



# Afghanistan Parliamentary Assistance Project (APAP)

## Final Technical Report

DCHA/DG

Contract No. DFD-I-00-04-00128-00; Order No. DFD-I-800-04-00128-00

This publication was produced for review by the United States Agency for International Development. It was prepared by The State University of New York / Center for International Development.

# Final Report

## Afghanistan Parliamentary Assistance Project (APAP)

Implemented by the State University of New York Center for International  
Development  
State University Plaza, Albany, New York 12246

### Contact:

Diana Bowen  
Chief of Party  
Tel.: +93 (0) 795-975-919  
Fax: +93 (0) 20-250 0940  
E-mail: [dbowen@sunyaf.org](mailto:dbowen@sunyaf.org)

David E. Guinn, JD, PhD  
Senior Associate  
Tel.: +1 (518) 443-2716  
Fax: +1 (518) 443-5126  
E-mail: [David.Guinn@cid.suny.edu](mailto:David.Guinn@cid.suny.edu)

Paul Gumpper  
Associate  
Tel. : +1 (518) 443-2256  
Fax : +1 (518) 443-5126  
E-mail : [paul.gumpper@cid.suny.edu](mailto:paul.gumpper@cid.suny.edu)

DCHA/DG

Contract No: DFD-I-00-04-00128-00; Order No. DFD-I-800-04-00128-00

## Table of Contents

1. Introduction – Executive Summary .....	1
2. Project Overview: A Brief History of Implementation .....	5
September 2004 – 2007: Laying the Foundations .....	5
October 2007-September 2009: Implementing a Strategy of Comprehensive Support .....	7
Legislative Development– <i>Building fundamental skills</i> .....	8
Oversight Development – <i>Focusing on budgets and economics</i> .....	9
Representation/ Outreach – <i>Bridging provincial insecurity divide</i> .....	9
Institutional Development – <i>Operationalizing the API</i> .....	10
October 2009-April 2011: Technical support in Depth .....	10
Legislative Development – <i>Enhancing transparency and mentoring skills</i> .....	11
Oversight Development – <i>Budgeting comes of age</i> .....	13
Representation/ Outreach – <i>Focusing on mass media and new audiences</i> .....	15
Institutional Development – <i>Developing alternate sources of expertise</i> .....	17
3. Analysis and Lessons Learned .....	19
<i>Summary Assessment of the National Assembly’s Capacity</i> .....	19
<i>Charting the Growth of the National Assembly</i> .....	21
<i>The Budget Support Program– A case study</i> .....	25
<i>Start Up: At the Birth of a New Parliament</i> .....	28
<i>Ownership, Visionary Staff and Leadership</i> .....	28

<i>Two Houses: Conflict and Competition</i> .....	29
<i>Multiple Funders: APAP and UNDP/ SEAL</i> .....	30
<i>Duration: Continuities and Discontinuities</i> .....	31
<i>Developmental Progress</i> .....	33
<i>Budget Inflation</i> .....	35
<i>Institutionalizing Training: The Afghanistan Parliamentary Institute</i> .....	36
4. Moving Ahead.....	40
<i>Sustaining budgetary and legislative practice</i> .....	40
<i>Transitioning Skills</i> .....	40
<i>Institutionalizing Skills</i> .....	41
Appendix 1: Summary of Performance Monitoring Plan Results .....	42
Appendix 2: Selected Publications and Project Deliverables.....	49

# 1. Introduction – Executive Summary

The Afghanistan Parliamentary Assistance Project (APAP), implemented by the State University of New York's Center for International Development (SUNY/CID) under a Legislative Strengthening Task Order since 2004, offers an unique opportunity to examine the impact of legislative strengthening programming in which that project was the principle, long term provider of technical support for an institution without a prior history of operation within the memory of the vast majority of Afghans. Moreover, while UNDP's SEAL project and a few smaller implementation projects offered some support to the new Parliament, particularly with the provision of equipment, supplies and salary support for key staff, APAP was the largest and most sustained provider of technical support throughout the National Assembly's (NA) brief history. In this sense, the successes of the NA can, to some extent, be reasonably attributed to the efforts of SUNY/CID and the APAP project.

In order to take advantage of this opportunity, in this report the authors will briefly review the activities and key achievements of the project as it moved through three stages of implementation:

## a) Organizational: September 2004 – 2007: Laying the Foundations

- Led a number of assessment and planning efforts
- Supported preparatory committee and staff
- Provided staff training and infrastructure support
- Built strong relationships with Parliamentary and Secretariat leadership
- Initiated technical support program for first Parliament

## b) Building: October 2007-September 2009: Implementing a Strategy of Comprehensive Support

- Expanded program to explicitly address 3 central roles of parliament: legislative; oversight; representation/outreach.
- Provided focused support for Budget, Economy, legislative, Justice and Environment/Health Committees
- Promoted oversight of budget and economic policy development
- Promoted provincial outreach

- Operationalized the Afghanistan Parliamentary Institute

c) Depth: October 2009- April 2011: Technical support in Depth

- Enhanced legislative transparency through development of legislative tracker and public hearings
- Skills training through mentoring in all committees
- Increased quality and quantity of technical support for budget oversight process
- Built public awareness through the mass media and the skills of mass media
- Increased the range of voices supporting Parliament: fellows/CSOs/Women

In part 3 Analysis and Lessons Learned, as the title suggests, the authors will review the accomplishments of the project to highlight features that deserve special attention, either as examples of good practice, bad practice or simply illustrating unexpected technical developments.

The analysis starts with a summary assessment of development within the NA. Utilizing the following criteria as a frame of analysis: Independence, Autonomy, Institutionalized Cultural Development, Staff Development, Legislative Capacity, Oversight, Budget Oversight, Representation/Outreach, and Institutional Capacity, the authors find that the NA has made significant progress as an independent, autonomous branch of government. However, significant evidence of that progress rests upon the NAs performance in 2010, the last year of the prior Parliament, with evidence suggesting that some of that progress transferred into the new Parliament in 2011 despite the introduction of a large number of new MPs. How deep and long lasting that transfer is remains an open question.

The study then turns to the role played by APAP and the facts that aided or hindered its performance. *Charting the Growth of the National Assembly* examines the role of intensive, high level budget support played in promoting not only advancement in the NA's budgetary role, but also in the growth of its identity and independence. *The Budget Support Program* case study examines in detail some of the challenges and opportunities faced by the project in developing its budget team and budget program and the consequences it faced as a result of its successes in promoting MP development and instituting beneficial procedural norms. These included problems of staff recruitment and retention, alienation from NA staff and an inability to build NA staff capacity.

APAP also benefited from the fact that it effectively started with a clean slate at a new institution (*Start Up: At the Birth of a new Parliament*), it successfully cultivated a sense of ownership among the NA staff and leadership while benefiting from the supportive and visionary leadership

of both houses – though that arose at different times (*Ownership, Visionary Staff and Leadership*) while needing to navigate the competition and friction between the two houses, the WJ and MJ (*Two Houses: Conflict and Competition*), and working in tandem with the UNDP and a limited number of other donors (*Multiple Funders: APAP and UNDP/SEAL*.)

As discussed in *Duration: Continuities and Discontinuities*, it is well established that institutional change and development requires a long time horizon, a fact long recognized with respect to legislative development. Given its seven years of operations, APAP clearly offers an example of a longer (though not necessarily long) term support project. At the same time, that duration masks certain discontinuities and challenges that arose within the context of a longer term project. This includes significant turn-over in project and mission management which at times led to a loss of project knowledge and transitions in programming focus, such as the shift in budget support from simply one of staff development to one of service delivery as a means of enhancing MP development and budget processes – with both the positive and negative consequences of that change. In other cases, this turmoil required the project to revisit and sometimes resist the reintroduction of program efforts that had failed in the past (e.g., women’s caucuses, electronic voting machines). Changes in mission leadership and conflicts within the leadership of various elements of the portfolio also created discontinuities when APAP was initially encouraged to support provincial programming for the Parliament then denied the authority to carry out that effort when opposed by a COTR focused on provincial programming – then again encouraged to resume provincial work after that COTR left country.

The long duration of the project also masks the fact that over the last two years, the project has operated under 5 short term extensions, the longest of which was only 9 months. This created enormous challenges in terms of staff retention and relations with the Parliament. It was difficult to recruit replacements with suitable skills – and impossible to recruit replacements with the relationships with Parliament that had been developed by the departing staff.

The section *Developmental Progress* addresses the challenges of introducing programming at the appropriate time in the development of the supported parliament. One developmental milestone affecting APAP was the parliamentary elections of 2010, which required delaying support for the development of a new Public Accounts Committee – an unsurprising finding. More interesting was the situation with public hearings. When introduced in 2006-7, they focused on provincial relations and outreach and fell out of favor in 2007 following the deaths of 6 MPs and APAP’s discontinuance of support. What was surprising was the enthusiasm with which they were embraced by the Parliament and the broadening of their application to include oversight and legislative functions when they were reintroduced in 2010. This suggests that the impact of even

well established legislative strengthening interventions may be significantly influenced by when they are introduced within the life of the supported parliament.

