surveys or given by participants orally.”

Another respondent noted, when discussing the ABR process, “I would appreciate any sort of toolkit guidance to help us every year. There is no clear guidance to be honest from State (US State Department) like there used to be when I first started. There was like a toolkit that they shared with us.

But again, that was a USAID toolkit based on USAID program models. I looked at it a couple of times, but it was, for me, as someone who has no background in M&E, it was confusing and not very clear.”

FINDINGS

EQ 1: To what extent has the CLDP technical assistance program in Central Asia supporting trade and other commercial reforms in the region been effective in achieving its aims? (Effectiveness is defined as the degree to which objectives are achieved and the extent to which targeted problems are solved).

The data collected for this performance evaluation indicates clearly that the technical assistance program **has been effective** in achieving its aims. Scoring data from the Key Informant Interviews and the Online Survey were the primary sources of data used to make this determination.

Scoring Key

- 1: Very little progress
- 2: Partial progress but with significant challenges
- 3: Significant progress with some remaining challenges
- 4: Output/Short-Term outcome achieved with few or no challenges remaining

For the five Working Groups, the combined average score for output and short-term outcome progress is 2.88 which sits just below the “significant progress” score of 3.0. For the VIS Moot ADR activity, the score is 3.08, above the same progress level of “significant progress.” The results of the data set indicate that CLDP CAR activity managers and participants/beneficiaries overall feel that the technical assistance has been effective in achieving progress towards objective achievement with some remaining challenges to be met. The evaluation also showed that there was documented evidence of this progress filed and maintained within the shared document repository for the project, such as participant lists, agendas, trip reports, and working group recommendations.

Working Groups

The highest scoring outputs and short-term outcomes tended to be those that dealt with the Working Groups serving as a forum for sharing best practices and updates on the legal and regulatory environments, providing a forum to increase public-private/civil society dialogue, bringing together of relevant and consistent stakeholders, gathering stakeholders to update legal frameworks, presenting regional agenda or recommendations at TIFA Council Meetings, drafting/developing Regional Agenda, and serving as a consistent forum for regional dialogue.

The lower scoring outputs and short-term outcomes were those that dealt with the Central Asian countries drafting laws, policies, or regulations to advance TIFA-WG recommendations; adopting policies or institutional in line with the TIFA-WF recommendations; and adopting regional agenda and/or legal and regulatory frameworks that promote greater regional cooperation.

VIS Moot ADR

Scores in general, were relatively consistent for the Vis Moot ADR activity with the average score being 3.08 as indicated above. The highest scoring outputs included increased awareness and support of ADR among stakeholders; trained neutrals, counsel, businesses, and students to support ADR clauses in contracts, resolve disputes through ADR mechanisms, and create a pipeline of local counsel; expanded support for ADR mechanisms; and improved awareness and capacity of Central Asian stakeholders to advocate for and use ADR mechanisms.

There was one output that scored below a 3.0, which was gaps in ADR related laws and regulations identified and incrementally addressed. There were also two short-term outcomes that scored lower than 3 which were awards recognized and enforced and applications for interim measures effectively considered; and laws, policies, or practices proposed, adopted, or improved that support ADR mechanisms in Central Asia.

EQ 2: To what degree do the Regional Expert-Level Working Groups facilitated by CLDP contribute to the capacity of government officials to create and implement regional approaches to economic reforms, regional and international economic integration, and increased trade?

In order to make a determination on this evaluation question, a discreet set of outputs and short-term outcomes from the Working Groups that dealt more directly with capacity building was looked at. Of the 14 total (9 outputs and 5 short-term outcomes), three of them (1 output and 2 short-term outcomes) focus on the actions of the Central Asian governments taking concrete actions to create and implement the referenced regional approaches. When isolating those scores, the combined total average is 2.43, indicating moderate success, and less than the average score for all outputs and short-term outcomes of 2.88 noted earlier.

One of the principal reasons provided during the Key Informant Interviews for the lower performance of these outputs and short-term outcomes was the fact that the recommendations from the Working Groups are non-binding. Another reason mentioned was the fact that the several of the Central Asian countries represented in the Working Groups (namely Kazakhstan and Kyrgyzstan) are members of the Eurasian Economic Union (EAEU or EEU) which is heavily influenced by Russia's interests. The net result of these two factors is that the Working Groups cannot legally force these countries to adopt the legal and regulatory recommendations they develop and, in some cases, such changes may run counter to Russia's interests. A third reason cited was that these results were essentially seen as "out of the control" of CLDP and so in several instances, no score could be provided. This may help explain why progress on these indicators has scored below average.

Below are the scores used in making a determination and assessment for this evaluation question, which when totaled and averaged yield the value of 2.43 mentioned above.

Output 1.3.1. Central Asian countries draft laws, policies, regulations, or take other actions to advance TIFA- WG recommendations.

AVG SCORE: 2.51

Short-Term Outcome 1.3 Central Asian governments adopt policies or institutional reforms in line with TIFA- WG recommendations.

AVG SCORE: 2.26

Short-Term Outcome 2.2 Central Asian countries adopt regional agenda and/or legal and regulatory frameworks that promote greater regional cooperation (harmonization, mutual recognition, interoperable frameworks).