In 2010, APAP received a massive increase in its level of funding (*Budget Inflation*) based in part upon the availability of funding within the mission. While this increase did facilitate a rapid expansion in developmental support throughout the Parliament, successful in part because it built on the foundations laid in the prior five years of work, it also created a significant number of problems including distracting staff from implementation due to the demands of the ramp up and pushing for program increase within a short 9 month period. Ironically, because the project was unable to spend all of the funds within the 9 months, the excess allowed it to continue for an additional 5 months during a period of funding uncertainty within the mission. It also lowered the mean increase demonstrating that while enhanced funding did improve project performance, it benefited by being spread over a longer period of time.

Finally, in *Institutionalized Training*, the authors suggest the importance of institutional support for training in societies with low human development capital as in Afghanistan.

In part 4, *Moving Ahead*, the report highlights key areas of concern for future programming. First, while Parliament has demonstrated significant progress, that progress is fragile and the depth of its transfer remains subject to question. The NA needs continued support to ensure that the institutional gains made are permanent through repeated practice within the Parliament. Second, while fundamental substantive knowledge and skills training remains important, it is also important to ensure that the knowledge is being put to use. APAP has used its embedded staff mentoring approach to support this effort. Again, this needs to be sustained for a reasonable time within the context of the new Parliament to ensure that it has been fully adopted. Finally, the API remains in its infancy and needs sustained support for one to two years to establish itself.

## 2. Project Overview: A Brief History of Implementation

Implementation of the Afghanistan Parliamentary Assistance Project can best be understood as falling within three major stages: the initial organizational stage (2004-2006); a second start up phase (2007-2009); and a significant period of enlarged interventions (2010-2011). The accomplishments of each will be highlighted in turn. One of the unique features of APAP is that it started work prior to the establishment of what was, for all intents and purposes, a brand new institution. The prior Wolesi Jirga had been dissolved over 30 years previously in 1973.<sup>1</sup> Thus, the first phase highlights activities related to laying the groundwork for the future Parliament and start up activities. In phase two, the activities become more robust in light of the now functioning NA and, at this stage, the program was consciously structured to focus on the three key functions of a parliament: legislative; oversight; and representation and outreach. Finally, in phase three, the project dramatically increased its programming efforts to attempt to reach a wider constituency within the Parliament and throughout society.

### September 2004 – 2007: Laying the Foundations

#### *Key Highlights:*

- *Led a number of assessment and planning efforts*
- *Supported preparatory committee and staff*
- *Provided staff training and infrastructure support*
- *Built strong relationships with Parliamentary and Secretariat leadership*
- *Initiated technical support program for first Parliament*

In September 2004, prior to the first parliamentary elections, USAID Afghanistan contracted with SUNY/CID to implement a three year program of technical assistance to the Government of the Islamic Republic of Afghanistan to assist in the establishment of a new Afghan Parliament. Specifically, SUNY/CID (through the APAP project) was tasked with:

1. Conducting an Assessment of the Political, Legal and Administrative Environment for Establishing a New Afghan Parliament.

---

<sup>1</sup> The parliament created in 1988 was largely non-functional.

2. Providing Technical Assistance to Parliamentary Preparatory committee or process
3. Designing Legislative Strengthening Strategy and Program Activities, and,
4. Implementing a Program to establish and develop a Strong, Independent and Effective Legislature.

The initial task was to assess the needs and opportunities for creating an effective parliament, including the material needs for the administrative staff charged with helping to organize the new Parliament. Following the completion of this, APAP moved forward using the Assessment Reports findings, conclusions and recommendations to provide technical assistance to the fledgling Parliamentary secretariat. Working in a close coordination with other donors via the donor coordination group, during this first year of activities, APAP provided mainly infrastructure support to the Parliament including a range of commodities (e.g., furniture, computers and office equipment) and basic staff training programs (e.g. office management and administration, word processing, inventory management and property control.)

At the same time, APAP also initiated substantive technical programming in the areas of staff development and the development of appropriate legislative support functions. It funded look and learn visits for secretariat department heads to Indonesia and Europe (IPU) to study administrative practices. APAP also supported the Parliamentary library by providing equipment, internet access points and training to parliamentary and library/research staff on internet based research and law documentation services.

In 2005, APAP took the lead in planning and delivering an orientation program for the newly elected members of Parliament held in November-December 2005. In addition to providing the bulk of the funding, APAP drew on SUNY/CID's worldwide network of parliamentary experts to provide the orientation program.

The careful planning, staff development and infrastructure support provided by APAP starting in 2004 and culminating in the new member orientation ensured that by the beginning of 2006, Afghanistan would have a functional parliament prepared to begin its work. The next step was to enhance its competence and legislative skills.

In 2006, APAP began providing targeted training to MPs and Parliamentary staff in law making (drafting and law interpretation), committee operations and public hearings, and research and documentation services. APAP also provide critical technical assistance to the Budget Committee of the Lower House to support it in the review and passage of Afghanistan's National Budget in April 2006 and May 2007. Meanwhile APAP continued to build secretariat staff management and administrative capabilities and to provide, in a more limited and strategic manner, equipment and infrastructure support for the new bi-furcated Secretariat structure.

Moreover, supplementing its own direct support, APAP also played a major role in facilitating HDAC assistance to the Parliamentary Library.

The relationships with Parliamentary leadership that APAP developed between 2004-2007 helped open up two exiting opportunities for building sustainability in the work with the National Assembly. First, APAP succeeded in convincing Parliamentary leadership of the need to develop a long term institutional development plan. In June 2007, APAP facilitated the leadership's first strategic planning workshop. Second, in support of the Parliament's desire to professionalize its operations in a sustainable manner, APAP played a pivotal role in laying the groundwork for the Afghanistan Parliamentary Institute. The Institute now offers regular training and courses for both MPs and Staff in various disciplines.

## October 2007-September 2009: Implementing a Strategy of Comprehensive Support

### *Key Highlights:*

- *Expanded program to explicitly address 3 central roles of Parliament: legislative; oversight; representation/outreach.*
- *Provided focused support for Budget, Economy, legislative, Justice and Environment/Health Committees*
- *Promoted oversight of budget and economics*
- *Promoted provincial outreach*
- *Operationalized the Afghanistan Parliamentary Institute*

Upon its renewal in 2007, SUNY/CID and USAID agreed that Objectives 1 and 2 from the original scope of work had been successfully completed and the capacity building aspects of Objectives 3 and 4 were under way. Utilizing its demand driven and results oriented approach to program design, SUNY/CID consulted closely with Parliament and USAID/Afghanistan to design an expanded scope of work for post September 2007 implementation. It introduced the structure, of designing the project around the three key functions of parliament (legislation, representation/outreach, and oversight), which were then linked with ongoing institutional development. These refocused priorities then served as the basis for the four program objectives moving forward.

Included within this revised program design were the following:

*Objective 1 Legislative Capacity Building*

- Tasks
- Train staff to analyze legislation and draft amendments.
  - Provide hands on technical assistance to targeted committees and caucuses.
  - Assist Chairs to manage committee responsibilities.
  - Assist the Parliament's secretariats to support leaders, committees and individual MPs.

*Objective 2 Outreach and Representation*

- Tasks
- Improve the Parliament's Outreach and Media Relations
  - Enhance the MP's capacity to represent their constituents.
  - Improve Citizen Engagement with the National Assembly.

*Objective 3 Oversight*

- Tasks
- Create a Joint Budget Office
  - Improve MP's capacity to engage and review Executive actions.
  - Improve review of the Budget Process.

*Objective 4 Institutional Development*

- Tasks
- Assist Parliamentary leaders to draft and implement a medium term strategic plan.
  - Support a Parliamentary Fellows Program
  - Support the Launch of the Afghanistan Parliamentary Institute.

In addition to an active training program for legislators and staff, APAP offered individualized technical assistance, utilizing both local and international experts under the expanded scope of work. In order to more effectively evaluate its own effectiveness and impact on the Parliament, APAP also implemented its performance management programming, collecting baseline data starting in 2007 for key indicators.

Key achievements during the 2007-2009 period under each of the key objectives included:

### **Legislative Development– *Building fundamental skills***

The period 2007-2009 witnessed a steady increase in legislation processed by the National Assembly. Through APAP assistance there was improved technical review of legislation. This was in part due to the training that APAP provided to both the Members of Parliament (MPs) and secretariat staff in critically important legal skills, such as legal drafting. As APAP consultants offered advice on committee procedures and provided regular support to five targeted committees (Budget, Economy, Legislative, Justice and Environment/ Health), the ability of the NA to execute and perform its legislative role was enhanced. Reflective of the high quality

technical support from APAP, the government-initiated Budget Bills in 2007, 2008 and 2009 were all rejected by the National Assembly after significant review, passing only after the executive agreed to substantive changes offered by the legislature.<sup>2</sup>

### **Oversight Development – *Focusing on budgets and economics***

The oversight capacity of the NA has witnessed sustained growth and improvement since inception of the project. As Parliamentarians grew into their legislative roles with APAP's technical support, the number of oversight actions not only increased but exhibited qualitative improvement.

The budget review process best illustrates Parliament's improved oversight capacity resulting from APAP assistance. Beginning in 2006, the budget review became increasingly become more consultative and thorough. With APAP assistance, the period 2008-2009 saw the consideration of provincial priorities in the budget process as well as a greater focus on budget implementation and execution. The NA moved from a body that merely reviewed the government's proposed budget, to one that began tracking budget performance on an ongoing basis.

With APAP assistance providing improved policy briefings, the NA began to focus more on economic developments and government policies and became more proactive in conducting their oversight role. In 2008, partly as a result of APAP technical support, the NA conducted oversight into the government fuel procurement process and conducted an interpellation of the Minister of Commerce. The Minister was subsequently dismissed following a vote of no confidence from the NA.

### **Representation/ Outreach – *Bridging provincial insecurity divide***

APAP sought to be more innovative in its programming to implement its representational objective, particularly focusing on citizen engagement with the NA. The challenges presented by Afghanistan's unique security situation and general issues of inaccessibility in some provinces made it difficult for NA members to interact with their constituents. Traditional forums such as public hearings which generally allow for members to interact with constituents in their home provinces increasingly suffered as the security situation deteriorated. Public hearings were altogether suspended in 2007 following the killing of six members of Parliament at a public hearing in Baghlan province.

---

<sup>2</sup> See Appendix 1 Summary Table below for data on progress collected from 2007 through 2011.

Responsive to these difficulties, APAP embarked on a series of activities that sought to ensure that this important outreach objective was realized without assuming undue security risks. Emphasis was placed on training the Department of Information and Public Relations (DIPR) in the National Assembly to disseminate information about the National Assembly. In addition APAP embarked on a civic education program that included delivering radio and television programs on Parliament and providing legislative briefs of interest not just to legislators but also to Afghan citizens and the broader international donor community. APAP also published an “MP Directory” and began publishing a weekly “Parliamentary Newsletter” to provide information on developments in the NA. By 2009 APAP programming had developed significantly to include radio roundtables, radio documentaries and monthly news spots. All these were creative mechanisms to link Parliament to their constituents in spite of security challenges that often precluded face-to-face interaction. It should also be noted that apart from the challenges with security, USAID expressly advised SUNY/CID at the time to focus on Parliament rather than civil society activities, which were otherwise being funded specifically through other USAID implementing partners.<sup>3</sup>

### **Institutional Development – Operationalizing the API**

From the beginning, APAP has prioritized sustainability in its programming. In this regard, training of both legislators and secretariat staff of the NA has been a key component of the programming. From an initial baseline of 779 members and staff trained in 2007, levels of training have increased significantly to a high of 1205 individual trainings in 2009.<sup>4</sup> To date, most training has been conducted under the auspices of the API. During this period, APAP offered training in areas ranging from legal drafting, committee procedures, administration, budgeting, English language and computer skills. Towards the end of 2008, APAP began to actively engage with the NA with a view to making the API a more robust institution that would serve as the primary training resource center for the NA. Consequently, focus began to shift towards developing more long term training programs and courses.

### **October 2009-April 2011: Technical support in Depth**

#### *Key Highlights:*

---

<sup>3</sup> This reservation should be noted, particularly when considering the statistical data under the APAP M&E Indicators, IR 3.3 “CSOs assisted in Engaging Parliament.” (See Appendix 1 below)

<sup>4</sup> In looking at the figures for persons trained, it is important to note that the numbers do not represent a single individual attending multiple trainings, or a single training module being offered a number of times.

- *Enhanced legislative transparency through development of a legislative tracker and public hearings*
- *Skills training through mentoring in all committees*
- *Increased quality and quantity of technical support for budget oversight process*
- *Built public awareness through the mass media and the skills of mass media*
- *Increased the range of voices supporting Parliament: fellows/CSOs/Women*

This phase of APAP programming witnessed the most growth, partly as a result of the dramatic increase in project funding in 2010 as well as the NA's growing maturity. This period also presented many unique challenges for APAP programming, which required adjustments in strategy and program implementation more frequently than in previous years. The Presidential elections in 2009 and the period preceding them, as well as, the parliamentary elections presented a political landscape that challenged the standing of the National Assembly as an institution capable of delivering on its three key mandates: legislation, oversight and representation. The value of the trainings that APAP had offered and was offering was put to test during this period, particularly in 2010-2011. The period post October 2010 also presented APAP with unique challenges of how to retain its staff members, given the short term nature of extensions with which the project had to contend. Detailed hereunder is a summary of key achievements by objective during the period 2009-2011.

### **Legislative Development – *Enhancing transparency and mentoring skills***

One of the key tasks that APAP set out to achieve during the period was to develop a publicly available online legislative tracking database for the NA. The database, available in 3 languages (Dari, Pashto and English), tracks the entire processing of legislation within the National Assembly. The value of such a resource transcends mere record keeping for the NA, offering members, staff, and the public current legislative information which will better enable them to affect the legislative process. The database is available online, currently with password protection to be removed after training has been provided to NA staff in order to transfer the use and management of the site. The formal launching ceremony is expected in the fall of 2011. After the formal launch, it is worth noting that members of the public, including civil society organizations (CSOs), will have access to legislative drafts in three languages (Dari, Pashto and English), a resource which is currently not available. Developing a legislative tracker has not been an easy task, challenges ranged from an absence of English translations of most laws, to instilling a sense of ownership of the database in the NA so as to ensure its continued existence and maintenance beyond APAP's support.

During the period 2009-2011, APAP instituted a program of embedding technical staffers into the commissions of the National Assembly. This was in response to the request of the Speaker of the Wolesi Jirga as well as the leadership of the Meshrano Jirga. Embedded staffers were tasked to provide ongoing mentoring to the secretariat staff in the commissions of the NA in areas such as legislative analysis, policy review, committee procedures and oversight. The embedded staff enhanced their roles by forming “Committee Support Teams (CST),” which comprised the committee chairman or his representative, a research staffer, the committee professional assistant and the APAP staff member. The CST would then consider legislation prior to consideration by the entire committee, prepare background materials for the committee to consider and lead discussion in the committee on key legislative proposed changes.

During the 2009-11 period, APAP offered training for new staffers joining the National Assembly, focusing on short foundation courses in key areas such as legislative drafting, research, parliamentary processes and analysis for new staff members. More theoretical trainings such as separation of powers, rule of law, democracy and governance perspectives were also offered to Parliamentary staff with a view to providing a broader understanding of the role of parliament in a democracy.

It is critical to note that during this period, with APAP support, the NA considered key pieces of legislation such as the electoral decree proposed by the president in 2010. While it can be argued that the intense debate and consideration the decree received, leading to a standoff between the president and the NA, was a result of the personal interest the MPs had in the legislation, what cannot be lost is that they were able to consider and reject the legislation by applying constitutional provisions and legislative review principles gained through various trainings that APAP provided. Subsequent efforts at drafting legislation such as the Acting Ministers law, and passage of the Law on the Privileges of the Disabled and Martyrs, while not without political considerations, still reflected a skill set obtained through various trainings and more importantly a skill set used to deal with significant social, economic and political events affecting the country. With this knowledge legislators, particularly in 2010, were able to exert more influence on the executive and provide a legal basis in either law, the rules of procedure or parliamentary practice, for the decisions that they adopted, again reflecting the knowledge obtained through APAP programming.

A key development during this period was the reinstatement of public hearings which had been previously been discontinued due to security concerns. The first public hearing addressed the Forests Law, and was conducted by the Natural Resources Committee of the Wolesi Jirga. APAP provided both technical and financial support for the hearing. The hearing sought to consider the legislative proposals on the law following concerns over whether the government or local

communities should manage local forests. As a result of these hearings, the law has subsequently been amended to allow for local management of forests. Five other hearings were to be conducted with the support of APAP as detailed below:

1. Hearing on the issues affecting the higher education sector for the Meshrano Jirga Committee on Higher Education.
2. Hearing on the problems affecting the Disabled and relatives of the Martyred .
3. Hearing on basic health services in Afghanistan.
4. Hearing on trade issues between Afghanistan and Pakistan.
5. Hearing on the problems affecting prisoners and prison conditions.

A discussion of the impact and value of these hearings is presented under the section on impacts and lessons learned. It is significant to note that having started with a hearing on a specific legislative proposal, the hearings process has evolved to begin to consider key policy and social and economic development issues, further bolstering the representational role of the National Assembly in the governance process, and contributing to the improvement of people's perceptions of the National Assembly.

### **Oversight Development – *Budgeting comes of age***

The period 2009-2011 witnessed a significant shift in the relationship between the Legislature and the Executive. The budget review processes in 2010 and 2011 clearly illustrate the evolved relationship, with the legislature taking a more robust role in demanding accountability on the part of the executive. In 2010 the budget bill was delayed in the National Assembly as the legislators demanded clarity on provincial allocations and explanations from the executive with respect to key projects and the levels of provincial funding, including the criteria used to determine allocations. This trend continued in 2011 when again the budget approval was delayed. Significantly the legislators again questioned levels of provincial funding and the allocation of amounts to the executive under the discretionary funds for the President's office. With APAP support, the legislators were able to exercise oversight of the executive's handling of the Kabul Bank crisis which dominated the economic landscape of Afghanistan in the last half of 2010 into 2011. Through briefings and analytical papers, the APAP budget team was able to educate members to debate knowledgeably on the subject.