AVG SCORE: 2.53

EQ 3: To what degree does CLDP's support of 7 universities from the region to participate in the Vis Moot program meet its stated objective of providing practical training for young lawyers in order to ensure efficient and effective dispute resolution mechanisms, including availability and access to alternative dispute resolutions (ADR) mechanisms?

The CLDP CAR logic model for FY2023 includes 8 outputs and 3 short-term outcomes that can be looked at to help answer this evaluation question. The level of achievement of those results serves as a data point in determining to what degree the activity has been successful or not. As noted previously, rankings/scores of output/outcomes achievement were collected for this purpose during the Key Informant Interviews with CLDP CAR activity managers. The online survey of legal students and mentors from Central Asia was also specifically designed to collect such data. Overall, scores in general, were relatively consistent across all eleven outputs/outcomes with the **average score being 3.08** as indicated above. Referring back to the scoring key, this result indicates that program managers and participants believe that the Vis Moot ADR activity has made "**significant progress** with some remaining challenges" when looking at progress towards its stated objective.

The highest scoring outputs included increased awareness and support of ADR among stakeholders (3.65); trained neutrals, counsel, businesses, and students to support ADR clauses in contracts, resolve disputes through ADR mechanisms, and create a pipeline of local counsel (3.35); expanded support for ADR mechanisms (3.18); and improved awareness and capacity of Central Asian stakeholders to advocate for and use ADR mechanisms (3.12).

There was one output that scored below a 3.0, which was gaps in ADR related laws and regulations identified and incrementally addressed (2.82). There were also two short-term outcomes that scored lower than 3 which were awards recognized and enforced and applications for interim measures effectively considered (2.85); and laws, policies, or practices proposed, adopted, or improved that support ADR mechanisms in Central Asia (2.81).

EQ 4: What are the strengths and weaknesses of CLDP's current monitoring and evaluation practice for the Central Asia region, particularly in relation to assessing medium to longer-term effects of their activities?

To address this question, the evaluation relied on a series of Focus Group Discussions (FGDs) with the CLDP CAR activity managers (9 staff total), who possess first-hand knowledge relative to the evaluation question. For the purposes of this performance evaluation, the FGDs were designed to help the third-party evaluator gain a deeper understanding of the state of Monitoring and Evaluation (M&E) efforts for CLDP CAR activities, as well as collect suggestions for improvement.

Strengths

First, in terms of strengths, the evaluator noted that CLDP CAR possesses a highly motivated, committed, responsive, capable, and knowledgeable staff. Most staff have worked on CLDP for several years and all of them provided excellent inputs, ideas, and suggestions regarding the M&E practice for the Central Asia region. Similarly, all staff seemed to have a very good understanding of the overall scope and purpose of CLDP, and the need for and value of a well-functioning M&E practice.

A second strength identified was a well-established system for program verification. The CLDP CAR team does a very thorough job of ensuring that key verification documents are routinely developed/collected and filed in the shared document repository for the project. This typically includes participant rosters, agendas from sessions/meetings, trip reports, training materials/power point presentations, as well as a write-up of the recommendations discussed or agreed upon at the WG meeting.

A third strength is the use of a survey instrument to collect stakeholder feedback. During the Key Informant Interviews and Focus Group Discussions, the evaluator took note of the fact that each of the Working Groups presently makes use of some form of participant survey, typically distributed on the final day of the meetings, to collect feedback on how the session went, collect suggestions for improvement, and collect ideas for future program events. This is seen as an effective, reliable, and traditional (best practice) method for M&E data collection, particularly for work of this nature (high-level Working Groups).

Weaknesses

One of the weaknesses of the current M&E practice noted by the evaluator, is the lack of precise performance indicators. As part of the desk review for this evaluation, the evaluator did not identify a specific M&E plan/document that includes precise performance indicators. However, the evaluator noted that each year, as part of the Annual Budget Request (ABR)

process, the project includes and submits a Logic Model and Performance Indicator Tracker. The logic model includes a set of Outputs, Short-Term Outcomes, and Longer-Term Outcomes which essentially serve as traditional performance indicators. The weakness to this approach is that these outputs and outcomes do not always include all the dimensions for a SMART indicator. SMART indicators are specific, measurable, achievable, relevant, and time-bound indicators that are used in monitoring and evaluation. The other weakness noted was that the project does not seem to have a frequent enough process for reporting on progress towards the attainment of these outputs and outcomes. They seem to be reported on only once per year, as part of the ABR process, so that the monitoring value of tracking progress on any given output or outcome is not fully utilized during the course of any given reporting year.

A second weakness noted by the evaluator was a lack of standard operating procedures and tools for M&E functions. A good example of this is the survey instrument that is used by most of the Working Groups to collect participant feedback which seems to have a history of sometimes being a standard operating procedure but is not currently always utilized. Another area that does not seem standardized is how files are named and stored. This makes it more difficult for managers to find information or documents they are looking for, particularly when working across multiple Working Groups. The project also does not seem to provide any current guidance, tips, worksheets, links, etc. as to how precisely M&E should be carried out for CLDP activities. As a result, the IPS staff who are largely responsible for routine M&E functions, rely on an informal system of reaching out to one another for guidance.

A third and final weakness noted by the evaluator, is the lack of a systematic way to capture project learnings and share such lessons with one another. Such a system, even if informal, provides a framework for collaboration that translates M&E data to learning, and uses learning to improve project activities. The collaboration element is critical to ensure stakeholders understand the evidence behind project performance and support project planning decisions. The evaluator did not identify efforts or practices by the project to integrate such a learning system, which results in lessons learned not being systematically shared, and lost opportunities for technical improvements to be developed.

RECOMMENDATIONS

Taking into consideration the data collected from the desk review, key informant interviews, online survey, and focus group discussions, the following recommendations are offered.

1. Develop SMART indicators for CLDP CAR program activities which are specific, measurable, achievable, relevant, and time-bound indicators that are used in monitoring and evaluation. SMART indicators help to ensure that the indicators chosen are well-defined and can be effectively measured to track progress towards specific goals and objectives. Keep in mind and

focus on those indicators that CLDP CAR has more direct control of, and limit those indicators that rely on the actions of Central Asian authorities for which CLDP CAR has limited/less control.

2. Develop a system for reporting on progress towards indicator attainment quarterly even if in-house. This will make it much easier to report on these indicators during the ABR process, as the data should be more readily available and up-to-date. Reporting on such progress quarterly also provides the opportunity to make corrective programmatic adjustments as necessary throughout the program year.

3. Develop some form of Collaborating, Learning, and Adapting (CLA) within the project to ensure important lessons learned are shared among relevant staff, and best practices are instilled. Collaborating, Learning, and Adapting (CLA) is a set of systematic and intentional practices that help improve development effectiveness. Strategic collaboration, continuous learning, and adaptive management link together all components of the Program Cycle. Integrating CLA helps to ensure that programs are coordinated with others, grounded in a strong evidence base, and iteratively adapted to remain relevant throughout implementation.

4. Develop a set of standard operating procedures (SOPs) around the most essential M&E functions. These SOPs would bring clarity to the way in which these M&E functions are to be carried out, and who is to be responsible for which tasks. SOPs could be developed for data verification, participant surveys, file nomenclature, and progress reporting as examples. The benefits of these suggested SOPs include achieving greater consistency of M&E functions, improved program quality, reduce employee training time, reduce errors, and making the transfer of work among colleagues easier.

5. Provide guidance and/or training and tools for the most essential M&E functions. Along with the suggested SOPs noted in #4 above, CLDP CAR should also consider providing written guidance to relevant staff in the form of toolkits, website links, etc. to ensure staff have up to date knowledge and information on how M&E is to be implemented and what the funders expectations are. Such guidance, training, and tools also tend to elevate the profile and shared understanding of the value of M&E within a project team.

ANNEX 1 PERFORMANCE WORK STATEMENT

1.0 Task Order Overview

This is a non-personal services task order. The Government will not exercise any supervision or control over the task order service providers performing the services herein. Such task order service providers shall be accountable solely to the Contractor who, in turn is responsible to the Government as defined in this Performance Work Statement (PWS). The Contractor shall perform to the standards in this task order.

2.0 Background

The purpose of this external evaluation is to assess the performance of project activities against objectives and expected outcomes, examine the implementation problems or successes, and draw lessons learned for future programming. Recommendations and findings from this evaluation will identify corrective measures for the design, implementation, monitoring, and evaluation of the project. Additionally, the evaluation can articulate actions for follow-up or to reinforce initial benefits of previous activities.

This evaluation is a performance evaluation where the focus of the examination is on implementation, inputs, outputs, and likely expected outcomes. The project initiative is approximately at the mid-point of its performance period; thus, project managers need to have an objective assessment of implementation progress, problems, and challenges, which enables decision-making to make mid-point corrections.

The U.S. Department of State's Office of the Coordinator of U.S. Assistance to Europe and Eurasia (EUR/ACE) and the U.S. Department of Commerce (hereafter both Departments, Commerce, EUR/ACE or State) have entered into an Interagency Agreement (IAA). Through this agreement U.S. Department of Commerce's Commercial Law Development Program (CLDP) will conduct activities with the objective of improving the commercial legal and regulatory framework to support and increase economic development in Central Asia.

CLDP is part of the Office of the General Counsel.

Created in 1992, CLDP works at the behest of U.S. embassies overseas, with a double mandate:

a) To provide technical assistance in commercial law to developing countries, to help create legislative, regulatory, and judicial environments conducive to trade and investment.

and,

b) At the same time, to create in these countries a level playing field for U.S. firms.

CLDP's website is: www.cldp.doc.gov; it shows the countries and regions where CLDP provides technical assistance

To conduct programs of technical assistance, CLDP receives funding from U.S. Government (USG) agencies, under IAAs. For these USG agencies, monitoring and evaluation is an important part of the work that CLDP must perform under the IAAs. For each program funded under an IAA, CLDP must design Monitoring, Evaluation and Learning (MEL) plans, develop indicators, develop mechanisms for tracking indicators, provide regular updates on key evaluation indicators, as well as a Monitoring and Evaluation (M&E) report upon completion of the program.

Moreover, the FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2016 (FATAA) requires that agencies that conduct program of assistance to foreign countries apply "rigorous monitoring and evaluation methodologies to such programs, including through the use of impact evaluations, ex-post evaluations, or other methods, as appropriate, that clearly define program logic, inputs, outputs, intermediate outcomes, and end outcomes".