With regard to budget oversight, starting 2009, the budget and sectoral committees have been conducting significantly more oversight of budget performance by conducting hearings with line ministries and government agencies with support from the team. The oversight support for the budget committee started with the Qatia report (for the 1386 budget) that was submitted to

Parliament in October 2008. Subsequently, with an initiative from the team in early 2009, the oversight on budget execution and performance was introduced by the Budget Committee of the Wolesi Jirga. During the “oversight month” in May 2009, the budget committee, for the first time, conducted five oversight hearings with five key ministries. This practice has been fully established in the budget committee. During the Qatia discussion in Nov 2009, more ministries were called by the budget committee and discussed performance and results.

In 2010, budget oversight was extended to sectoral committees that were supported by the team. For example, sectoral committees such as health, education, agriculture, and infrastructure conducted oversight meetings with their respective line ministries in April, May and early June of 2010. These oversight mechanisms have improved the overall transparency and accountability of public resources. The recent score by the International Budget Partnership ([www.openbudgetindex.org](http://www.openbudgetindex.org)) on the transparency and accountability of the Afghan budget has increased to 21 in 2010 from 8 in 2008.

Similarly, the team started supporting the economic committee of the Wolesi Jirga in late 2008 and early 2009 in response to requests made by the Wolesi Jirga. Since then, APAP has provided substantial inputs and support to the committee’s work on policies and laws related to monetary policy, commercial bank regulation (including recent Kabul bank crisis), private sector development and regulatory reforms. The support has been progressively increased. For example, the macroeconomic cluster of the Budget Support Team supported the committee on nine major policy issues in through June of 2011 compared to 6 in 2010. Key outcomes of the support include: approval of the Afghanistan-Pakistan Trade and Transit agreement, approval of the Afghanistan-Tajikistan Water Transfer Agreement, investigation of loans by the Pashtani Bank, approval of printing an additional Afs. 50 billion by the Central Bank. The team also has been sharing updated macroeconomic and fiscal data with the economic committee on a quarterly basis.

In order to address the Parliament’s continued concern for the lack of equitable allocations in the budget and need for provincial inputs into the national budget and its oversight, the team has taken initiatives to bring provincial priorities into the budget review and oversight. The team visited eight regional provinces in 2010 and met with governors, provincial council members, provincial directorates, and local communities. The team also prepared analyses of provincial development plans (PDPs) for all 34 provinces and their alignment with the 1389 budget. The provincial cluster of the Budget Support Team made 23 committee presentations and worked closely with 5 committees in 2010. So far in 2011, the cluster prepared analyses of 16 PDPs and made 15 presentations to committees in both Houses. APAP conducted provincial budgeting workshops during the budget review process in 2010 and 2011 which were attended by Members

of Parliament and provincial officials. These workshops helped budget and other committee members to understand provincial priorities and to bring necessary changes to the draft budget.

From early 2010, the budget team has provided technical advice to key sectoral committees on understanding their sector policies, budget alignment, and oversight. In 2010 several key committees such as natural resources, infrastructure, health, education, and provincial have been supported by the team. 18 presentations (in addition to budget related presentations) were made to sectoral committees and 108 MPs and Senators were trained. In 2011 twenty-two sectoral presentations were made and approximately 130 MPs and Senators were trained on sector policies, ANDS priorities, budget allocations, and budget execution and performance indicators. Based on these presentations, committees were able to conduct hearings with public officials.

The team also has been publishing a quarterly budget bulletin and other relevant books and reports to provide analysis of budget and comparative studies from other parliaments. In order to educate members and staff on the national budget institutions and processes, the team published *Budgeting and Parliamentary Budgetary Institutions in Afghanistan* in English, Dari, and Pashto. This book was also helpful for both members and staff in understanding budgetary institutions and processes in Afghanistan and other relevant countries. Through the quarterly budget bulletin, the team has been providing information for MPs and staff necessary to develop economic and fiscal policies and relevant institutions for Afghanistan.

### **Representation/ Outreach – Focusing on mass media and new audiences**

The National Assembly largely defined the support that they required from APAP in their Strategic Plan, 2009-2014. Consistent with APAP's practice of consulting both the National Assembly and USAID to determine programming, activities which were considered responsive to the needs of the National Assembly and necessary to develop the capacity of the NA were proposed.

Key to the support requested by the National Assembly was the development of a communication strategy for the NA, support in the professionalizing of the Departments of Information and Public Relations (DIPR) for both houses, support in helping the National Assembly produce materials for dissemination both electronic and written as well as assistance with specific issues such as development of the NA websites. APAP supported, both the WJ and MJ DIPR to develop constituency engagement strategies targeting both young and older Afghans. The support ranged from training in the production of brochures and magazines as well as civic education activities in schools in Kabul, cultivating relations with media and visiting provinces – albeit in an ad hoc basis – to inform citizens of NA activities. Reflective of the

impact and value of the support provided by APAP by the end of 2010, the MJ publications unit was able to coordinate production of a brochure on the structure and role of the MJ with minimum support from APAP.

APAP, through organizing events such as radio roundtables, facilitated communication and information exchanges between Parliament, media, civic society and the general public so as to promote increased public participation in parliamentary processes. To ensure the success of the constituency roundtables, APAP conducted intensive training in constituency relations, conduct of public hearings, media skills and media relations for both MPs and secretariat staff.

Perhaps the most encouraging development as a result of the media skills training and media forums conducted by APAP, aimed at helping foster a more effective working relationship between the NA and members of the Afghan media, was the appointment of a Media Liaison staffer by both houses in early 2011. This move indicates the importance the DIPR places on fostering communication between the NA and the media and ensuring the media receives timely and accurate information on NA activities.

APAP programming has always been responsive to the operating environment. In response to the challenging security environment and the importance of linking MPs with their constituents, APAP (in collaboration with Internews) facilitated the production and broadcast of an intensive five-part radio program on Internews' Salam Watandar radio network. 10 documentaries, 61 programs of Your Representative, 24 packages of Your Parliament This Week, 32 Know Your Parliament programs and 23 provincial roundtables were aired in 2009 and 2010. These radio programs received positive feedback from listeners who applauded the programs for informing them about Parliament including the law making process, budget approval as well as linking them with MPs to discuss community related development priorities. MPs were also impressed with these programs and continued to request roundtables in their respective provinces. While APAP realizes that the impact of these programs remains largely anecdotal in the absence of a proper survey to measure their effectiveness, independent studies such as the TAF survey on the public perception of the NA indicate increased awareness of the NA, which can be partly be attributed to APAP's work .

In June 2010, APAP successfully facilitated the Afghan Youth Parliament (AYP). APAP provided financial and technical assistance for 89 youths, 40 of them women to participate in a three day AYP session which produced and unanimously approved resolutions on conflict management. The AYP also discussed prohibitive wedding costs and resolved that the government should place a cap on the amount of money that can be spent on marriage receptions. The resolutions were handed over to the MJ Administrative Board for consideration

in respective committees. The MJ later in the year drafted a Bill that seeks to limit amount of money that can be spent on wedding receptions and ceremonies. The Bill is currently before WJ committees.

## **Institutional Development – *Developing alternate sources of expertise***

Institutional development has focused on four program areas: the Afghanistan Parliamentary Institute; the Parliamentary Fellows Program; Civil Society Organization (CSO) Capacity and Resource Building; and Gender Programming.

The Afghanistan Parliamentary Institution (API) continued to serve as the principle training forum for the Parliament. In addition to the basic skills training in English and computer classes that have dominated, the API offered a range of substantive foundation courses for National Assembly staff including *Financial Management through the Budget Team, Committee Procedure, Comparative Systems and Separation of Powers, the National Budget* through the Budget team, *Legislative Drafting, Legislative Research, Committee Oversight, Basic Journalism, Communication Orientation and Communication Strategy, the Budget MDG's and the ANDS, Report Writing, Economic Development* through the Budget Team and *Economic systems and Anti Corruption Measures* through the Budget Team. On 11 January 2011, the API moved from its temporary location inside the National Assembly offices into its own building. In January and February, the API developed a draft curriculum which included initial plans for Certificate Programs in Legislative Studies and Public Administration. The institute then initiated a broad based consultation process which is ongoing in order to be responsive to the needs of the National Assembly and to fully access available Afghan expertise as well as to encourage ownership of the institute and its offerings. On 23 May 2011, with the support of the Ministry of Higher Education, the API was officially established by Presidential Decree as an institute of higher education under Afghan Law.

*The Parliamentary Fellows:* APAP also initiated a Parliamentary fellows program to introduce talented young Afghan post graduates to the Parliament, build relationships with these potential future leaders and provide both fellows and Parliament with an opportunity for service during the fellowship year as well as possible recruitment for future employment by the Parliament. Fellows have been included in all foundation trainings. In 2009 there were 34 Fellows (32 male and 2 Female); in 2010 thirty one Fellows completed the program (29 male and 2 female).