In recent years, the number of CLDP technical assistance programs funded by IAAs have significantly increased. This has resulted in a growing need for CLDP to develop and implement, for each one of these programs, a suitable and compliant M&E system. Each of these M&E systems must clearly define "program logic, inputs, outputs, intermediate outcomes, and end outcomes" consistent with the objectives of the IAA funding the program.

The audience for the evaluation is primarily the funding officials, CLDP project managers and the Economic Section in U.S. Embassies in Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan. Senior officials have a keen interest in the recommendations and findings of the evaluation and ultimately have to make funding and programmatic decisions. Other potential members in the audience could include U.S. Department of State's Office of the Coordinator of U.S. Assistance to Europe and Eurasia (EUR/ACE) and the broader interested community within the Department of Commerce.

2.1 Objective

CLDP's programs in Central Asia to be evaluated are as follows:

1. Overview of CLDP's Central Asia Regional Portfolio

CLDP is tasked by the U.S. Department of State to provide technical assistance to facilitate trade, investment, and economic connectivity in and among the countries of Central Asia and between Central Asia and other countries and regions of the world. CLDP's work furthers the goals of the U.S. – Central Asia Trade and Investment Framework Agreement (TIFA) and the C5+1 diplomatic platform. To carry out its task, CLDP supports expert level regional working **groups on key trade** issues, namely, Customs, Digital Trade, Intellectual Property Rights (IPR), Sanitary/Phytosanitary

Measures (SPS), and Women's Economic Empowerment (WEE). These working groups provide a regional platform and mechanism for ongoing government-to-government and multi-stakeholder dialogue, cooperation, and engagement on trade-related legal and regulatory reform.

2. CLDP's Central Asia Regional Working Groups:

a. Customs Working Group consists of expert-level government representatives from all five countries in Central Asia and aims to identify regional approaches to simplifying and harmonizing customs procedures to promote efficient border crossings for greater regional and external trade. Areas of focus include broader implementation of the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), digital TIR trade facilitating tools, and international e-TIR system. CLDP partners with the International Road Transport Union (IRU) on all aspects of TIR system implementation in Central Asia. The Working Group has developed 13 actionable recommendations to promote digitalization of the TIR system in all five countries, and to extend Central Asia-Pakistan and Central Asia – Trans-Caspian TIR trade routes.

b. Digital Trade Working Group is a multistakeholder group that includes government, private sector, and civil society. The group was launched following the last TIFA Council meeting in 2021. Areas of focus include consumer protection, cybersecurity, e-payments, e-transaction, e-signatures, data protection/privacy, policies to support trustworthy cross border data flows, and digital tax. In September 2022, the Working Group developed 35 actionable, practical regional recommendations to improve the legal environment for digital trade across five areas: (1) trustworthy digital trade; (2) cross-border e-payments; (3) logistics; (4) open government data; and (5) stakeholder engagement.

c. IPR Working Group consists of expert-level government participants and aims to identify and address priority IPR related concerns, including the need for more effective remedies and penalties to stop and deter counterfeiting and piracy based on international standards.

d. SPS Working Group includes expert-level governmental participants in all five countries. Areas of focus include transparency; notification to the SPS committee, World Organization for Animal Health, and International Plant Protection Convention; risk assessment and management; digitalization of certification; and inter-ministerial cooperation.

e. WEE Working Group brings together private sector women entrepreneurs in Central Asia to identify and overcome obstacles to women's full participation in trade and economic activity. The Group has developed an extensive list of actionable recommendations and solutions to broaden women SME and private sector access to national, regional, and international markets and commercial opportunities.

The intent of the programs above are to improve the economy and stability of Central Asia through improving trade, food safety, women's empowerment, intellectual property rights protection and entrepreneurship in the Central Asia region.

3.0 Requirements

The Contractor shall provide all personnel, equipment, supplies, facilities, transportation, tools, materials, supervision, and other items and non-personal services necessary to perform this requirement.

The Contractor shall monitor performance in accordance with the approved Quality Control Plan (QCP). The Contractor shall develop and implement procedures to identify, prevent, and ensure non-recurrence of defective services. The Contractor's QCP is the means by which they will ensure work complies with the requirements of the task order.

The Contractor shall at all times maintain an adequate workforce for the uninterrupted performance of all tasks defined within this PWS when the Government facility is not closed for the above reasons. When hiring personnel, the Contractor shall consider the stability and continuity of the workforce are essential.

It is expected the evaluation team or individual M&E Specialist's proposal should propose a participatory approach to implementing a mixed-method evaluation design.

The evaluation team or individual M&E Specialist will be responsible for developing an evaluation strategy and methodology that includes a mix of qualitative and quantitative data collection and analysis approaches, which will be presented as part of the work plan as outlined in the deliverables below. The suggested methodology should include, but is not limited to, the following:

- Document review including project progress reports and design materials
- Individual interviews and focus groups held in Washington, DC with relevant Department of State and Commerce staff, and other USG agencies, implementing partners, and external

organizations. Some interviews may need to be conducted by phone, video teleconference, or email. An electronic survey with these sources would be a feasible adjunct method

- Field interviews (both within the U.S. and in the Balkan region) with local partners, community members, as well as current and former beneficiaries throughout the region, when and where this can be accomplished safely. Remote methods might also be used
- Relevant reports of other international or donor organizations
- Relevant existing data such as surveys and third-party economic data

CLDP can provide an initial list and contact information of relevant personnel, organizations and contact information. The evaluation team or individual M&E Specialist will also be free to follow leads beyond the provided contact lists.

The proposal should consider the following elements below as both Departments expect a productive working relationship with project managers and the evaluation team or individual M&E Specialist while the latter is conducting the evaluation independently:

1. The evaluation team or individual M&E Specialist should hold initial meetings with project managers and other stakeholders to clarify information needs to establish a consultative process.
2. The evaluation team or individual M&E Specialist should initiate discussions with project managers and other stakeholders to deepen the evaluation team's understanding of the vision of the evaluation and serve the knowledge needs of both Departments.
3. The evaluation team or individual M&E Specialist should invite project managers' participation in the evaluation process while preserving its analytical independence to make final decisions regarding the findings, conclusions, and recommendations. The evaluation team will retain the overall and final responsibility for the content of all reports. State or Commerce may assign a staff member to participate in any phase of the evaluation, subject to consultation with the evaluation team.
4. The evaluation team or individual M&E Specialist may hold conference calls, with both Departments' staff involved in implementing or managing the project, U.S. Embassies in Ashgabat,] [Astana,] Bishkek, Dushanbe, Tashkent, and Washington D.C. representatives to introduce the evaluation team and discuss the overall approach, logistics, and any other areas requiring special attention.
5. The evaluation team or individual M&E Specialist should coordinate with its local logisticians who can set up travel and appointment schedules. U.S. Embassies and CLDP may

assist in these areas as necessary, in terms of scheduling meetings and providing points of contact.

6. All surveys and other interview methods must follow the ethical and informed consent rules set out by the American Evaluation Association.

7. Prepare a M&E report for Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan that will aggregate in a clear way highlighting CLDP's achievements, statistical and qualitative information generated by the different program teams.

Deliverable: The M&E specialist or team will submit to CLDP's Deputy Chief Counsel, CLDP's Senior Counsel and State Department a report meeting the specifications above.

1. Comprehensive work plan.
2. Proposed methodology for data collection.
3. Current state of play report and donor operating environment report (Phase I Report)
4. Assisting CLDP representatives in interagency discussions relating to M&E.
5. Provide input on the design of programs on the front end, as well as follow-up on programs from D.C. and in the field, based upon M&E information and lessons learned.
6. In- and Out-Briefings to Embassies in [Ashgabat,] [Astana,] Bishkek, Dushanbe, and Tashkent on initial results and findings of field work and data collection
7. Executive summary report for [Kazakhstan], Kyrgyzstan, Tajikistan, [Turkmenistan,] and Uzbekistan

Deliverables: For each one of the CLDP's programs, the M&E specialist or team will submit to the team's Senior Counsel a weekly progress report memorandum providing the input mentioned above.

8. Assisting CLDP with the identification of additional M&E needs and recommending the necessary resources to address these needs.

In addition to the deliverables listed above, the M&E specialist or team will submit to CLDP's Deputy Chief Counsel, a monthly activity report listing:

- The main tasks performed by the M&E specialist during the previous four weeks.

- The outcomes of these tasks
- The necessary follow-up actions needed for each task.

4.0 Place of Performance

Contractor support shall perform at Washington, DC with travel to Central Asia.

- ☒ Remote/telework may be authorized by the Task Manager (TM) on a case-by-case basis.

5.0 Period of Performance

The total period of performance is for 6 months from date of award.

6.0 Hours of Operation

Under this task order, the Contractor is responsible for conducting business, Monday thru Friday during normal business hours except Federal holidays or when the Government facility is closed due to local or national emergencies, administrative closings, or similar Government directed facility closings.

7.0 Government Furnished Resources

The Contractor shall be responsible for safeguarding all government equipment, information and property provided for Contractor use. The Contractor shall not use GFP/E/I for any purposes other than official Government business as performed under this task order. At the close of each work period, government facilities, equipment, and materials shall be secured.

Contractors working on Government sites will be provided standard business equipment including all or some of the following: desk, chair, phone, computer and access to office equipment such as printers, copiers, fax, etc.

8.0 Qualifications

The evaluation team or individual M&E Specialist should provide the appropriate number of staff to fully execute the evaluation, using a cost-effective approach. The core evaluation team or individual M&E Specialist should be a multi-disciplinary team with knowledge of and expertise in evaluating and conducting assessing of U.S. government technical assistance

programs, which typically are implemented in environments with complex interactions between economic, political, and social elements. Team members or individual M&E Specialist should have experience with mixed-method studies and able to analyze, synthesize, and draw broader conclusions and lessons learned from various sources of data and findings in a manner that is easily grasped by the evaluation stakeholders. The team or individual M&E Specialist should also consist of at least one member with knowledge in commercial legal issues.

The team or individual M&E Specialist shall be U.S. citizens at the time of submission of their offer. In addition, all offerors must demonstrate in writing in their offer that they possess the necessary knowledge, skills, acumen, and experience, as evidenced by the following four qualification requirements.