*Civil Society Organizations,* CSOs, serve as both a conduit for citizen engagement with the Parliament and an independent source of information and expertise upon which MPs can draw. In order to advance this resource, beginning in September of 2010 APAP conducted a number of

trainings to enable CSOs to better interact with parliamentary committees. Trainings on legislative advocacy and budget processes were provide, and followed up in December, with a pilot program in which a select group of CSOs were supported to attend a committee meeting in the Meshrano Jirga followed by a two-day legislative advocacy training for CSOs focused on strategic planning.

*Women and Gender:* Finally, women’s voices have been muted in Afghan public discourse. From its inception, APAP’s approach to gender programming has been twofold: (i) to build the legislative skills and capacity of women legislators and (ii) to provide all legislators with access to information and expertise with regard to gender issues. In January 2011, APAP offered training on “Gender Considerations in Legislative Decision Making” as part of the orientation for new members of Parliament. Later in the year, APAP provided training on how CSOs could provide expert advice to committees, ensuring CSOs focusing on women’s rights were well represented at the event. Also at that time, a gender practicalities workshop was offered to legislators, secretariat staff, and CSOs.

### 3. Analysis and Lessons Learned

In this section, the authors will start by providing a summary assessment of the strengths and weaknesses of the Afghanistan National Assembly. Given the length and predominant role as the principle provider of technical support and capacity development, many of these achievements can be traced to the support provided by APAP. This assessment will be followed by a series of observations and case studies examining the partnership role played by the NA, program performance by APAP, the context in which the project worked, challenges faced by the project and the role of USAID and mission leadership in implementation.

#### *Summary Assessment of the National Assembly's Capacity*

The following represents an assessment of the organizational strengths and weaknesses of the National Assembly that in most cases reflect the results of APAP programming. In evaluating this assessment, the achievements identified reflect program up through the 2010 Parliament. While some evidence exists that the gains made to that point have carried over into the new Parliament, some of that carry over may rest on the continued assistance of APAP support and its experienced staff.

*Independence:* The NA has grown from an institution that was largely compliant with the demands of the executive (if not a rubber stamp) to an autonomous, self assured institution capable of challenging presidential authority as illustrated not only by its repeated rejection and substantive renegotiation of the budget bills, but also the seating disputes following the 2010 parliamentary elections.

*Autonomy:* While the NA has asserted its independence in legislation and oversight, it remains dependent on the executive for its budget and for the civil service support it receives. The NA continues to need support to develop greater control over these fiscal and administrative matters.

*Institutionalized Cultural Development:* The NA has demonstrated a surprising level of institutionalization of legislative norms. Despite the large turn over in MPs, the new Parliament quickly demonstrated significant institutional independence in its struggle with the President

over the constitution of its membership; organizational awareness in its adherence to the establish rules of procedure in the leadership selection in both houses; autonomy in its repeated rejections of the proposed budget; and continuing interest in promoting its oversight role via public hearings. At the same time, many of these efforts required significant assistance by APAP staff and they need to be repeated over a longer period of time to insure that they are fully established within the culture of the NA.

*Staff Development:* Achievements in staff development remains mixed with some areas (libraries and many committee staffers) demonstrating significant development, while others (budget support staff) remaining weak. While staff turnover is not excessively high (contrary to popular perception), turnover among high quality staff (those who have benefited most from the training opportunities they have been given) does appear to be a serious talent drain. Thus, there is a continuing need not only for advanced skills training, but also basic remedial skills training. In addition, salaries remain woefully inadequate to hire the highest quality employees.

*Legislative Capacity:* The NA – particularly the WJ – demonstrates an increasing level of sophistication. In its review of the Presidential Decree on the Election Law of 2010, the Law on the Privileges of the Disabled and Martyrs, and others, the NA and its staff developed and drew on carefully prepared legislative support materials, asserted its authority through arguments based on sound public policy, constitutional and legal norms, legislative practices and procedures and relevant international norms. Nonetheless, they still need significant staff support which the secretariat is not fully capable of delivering.

*Oversight:* The NA has demonstrated an increasing capacity and interest in its oversight role, with the number of oversight actions taken increasing from a baseline of 8 in 2007 up to 34 during the first two quarters of 2011. While this oversight has been led and dominated by budget related activities, it has also included oversight activities in the areas of health, higher education, natural resources, prisons and other non-budget areas. Given the interest demonstrated by MPs in public hearings and provincial oversight visits, the NA is likely to retain these tools as an active part of their work. Nonetheless, they still need technical support to help focus their work and inculcate best practices.

*Budget/Budget Oversight:* The growth in ability and sophistication of the budgetary related committees in the budget process has been significant. In each successive budget cycle the NA has increased the number of interventions it has taken ranging from increasing the numbers of public officials invited to appear before the budget committee, the numbers of reasons offered for rejecting a draft budget, and the number of amendments offered to a proposed budget. In two years the transparency of the budget process, while appallingly low, has increased over

150%.<sup>5</sup> The budget oversight process has also institutionalized most procedural reforms (i.e. the design and format of the Qatia report, routing questioning and meetings with Ministry of Finance Officials etc.) while remaining one of the weakest in terms of NA committee staff. Additional reforms, such as the adoption and implementation of the recommended performance reporting mechanism and the establishment of a public accounts committee still await implementation.

*Representation/Outreach:* The NA has grown substantially in its representation and outreach capacity. The NA has undertaken a number of provincial outreach efforts, including public hearings and provincial budgeting initiatives. The Department of Information and Public Relations has become much more professionally organized in interacting with the media and preparing public informational materials. That said, it has failed to utilize resources already provided to the NA such as the printing press and recording studio (UNDP SEAL). These should be operationalized to allow the NA a cheaper medium to broadcast and reach the populace. The operationalization coupled with the technical training APAP has provided would allow the NA to effectively benefit from the support it has received. From the public side, the number of CSOs receiving advocacy training has risen dramatically from 15 in 2010 to 56 in the first two quarters of 2011. In addition, a vibrant parliamentary press core (many trained by APAP) has emerged.

*Institutional Capacity:* The Afghan Parliamentary Institute has, for a number of years operated as a semi-autonomous provider of basic skills training (computers and English) with its own staff, while serving as the host for substantive trainings by APAP. With its recent recognition by Presidential Decree, the API appears poised to grow into the substantive educational facility it is intended to be.

In summary, the NA has demonstrated significant growth and development in all these important areas. At the same time, given the large turn over in MPs, the level and effectiveness of the transfer of institutional skills and knowledge from the old Parliament to the new remains an open question. While some evidence of successful transfer exists, it remains tentative given the brief history of the new Parliament.

### *Charting the Growth of the National Assembly*

Since the first parliamentary elections of 2005, the National Assembly has grown and developed from what many viewed as simply a rubber stamp for the government, as reported by the Afghan

---

<sup>5</sup> [www.openbudgetindex.org](http://www.openbudgetindex.org)

Research and Evaluation Unit, to a vibrant independent branch of government<sup>6</sup> that the Washington Post hailed as a "robust check on President Hamid Karzai's power."<sup>7</sup> In its legislative role, it has nearly doubled the number of bills annually considered and enacted from 9 in 2007 to 17 in 2010. In addition, government oversight actions have more than tripled over the same period of time from 8 in 2007 to 26 in 2010.

Moreover, during this time, Parliament went from being a new institution to one which 59% of the population evaluated positively compared with rankings of 57% for public administration, and 54% for government ministries.<sup>8</sup> This was at a time in which studies by AREU were finding decreasing trust in the national government.<sup>9</sup>

In the best of circumstances, identifying APAP's contributions to that evolution is difficult given the competing political and social influences which also contribute to the NA's development. Moreover, the personal knowledge of development over time has been dispersed. No one in the current project was present during its early or middle stages of development, while written records from that period are heavily influenced by the bias of implementors on the ground who by nature are generally forward looking and oriented towards problem solving rather than retrospectively reflective. Nonetheless, a course of development in which APAP played an important role can be discerned.

In assessing progress, the first concern is to establish an accurate baseline. Thus, while many people have perceived that the NA at its inception was a rubber stamp – which would have serious implications for any project attempting to support the development of a strong, independent parliament – that perception may be misleading. While it is true that many members of parliament were initially identified as allied with the government, that does not necessarily mean they were consciously acting on the government's behalf.<sup>10</sup> Indeed, in one of its first major legislative engagements with the government, it rejected the budget in 2006 (and again in 2007). A fairer assessment of the early Parliament was that while it was somewhat deferential to the public popularity of the president, it was also going through the process of learning what it meant to be a parliament. Even its rejection of the budget may have been less an expression of legislative independence as an institution than one of a confluence of conflicting

---

<sup>6</sup> M. Hassan Wafaey w/Anna Larson, "The Wolesi Jirga in 2010: Pre-election Politics and the Appearance of Opposition" *AREU Parliamentary Election Brief 2* (June 2010)

<sup>7</sup> *Washington Post* 4/22/2010.