The evaluation team or individual M&E Specialist will provide resumes for each individual on the team, all of whom will be regarded as key personnel, and therefore are to be essential to completing the evaluation. CLDP expects that key personnel will be available to conduct the activities noted in the statement of work. At least 30 days prior to diverting any of the specified individuals to other programs or contracts (or as soon as reasonably possible), the evaluation team or individual M&E Specialist will notify the CLDP's program staff and submit a justification for the diversion or replacement request (including proposed substitution(s)) to permit evaluation by the CLDP's program staff of the impact this could have on the performance under this statement of work. The evaluation team or individual M&E Specialist shall not divert or otherwise replace key personnel without written consent from the CLDP's program staff.

Requirement 1: Offeror(s) shall have a solid understanding of the challenges of economic development in developing and/or transitioning countries, an understanding acquired through relevant academic studies culminating in a degree and/or through at least two years of practice in the field.

Requirement 2: Offeror(s) shall have at least five years of experience designing M&E systems and reviewing M&E reports at USG agencies that provide funding for programs of technical assistance to foreign countries or designing M&E systems and drafting M&E reports at agencies or private firms that conduct programs of technical assistance funded by USG agencies. Offeror(s) shall have a good understanding of the M&E requirements of USG agencies that fund technical assistance programs, in particular USAID's M&E requirements, and the Department of State's M&E requirements. Offeror(s) shall provide evidence of their having received top ratings for their performance of the duties listed in the first paragraph of requirement 2.

Requirement 3: Offeror(s) should have at least one member of the evaluation team be fluent in Russian.

Requirement 4: Offeror(s) shall have an educational background in quantitative and qualitative research methods, and/or at least three years of professional practice of such methods.

Requirement 5: Offeror(s) shall possess strong written communications skills in English, as evidenced by the submission of non-confidential reports written by offerors and of positive reviews of these reports by relevant experts.

Requirement 6: Offeror(s) shall have at least one member of the team with the necessary commercial law related background.

Requirement 7: Offerors shall sign all applicable non-disclosure agreements mandated by Departments and shall take appropriate cybersecurity and privacy awareness trainings as required by Commerce.

9.0 Identification of Contractor Employees

All Contractor personnel attending meetings, answering Government telephones, and working in other situations where their Contractor status is not obvious to third parties are required to identify themselves as such to avoid creating an impression in the minds of members of the public that they are Government officials. They must also ensure that all documents or reports produced by Contractors are suitably marked as Contractor products or that Contractor participation is appropriately disclosed.

10.0 Travel

Travel ☒ is ☐ is not required under this task order.

If required, the Contractor shall travel as approved by the designated TM or COR during the performance of this task order to attend meetings, conferences or conduct other official business covered under this task order. Authorized travel is reimbursable in accordance with the contract. The Contractor shall ensure adequate funding is available for costs of travel prior to incurring costs.

Local travel to meetings, conferences or other official business covered under this task order is not reimbursable as a direct charge.

11.0 Conflicts of Interest

Contractor and subcontract personnel performing work under this task order may receive, have access to, or participate in the development of proprietary or source selection information (e.g., cost or pricing information, budget information or analyses, specifications **or work statements**,

etc.), or perform evaluation services which may create a current or subsequent Organizational Conflict of Interests (OCI) as defined in FAR Subpart 9.5. The Contractor shall notify the CO immediately whenever he/she becomes aware that such access or participation may result in any actual or potential OCI, and may merit the submittal of a plan to the CO to avoid or mitigate any such OCI. This mitigation plan would be determined to be acceptable solely at the discretion of the CO. In the event the CO unilaterally determines that any such OCI cannot be satisfactorily avoided or mitigated, the Contracting Officer may employ other remedies as he or she deems necessary, including prohibiting the Contractor from participation in subsequent contracted requirements which may be affected by the OCI.

12.0 Data Rights

The Government has unlimited rights to all documents/material produced under this task order. All documents and materials, to include the source code of any software produced under this contract, shall be Government owned and the property of the Government with all rights and privileges of ownership/copyright belonging exclusively to the Government. These documents and materials may not be used or sold by the Contractor without written permission from the CO. All materials supplied to the Government shall be the sole property of the Government and may not be used for any other purpose. This right does not abrogate any other Government rights.

13.0 Applicable Publications (Current Editions)

- ☒ No publications are applicable for this task order.
- ☐ The following list of publications is applicable to this task order:

14.0 Reports and Deliverables

The Contractor shall attend progress meetings requested by the contracting activity or task order administration. The Contracting Officer, Contracting Officer's Representative (COR), and other Government personnel, as appropriate, may meet periodically with the Contractor to review the Contractor's performance. At these meetings the CO will apprise the Contractor of how the government views the Contractor's performance and the Contractor will apprise the Government of problems, if any, being experienced. Appropriate action shall be taken to resolve outstanding issues. These meetings shall be at no additional cost to the government.

The Contractor shall prepare and submit a monthly progress report describing at a minimum the work performed during the month, the projected work over the next month, and any issues or barriers that need to be addressed.

We anticipate that the evaluation will commence in June/July 2023 timeframe and last approximately 6 months with the option to extend and renew. A timetable for initial planning, data collection and analysis, report writing, and final submission of the report must be included. In addition, a table of staffing days by task and team member is required. Below is an illustrative framework for the evaluation team to use for drafting the technical proposal to assist with initial planning. Both Department's anticipate and encourage the evaluation team to provide recommendations on the best approach to achieve the goals of this evaluation.

PHASE I

- Draft Comprehension Work Plan
- Proposed Methodology for Data Collection

PHASE II

- Literature Review
- Current State of Play Report

Phase III

- Field Work
- U.S. Embassies in Ashgabat, Astana, Bishkek, Dushanbe, and Tashkent

PHASE IV

- First Draft of Reports
- Final Reports
- Public Executive Summary
- Actionable Immediate Next Steps Plan

Deliverables

Below is a summary list of Deliverables with notional dates. Firm dates will be included in the Evaluation Team Draft Comprehensive Plan.

Deliverable Description	Due Date
Weekly Progress Reports	Weekly status – before 5 p.m. EST Monday for the previous week
Monthly Progress Reports	No later than 15 days after the end of the month
Evaluation Team Draft Comprehensive Work Plan (Phases I-IV)	Within 3 weeks of contract award
Proposed Methodology for Data Collection (Phases I-IV)	Within 3 weeks of contract award
Deliver Current State of Play Report & Donor Operating Environment Report (Phase I Report)	Within 3 months of Contract
CLDP reviews draft Phase I report and provides feedback	Within 3.5 months of Contract award
Evaluation Team or individual M&E Specialist finalize Phase I report and submits to CLDP/Department of State	Within 4 months of Contract award
Evaluation Team or individual M&E Specialist provides supports briefings at CLDP to key stakeholders (Phase I & II concludes)	Within 4.5 months of Contract award
Evaluation Team or individual M&E Specialist finalizes Comprehensive Work Plan for approval (if required, based on data or knowledge gaps during Phase I)	Within 4.5 months of Contract award
Field Work in BiH and Kosovo	Within 4.5 months of Contract award
In- and Out-Briefings to Embassy Sarajevo and Embassy Pristina and other relevant stakeholders (e.g., USAID, World Bank, etc) on the initial results and findings of the Field Work and Data Collection	Recurring (briefings could include DVC's, in person, etc.)
Presentation of preliminary field analysis to State and other key stakeholders in Washington, D.C. (Phase III concludes)	Within 5 months of Contract award
First Draft of Country Report & Next Steps submitted for review and comment	Within 5 months of Contract Award
Draft Public (unclassified) Executive Summary submitted for review and comment	Within 5.5 months of Contract Award
Final Country Report submitted (Phase IV) concludes	Within 6 months of Contract Award

Monthly and Weekly Progress Reports

The evaluation team or individual M&E Specialist shall submit monthly written reports in English to project managers and Senior Counsel no later than fifteen (15) days after the month has ended. The reports shall succinctly summarize progression of major activities under these categories: 1) activities undertaken, 2) compare actual work completed with the goals and objectives for the period of performance, 3) deviations from the work plan, 4) remedial actions, if appropriate, 5) projected activities for the next reporting period. The weekly reports should be submitted to the project managers and Senior Counsel no later than 4:30 p.m. EST every Monday for the previous week, and should include date, activities, and hours worked. Templates will be provided for both reports at, before, or during the Kick-Off meeting (initial call with CLDP).

Comprehensive Work Plan

The evaluation team or individual M&E Specialist shall submit a final draft comprehensive work plan which includes details on the activities to be performed that meet all the requirements in the SOW – deliverables, start and end dates, and other associated dependencies. The plan may include revisions, as needed based on the goals of the evaluation, resources, and best expert judgement of the evaluation team.

Proposed Methodology for Data Collection

The evaluation team or individual M&E Specialist shall submit a detailed description of its proposed methodology for data collection and analysis for CLDP and Department of State to approve, which may include revisions to the plan submitted as the proposal.

Current State of Play Report

The evaluation team or individual M&E Specialist shall conduct a preliminary document submitting a literature review/desk assessment. The Current State of Play Report should include a bibliography, and an executive summary. The literature review/desk assessment should not require review of activities in Central Asia. Project managers can assist with making contacts in Washington.

Final Country Report & Next Steps

The evaluation team or individual M&E Specialist shall submit a final country report that addresses comments and suggested edits raised during review draft final report within 6

months of the award of the contract. The evaluation team or individual M&E Specialist shall, as part of the Final Country Report, submit a section outlining immediate, actionable next steps in project implementation. Recommending next steps must be within the scope of the project. Additionally, Next Steps shall include discrete recommendations to update the logic model and assumptions; also developing an updated performance management plan. If recommendations are not actionable the project managers will provide explanations in the final Draft.

The evaluation team or individual M&E Specialist will submit all draft reports to the project managers using the following format:

- Executive Summary – a 2-3, page, single-spaced document containing a concise summary of the most critical elements of the report.
- Report – 40 pages (not including annexes) or less document which presents the findings, conclusions, methods used the data, discussing recommendations, issues, and updates to the logic model, assumptions, and performance management plan.
- Appendices – will include SOW, bibliography, list individuals and agencies contacted, interview questions, questionnaires, and other data collection instruments.