<sup>8</sup> The Asia Foundation, "Afghanistan in 2010: A Survey of the Afghan People" (2010) p. 65.

<sup>9</sup> Anna Larson, "Toward an Afghan Democracy?: Exploring the Perceptions of Democratisation in Afghanistan" (ARAU Sept. 2009) 19.

<sup>10</sup> Anna Larson, "The Wolesi Jirga in Flux, 2010: Elections and Instability I (Sept. 2010) ("[P]olitical connections and allegiances in Afghanistan are notoriously ephemeral and subject to considerable instability." p.21)

interests as it appears that the 2006 (and 2007) budget(s) failed to achieve a majority because too many individual legislators evaluated it solely on personal grounds (i.e. there wasn't enough money in the budget for their constituency). Yet these rejections may have created an opening for development. They were high profile events, generating significant attention to the MPs and Parliament (always desirable to politicians), and demonstrating the *capacity* of Parliament to shape government policies and practice by requiring adjustments to the proposed budget by the Executive in order to gain passage. These rejections demonstrated to the world and to these parliamentarians themselves that they had real power.

It was in this early, still-learning environment that APAP initiated a number of trainings in legislative skills and practice. APAP also recognized that the budget was a central legislative concern. A budget reflects the essential values of a government and serves as a principle means by which the legislature can help direct the government's performance. Consequently, APAP initiated a program of focused technical support for the budget committees in the NA. The NA, particularly the Wolesi Jirga (WJ), responded positively to this training and technical support. As illustrated in Table 1 below, by the time the 2008 budget was submitted, the WJ began to demonstrate an increased capacity to review and evaluate the budget utilizing the tools and assistance offered by APAP including a structured analysis of the budget and a review of budgetary expenditures.

**Table 1 APAP support to Budget Review and Its Outcomes**

Activity/outcomes	1387 (2008)	1388 (2009)	1389 (2010)	1390 (2011)
Number of committees supported	2	3	7	12
Number of presentations made	6	9	11	31
Number of public officials invited to budget committee	9	21	35	55
Number of reasons for rejecting draft budget	..	..	11	26
Number of amendments made to budget	3	7	9	18

Moreover, this new found assertiveness also found expression in the interpellations and votes of no confidence in the Minister of Commerce and the Minister of Foreign Affairs that led to their removal from office. Finally, the Parliament, with APAP's assistance, conducted a thorough review of the proposed changes to the Electoral law.

The WJ continued its assertions of independence and its role in oversight in 2010 with the (now annual) rejection of the budget followed by the repeated rejections of many of President Karzai's ministerial nominees and the rejection (and over-ride of the Meshrano Jirga) of President Karzai's presidential decree reforming the election law. While this surge of legislative independence in 2009 and 2010 can, in part, be attributed to the fact that President Karzai's status and authority had been eroded during the run up to the Presidential elections of 2009 and the MPs' separate calculation that independence for the executive might be advantageous in the parliamentary elections of 2010, the fact remains that the skills, techniques and informational resources utilized by the WJ were those that APAP had worked so hard to transfer to the Parliament through its training and technical support.

Finally, demonstrating the depth and resilience of this capacity transfer, the new Parliament has demonstrated not only a surprising degree of independence, but also of sophistication. During the new member orientation program supported by APAP, many MPs who were new to the Parliament actively engaged in the training. For example, in the presentation of the WJ's rules of procedure, a vigorous and surprisingly prescient discussion arose over the rules governing the election of the Speaker – with many contesting the legitimacy of the election of the first Speaker! Not only were they familiar with the rules but also with the history of the WJ and how the rules had been applied.

Moreover, the new WJ exhibited extraordinary loyalty to the institution and its rules during the long controversy and stalemate in selecting the new speaker. Rather than reverting to simple backroom deals, or worse, violence, to resolve the controversy as might have occurred in the past, the WJ repeatedly held votes and repeatedly debated the applicability of the parliamentary rules of procedure to the election process, discussing select provisions in extraordinary detail. When the Speaker was finally selected, the WJ then quickly moved to elect the leadership of the committees and commence operations including consideration of the new budget (which was rejected twice and significantly modified to meet WJ objections.) This institutional continuity can best be explained by the presence of some senior MPs, who were undoubtedly participants in the many trainings in the rules given to MPs in the past, and perhaps equally important, to members of the professional secretariat, who provided direct support for the new Parliament – buttressed by APAP's technical staff.

### ***The Budget Support Program– A case study***

In attempting to appreciate and critique APAPs work with the Parliament, its work supporting the budget process reveals a broad range of issues. In any parliament with the legal capacity over the budget, the budget process represents a key avenue for legislative control, oversight and representation. Moreover, as revealed in the brief outline provided above, empowering the WJ in its budgetary role appears to have had a spill-over effect of supporting the empowerment and independence of the WJ more broadly.

In conversations with MPs, APAP management has repeatedly been complemented on the work of its budget team in support of the budget process and has received requests for similar support in other areas of interest. Thus, the high quality of budgetary support provided by APAP advanced its work in all other program support areas.

As such, the decision to target the budget for special support appears to have been a significant positive achievement. However, in targeting the budget, APAP has confronted a number of technical challenges that, to a greater or lesser extent apply to virtually all other program operations.

First, the budget program – its basic design and orientation – shifted over time. It is not totally clear at this point whether that shift arose out of a recognition of challenges on the ground or due to a change in orientation brought about by the regular changes in project leadership in the APAP and on the part of USAID (an issue to be discussed more fully below). The original budget support approach during the period of 2005-2008 was one in which the project offered a moderate level of technical support and sought to lay the basis for an independent budget office through hiring Afghan staff at salary levels comparable to those paid by the National Assembly.<sup>11</sup> It was, of course, difficult to recruit and retain quality staff at this compensation level and while the budget process saw some positive signs of development, the support program demonstrated moderate progress. In 2008 the program supported a limited number of committees (2) and provided a limited number of briefings (6), with the assumed consequence that the committees only called a small number of government officials to present and offered a small number of budget amendments (3).

---

<sup>11</sup> David Ogle, “Assessment of Phase One of SUNY/APAP Program 2004-2007” SUNY/CID (2007) 7-8 (hereafter the 2007 Assessment).

In 2009, in consultation with the mission, this approach shifted dramatically from one of supportive engagement to one of more intensive service delivery by APAP staff. The quality of the Afghan APAP staff was significantly increased through aggressive recruitment and the team interacted not only with Parliament, but also with the government, working closely with the Ministry of Finance to gain access to budgetary information which could then be shared with the parliamentary committees engaged in budget adoption and oversight. With the dramatic increase in funding provided in 2010, this support grew significantly as well. The project increased the number of committees supported from three (3) in 2009 to twelve (12) in 2011 and the number of presentations made from six (6) in 2009 to thirty-one (31) in 2011. As a consequence of this support the number of officials brought before the committees almost doubled each year during that period; the number of amendments increased from seven in 2009 to eighteen (18) in 2011; and starting in 2010, the reasons for rejecting the budget were being formally offered.

This shift in program design had both benefits and flaws. On the positive side, it promoted the growth and development in knowledge and expertise of the MPs, as well as their self confidence, as they were prepared and supported during the budget process by APAP's expert staff. Moreover, the budget process was improved; deliberations were not only in depth, they were done in a timely and effective manner. One can also assume that the budgets themselves were improved due to their rigorous examination and the participation of a broad group of MPs in their adoption which also created a sense of political buy-in into the budget. Finally, the positive practices and institutional self assurance gained within the budget process appears to have spilled over to influence and motivate the rest of the NA.

On the down side, in order to implement this new program approach, APAP confronted serious challenges in its recruitment, retention and compensation of necessary staff. Fortunately, while finding suitably qualified Afghan candidates for most legislative support positions is extremely difficult, with few having any legislative experience, a limited number of Afghans have gained experience and training within the Ministry of Finance and/or, more rarely, in international positions or with other implementers. The number, however, is extremely limited and they are in high demand. Just as APAP participated in the talent drain away from the MOF (whether recruiting directly or as a subsequent employer), so too APAP staff have been the target of recruiting efforts by other implementers, governments and/or private enterprises. APAP has therefore faced significant turn over and pressure to pay salaries higher than those targeted by USAID.

On the NA side, one problem was that the strengths of the APAP budget team highlighted the weakness of the secretariat budget support staff in the eyes of the MPs. MPs understandably preferred the support of APAP staff to the inferior work of the existing staff. The difficulty has

always been how to promote the capacity of parliamentary staff. Such an effort is commonly understood as one promoting sustainability since MPs change over time while the staff remains. Staff development was, in large part, the focus of the first phase of the APAP project. Here, the project was stymied by the low salaries and the sometimes poor hiring practices of the Parliament resulting in a parliamentary support staff with limited capacity – including a limited capacity to grow and develop. The parliamentary staff not only lacks the skills and expertise (if not the ability) to perform the budgetary work – they resent the fact that APAP advisors earn so much more than they do. Finally, as one manager complained, when secretariat staff do receive training and improve their skills, they are quickly recruited by outsiders. The normal tension between civil service compensation (here extremely low) and the compensation available in the private sector is increased exponentially by the subject matter (economic expertise is a particularly highly valued employment skill) and the competition offered by both private businesses and the many implementers of economic focused projects. Thus, it is extremely difficult to promote the sustainability of human capital among NA staff.