ANNEX 2 INDIVIDUALS INTERVIEWED

CLDP Central Asia Team (Individuals Interviewed)

- Anna Mallett, Senior Legal Advisor, **IPR**, amallett1@doc.gov
- Alexa Black, International Program Specialist, **Investment**, **SPS** ABlack@doc.gov
- Cristen Bauer, Legal Advisor, **Digital Trade**, **ADR**, cbauer@doc.gov
- Kate Casey, International Program Specialist, **IPR**, kcasey@doc.gov,
- Melinda Zanner, International Program Specialist, **Digital Trade** mzanner@doc.gov
- Sydney Dinenberg, International Program Specialist, **WEE**, **ADR** sdinenberg@doc.gov
- Tamar Satterwhite, Attorney-Advisor, **Customs and WEE**, tsatterwhite@doc.gov
- Thomas Choi, International Program Specialist, **ADR**, **Vis**, **Customs** tchoi@doc.gov
- Will Kent, Attorney-Advisor, **Investment**, **SPS**, wkent@doc.gov

ANNEX 3 KEY INFORMANT INTERVIEW & ONLINE SURVEY QUESTIONS

For the five regional expert **working groups**, respondents were asked to score/rank progress (scale of 1 to 4) for each of the following outputs and short-term outcomes taken from the CLDP FY2023 logic model.

1.1.1 Working Group identifies challenges related to enhanced business enabling environment in the region, and obstacles inhibiting regional trade/commerce in Central Asia.

1.1.2 Working Group identifies legislative or institutional reforms needed in Central Asia.

1.2.1 Working Group proposes recommendations for legislative or institutional reforms needed to overcome the identified challenges/regional barriers to trade/commerce in Central Asia.

1.2.2 Working Group agrees upon / finalizes recommendations for legislative or institutional reforms needed to overcome the identified challenges/regional barriers to trade/commerce in Central Asia.

1.3.1 Countries draft laws, policies, regulations, or take other actions to advance TIFA- WG recommendations.

2.1.1. Working Group engagements, including meetings, consultations, trainings, and workshops bring together relevant and consistent stakeholders in Central Asia.

2.1.2 Working Group participants share updates and best practices on the legal and regulatory environment

2.1.3 Working Group provides a forum to increase public-private/civil society dialogue.

2.2.1 CLDP gathers and works with Central Asia stakeholders to update to legal frameworks.

1.1. Working Group drafts/develops a Regional Agenda or recommendations for advancing appropriate regional-level policy changes. (TRD.1)

1.2. Working Group presents the Regional Agenda or recommendations for adoption/consideration at US-CA-TIFA Council meetings, with relevant US interagency, at C5+1 Diplomatic Platform meetings, with the respective government authorities and non-government Working Group participants, and international organizations and bodies working in the region. (TRD.1)

1.3. Central Asian governments adopt policies or institutional reforms in line with TIFA- WG recommendations. (TRD.2, TRD.3)

2.1. Working Group becomes a consistent forum for regional dialogue on Digital trade issues (TRD.4)

2.2. Central Asian countries adopt regional agenda and/or legal and regulatory frameworks that promote greater regional cooperation (harmonization, mutual recognition, interoperable frameworks) Working Group (TRD.5)

For the **Vis Moot Alternative Dispute Resolution** activity, the FY2023 logic model includes the following outputs and short-term outcomes, for which respondents were again asked to score/rank progress on a scale of 1 to 4.

Output 1.1.1 Gaps in ADR related laws and regulations identified and incrementally addressed

Output 1.1.2 Increased awareness and support of ADR among stakeholders

Output 1.2.1 Increase Judiciary awareness and acceptance of ADR mechanisms and the role of the judiciary

Output 1.2.2 Improved knowledge and skills for Judges on recognition, enforcement, and interim measures

Output 1.3.1 Improved awareness and capacity of Central Asian stakeholders to advocate for and use ADR mechanisms

Output 1.3.2 Expanded support for ADR mechanisms

Output 1.3.3 Trained neutrals, counsel, businesses, and students to support ADR clauses in contracts, resolve disputes through ADR mechanisms, and create a pipeline of local counsel

Output 1.3.4. Improved ADR centers and institutions with roster of neutrals, procedural rules, effective case management, facilities, and legitimacy/trust from the local business and legal community

ST Outcome 1.1 - Laws, policies, or practices proposed, adopted, or improved that support ADR mechanisms in Central Asia (ROL 1)

ST Outcome 1.2 - Awards recognized and enforced and applications for interim measures effectively considered (ROL 16)

ST Outcome 1.3 - Adoption and use of ADR mechanisms and ADR mechanisms serve as an effective route to resolving disputes efficiently and transparently (ROL 2a, ROL 2b, ROL 9, ROL15)

ANNEX 4: FOCUS GROUP DISCUSSIONS QUESTIONS

1. What do you think the main purpose of monitoring and evaluation is for a project like CLDP?
2. Is there a difference between monitoring and evaluation? If so, can you describe?
3. How is monitoring currently carried out for CLDP CAR activities?
4. How is evaluation currently carried out?
5. What systems or tools do you rely on to carry out basic M&E functions?
6. Do you see ways to strengthen the current M&E functions? Or, put another way, what do you think we should be doing to improve current M&E functions?