However, while much of the analysis on sustainability focuses on human capacity development, sustainability can be measured by other criteria as well. APAP’s budget team has not only sought to promote the knowledge and expertise of MPs and staff, it has also sought to promote the development and implementation of a variety of budgetary processes to sustain and enhance Parliament’s budget work. These include encouraging greater engagement and sharing of information between the Parliament and the MoF; establishing budgetary hearing and question periods with government leaders; engaging with provincial officials in identifying budgetary concerns; and reforming the Qatia report issued by the government to identify its budget expenditures.

With support and assistance from APAP, the budget committee and other key committees of the WJ have asked for more detailed and transparent budget information and improved budget formats from the Executive. As a result, the budget drafts have improved over this period. In the International Budget Partnership survey of the transparency and accountability of the national budget, Afghanistan’s score (out of 100) improved to 21 in 2010 from 8 in 2008. This indicator includes the legislative review and oversight of national budget.<sup>12</sup> Here again, the budgetary practices underlying this finding should continue.

A somewhat similar analysis would apply to the work of the other APAP teams working in the areas of legislative support, representation/outreach and institutional development.

---

<sup>12</sup> [www.openbudgetindex.org](http://www.openbudgetindex.org)

A number of other lessons learned can be identified from APAP's experience in working with the WJ. While some are unique to Afghanistan, others highlight challenges commonly faced by other parliaments and other parliamentary support programs.

### ***Start Up: At the Birth of a New Parliament***

APAP was in the somewhat unique position of starting work before the creation of the Parliament it was intended to assist. After 30 years of civil war without a parliament, USAID contracted with SUNY/CID to provide background analysis and strategic support to the Afghan government in the creation of the National Assembly. Though its work with the committee charged with organizing the administration of the Parliament, the groundwork was laid for an effective secretariat along with an information infrastructure (in the form of the library and research departments) that allowed a relatively rapid start up for Parliament following the 2005 elections. While it is important to recognize this aspect of the project as contributing to its ultimate success, it represented a rare opportunity not easily replicated in other projects.

### ***Ownership, Visionary Staff and Leadership***

The success of a project will inevitably depend upon the relationship between the implementer and their partner, the Parliament. In this regard, APAP adopted a number of strategies and benefited from some events outside its control that collectively contributed to the success of the overall project.

First, APAP sought to empower the National Assembly as the leader in its own development by creating programming relevant both to its needs and expressed interests.

APAP always consulted parliamentary leadership in the development and design of program activities. Buttressing this, it supported Parliament's development of its strategic objectives through conducting two strategic planning workshops (India 2007 and Istanbul 2009). This allowed the National Assembly not only to determine its priorities but also to develop ownership of the programs.

Partnership relationships have also grown out of APAP's strategy of mentoring and on the job training of secretariat staff of the National Assembly. By assuring that they were appropriately involved and were participating in the identification of their critical problem areas and in the development of technical cooperation strategies, many staff members have become project allies actively supporting the implementation of the project(s). The committee support teams (CST)

developed to consider legislative proposals in the commissions have institutionalized capacity and established practice on how to review legislation at the commission level, which has resulted in a significant improvement in legislation and legislative practice. While the number of bills with technical analysis have remained somewhat steady from the base line year of 2007 (5) to a high of 7 in 2010 (in spite of the fall elections), the quality, as judged by APAP staff review, has improved significantly. Starting from a point of haphazard and chaotic practice, Commissions are now conforming to the internal rules of procedure and conducting an article by article consideration of legislative proposals. This article by article review largely follows international best practices, and in the absence of descriptive notes accompanying some legislative proposals from the Executive, with the support of APAP, some commissions are now preparing one page summaries of bills for use by members in their consideration of bills.

While these strategies have contributed to partnership success, APAP's work with the WJ was also facilitated and advanced by the presence of strong progressive leadership being offered by the Secretary General and Speaker of the WJ – particularly that of Secretary General Gran. Both shared a vision for a strong, modern, well managed institution in which APAP's help was welcomed and supported.

By contrast, the leadership of the Meshrano Jirga from 2005 to 2009, while interested in support was less engaged in APAP's assistance. The Speaker, while a powerful figure in his own right, was somewhat withdrawn from the day to day life of the MJ. The MJ Secretary General, while warm and affable, was also somewhat driven by personal antagonisms against SG Gran and would resist pursuing programs that were too similar to Mr. Gran's. At the same time, SG Gran also asserted pressure on APAP and members of its staff attempting to maximize the benefits directed towards the WJ by minimizing the support directed towards the MJ.

### ***Two Houses: Conflict and Competition***

As is the case with many bicameral legislatures, a significant degree of competition and conflict exists between the WJ and the MJ and providing technical support has been, at times, a challenge.

From its inception, the WJ has received greater and more sustained support, not only from APAP but from the larger donor community as well. There are a number of reasons for this. The WJ has more powers. It is more independent of the executive, as a fully elected body as opposed to the heavy share of executive appointments to the MJ. The human capacity within the MJ is poorer, due primarily to a greater acceptance of non-competitive employment. The leadership of

the MJ was, for most of its existence, less progressive and innovative. Finally, there were times where providing assistance to one house created hostility and evoked personal animosities in the other.

While APAP had consistently offered some support for the MJ, that support blossomed in 2010 due to circumstances within the political calendar combined with the emergence of new leadership in the MJ. First, the parliamentary elections in the fall of 2010 created a political opening for the MJ. WJ members had to actively campaign for office (as opposed to the MJ who were largely appointees). This required an extended recess for the WJ and the absence of the vast majority of WJ MPs from Kabul. The MJ effectively became the primarily active organ within the NA.

Adding to this, the leadership in the MJ changed in 2010, with the appointment of Sen. Muslamyer as Deputy Speaker (subsequently elected Speaker in 2011) and Mr. Malwan as Secretary General. Both were interested in promoting the development of the MJ and supportive of APAP's programming.

As a consequence of these two events, APAP programming for the MJ increased sharply. This resulted in an increased level of activity within the MJ including a range of oversight activities and an increased participation in radio outreach. For example, the MJ was among the first NA committees to hold public hearings supported by APAP.

### ***Multiple Funders: APAP and UNDP/ SEAL***

While many funders and implementors have worked with the Parliament since its organization in 2005, the National Assembly has had two principle implementing partners: APAP and UNDP's SEAL projects. The International Development Law Organization (IDLO) offered a small, intermittent legal training program over the years. NDI and IRI had political programs that periodically intersected with Parliament. And while a wide range of programs, such as UNICEF, UNIFEM and others, along with some embassies funded specialized programs of interest, the bulk of the support has flowed through APAP and UNDP.

From the outset, APAP and UNDP carved out largely separate niches. UNDP provided travel support, significant equipment and material support and some salary supplements for staff working in the Parliament. This freed APAP to focus intensely on technical programming and support. Moreover, because of the limited number of funders and the opportunity to work on the premises, APAP and the other donors avoided bidding for participants, in the form of per diems, as occurred in many rule of law projects.

The UNDP/SEAL program slowed down starting in 2008 and its effective end of operations in early 2010 created some challenges for APAP as Parliament sought to have APAP fund activities (especially travel) that had previously been funded by UNDP. Complicating this, UNDP had unwittingly created a certain culture of entitlement for these types of support that generated a certain level of friction with the Parliament when APAP resisted these funding requests. Nonetheless, overall it appears that the differing funding priorities of the two projects complemented each other reasonably well.

### ***Duration: Continuities and Discontinuities***

It is well established that institutional change and development requires a long time horizon and a fact long recognized with respect to legislative development.<sup>13</sup> Given its seven years of operations, APAP clearly offers an example of a longer (though not necessarily long) term support project. At the same time, that duration masks certain discontinuities and challenges that arose within the context of a longer term project.

Despite its longevity, APAP has witnessed significant turnover among its staff and among its USAID counterparts. Afghanistan is a difficult environment in which to work. APAP has had six Chief's of Party, four Home Office Project Directors and, at present, its most senior expat has only worked on the project since 2008. At the same time, the mission has rotated almost all of its responsible Contracts Officers and Contract Office Technical Representatives on an annual basis.

This relatively rapid change over of leadership appears, at times, to have led to discontinuities or lapses in follow-through. For example, while APAP periodically submitted proposed PMP plans and in its 2007 Assessment criticized its efforts at monitoring and evaluation, the mission failed to approve any of APAP's proposed PMP plans until 2009. Changes in staffing may have also played a role in the 2009 shift in the budget program (discussed above) and the support for public hearings (discussed below).

Shifts in mission leadership also resulted in shifts in implementation priorities and, at times, the reintroduction of ideas or initiatives previously addressed by the project. For example, in 2007 the idea of introducing an electronic voting system for the NA was raised and ultimately rejected. SUNY/CID's experience in other countries (e.g. Jordan, Lebanon) has been that these types of very expensive systems are promoted by donors, they are installed, and then they are never used.

---

<sup>13</sup> *USAID Handbook on Legislative Strengthening* (Center for Democracy and Governance, USAID, 2000) p.59.

Nonetheless, based on the interest of the Estonian government to sell an electronic voting system, in 2010 the mission once again promoted APAP's considering including such a system in its work plans. Work with women's groups and caucuses have similarly fallen afoul of this lack of institutional memory where, for example, there have been at least three efforts (possibly more) to create a Western type women's caucus within Parliament by various implementors (including UNIFEM and NDI). Each has failed due to a lack of interest on the part of the Afghan women MPs. Nonetheless, APAP must regularly revisit this issue as new mission staff are introduced.

Lastly, changes within the broader portfolio of mission staff and programming has impacted APAP programming. In 2009 in developing APAP's work plan, it was agreed that it was important to develop programs that promoted the relationship between Parliament and the provinces in terms of budgeting and outreach. As a consequence, APAP developed a strong parliamentary pilot in which it would establish four regional centers. However, after APAP had hired regional managers, a COTR involved in provincial work objected to APAP working in the provinces. While a more restricted program of outreach focused on provincial budgeting continued, the project was forced to release the staff engaged for provincial work and reduce its work. Moreover, once that COTR left, the idea of doing provincial work again revived.

In a country like Afghanistan, long term personal relationships are the norm and are generally needed in order to build trust. Despite the numerous changes in project leadership, APAP has largely succeeded in maintaining a strong, stable long term relationship with its parliamentary counterparts. In part, this is a tribute to the quality of the people brought in by the project and in part rests on CID's approach to development in which significant attention is given to building and maintaining relationships with counterpart leadership. Illustrating the depth of this relationship, in 2010 during a period of stress between the United States and the GOIRA, one MP within the WJ publicly accused APAP staff of being spies and agents of the USG. While this is not an unusual charge in development, WJ leadership stepped forward to support APAP and tamp down the friction being created by these charges – a less common response.

More significantly, one can see the development of relationships of trust and the resulting changes in institutional behavior in the evolution of the budget process in the NA as discussed above. Not only did this long cultivated relationship between the budget team and its committee counterparts grow to include other committees, that relationship contributed to a range of committees being open to working with APAP's legislative team when they embedded APAP staff within the committees to assist in mentoring and promoting committee development.

Adding to the turmoil created by personnel turnover, funding was similarly disruptive. Again, the project has operated non-stop since 2005. Nonetheless, since the fall of 2009, APAP has operated under a series of five short-term extensions (often finalized within the final hours before the preceding task order expired) the longest of which lasted for only 9 months. This sequential short-term operative framework created enormous challenges in terms of staff recruitment, retention and program implementation planning. Staff members, always highly recruited by others due to their quality and skills, left for positions with longer implementation terms. Recruiting replacements was difficult and at times required higher than desired compensation agreements. Moreover, losing experienced staff involved not just the loss of expertise – but of the relationships these staff members had built with their parliamentary counterparts – something that could not be replaced by the new recruits. Finally, APAP was regularly put in a position of uncertainty as to whether or not it could undertake activities whose completion would exceed the term of the then existing agreement – often during periods in which both APAP and the Mission were anticipating an extension that would cover the conclusion of the planned activity. Such uncertainty not only made planning difficult, it undercut the project’s relationship with Parliament who did not appreciate the uncertainty.

### *Developmental Progress*

It is axiomatic that legislative development programming needs to adopt a developmentally appropriate strategy for implementation. At the most basic level, the project will need to provide introductory training and assistance before introducing higher level technical support. APAP offers two illustrations of this axiom at a more substantive level. Its work to help establish a public accounts committee illustrates the discontinuities in development created by elections, while its work with committee public hearings illustrates how the introduction of one type of intervention may have significantly differing results based on when within the development process it is introduced. While the former simply demonstrates a common sense reality that needs to be anticipated within a project’s strategic plans (i.e. that elections matter), the latter reflects an unexpected development.

The most basic role for a legislature within the budget process is that of reviewing and enacting the budget, an activity that the NA has actively engaged in since its founding with increasing sophistication. This is, in most cases, a prospective process – looking forward to determine the spending needs of the country during the coming year. A public accounts committee represents a totally different aspect of national finance: it examines and oversees the actual expenditure of budgeted funds and is often instituted as a tool to combat governmental corruption. As a

potentially intrusive check upon the government, it naturally generates some level of political controversy.

As demonstrated during the annual review of the budget bill, the sophistication of the Afghan NA, particularly its budget committee, has progressively advanced during the years of APAP-provided technical support. Since 2008, APAP has produced a comprehensive analysis of the Qatia (year-end accounts for the National Budget) for both houses analyzing budget implementation and deviations from the Parliament approved budget. While APAP has supported reforms within the Qatia to improve performance reporting that are being adopted by both the Parliament and the Executive, a Public Accounts mechanism offers a range of tools to enhance this effort. As a consequence, in consultation with APAP, Parliamentary leadership initiated an effort to create a public accounts committee by requesting a concept note and procedures manual for the Public Accounts Committee (PAC). Building on that, APAP took members of the budget committees and parliamentary leadership on study tours to India and Korea to see PACs in operation. They have also reviewed the rules of procedure to prepare for the establishment of the PAC.

Despite this steady process of collaborative development, the parliamentary elections of 2010 placed the PAC effort on hold – first in anticipation of new leadership and subsequently due to uncertainties over the election results. Given the strong groundwork laid within the secretariat as well as with continuing members of the budget committees, it is hoped that the PAC effort can be quickly revived once the election controversies are resolved. The need to engage new leadership, however, may introduce continued delays (illustrating the discontinuities in institutional development introduced by elections).

A different aspect of development is illustrated by the history of public hearings in the NA. Providing support for public hearings by a parliamentary committee is a commonly used tool in legislative strengthening programs. They serve to promote three of the basic parliamentary functions: legislative outreach – by building positive relationships with constituents; legislative representation – by helping elicit the opinions and sometimes expert testimony of constituents and civil society organizations; and legislative oversight – by providing committees with insights as to the government’s delivery of services. They were introduced by APAP in 2006-2007 and, at that time focused heavily upon their role in promoting legislative outreach and representation through the holding of public hearings in the provinces. While a number of provincial public hearings were held, APAP’s support was suspended following the killing of 6 Members of Parliament in 2007 and the practice ended within the NA.

In 2010, APAP reintroduced the idea of holding public hearings to the Parliament in connection with its consideration of the Forests law by the Natural Resources Committee. At that time, no one who had worked on the project in 2007 was still involved and those leading the effort were not aware of details of the prior support for public hearings. It was simply viewed as a useful tool to help the NA.

The hearing was an overwhelming success, not only in supporting the committee in making a number of amendments to the proposed law based upon the testimony given at the hearing, but also in generating significant enthusiasm among other committees to hold public hearings of their own. Moreover, the types of hearings expanded from hearings over specific laws (reflecting the legislative or representative function) to hearings that also reflected more general oversight concerns or to areas in which the hearing could provide the basis for possibly drafting legislation (though no committee has actually drafted such legislation to date.) While this initial burst of enthusiasm for public hearings can again be traced in part to their capacity to advance the outreach function of governance in helping parliamentarians build relationships with their constituents during an election year, the enthusiasm for public hearings continued unabated after the conclusion of the elections.

This phenomenon deserves more study. It suggests that standard interventions may have significantly different outcomes depending upon when they are introduced within the developmental life of the institution and/or other social/cultural factors.

### ***Budget Inflation***

Between 2005 and 2009, APAPs budget averaged around three million dollars per year (with the latter years higher than the earlier) – the size of a normal, moderately well funded legislative strengthening project. At the end of 2009, based on the availability of funds, the mission sought to radically increase the budget for the project – at one point suggesting that SUNY/CID propose a \$25 million dollar project for the final 9 months of the task order. SUNY/CID rejected this proposal as unrealistic, ultimately offering a \$13 million dollar proposal.

There were a number of factors that supported such a budget increase. UNDP's SEAL project was winding down, so that the only other major funder was withdrawing from Parliament. Moreover, APAP's long work within Parliament had built up such a level of trust and interest that the NA welcomed the idea of APAP providing even greater technical support such as embedding staff in all of the committees as opposed to the prior practice of only supporting a few. Indeed, as a result of the enhanced technical support being provided by APAP, all of the

significant project PMP indicators point to a significant increase in capacity by the NA in 2010 and 2011 – despite the fact that implementation in 2010 was shortened by the parliamentary elections and the PMP data for 2011 cover only two quarters during the formation of the new and contested Parliament.

At the same time, this rapid budgetary ramp up created a number of serious challenges – particularly in light of the fact that it was for a period of only nine months. First, it strained APAPs administrative resources to create the infrastructure (new office space, equipment, financial management) for the necessary project growth. APAP was in effect asked to go into project start-up at the same time it was continuing its implementation of existing programs. Second, it created inflationary pressures on staff salaries. The project was required to recruit a large number of new staff, in a human resource weak environment, for what was in effect a short term project. Finally, this large budget created increased expectations by the Parliament for both continued support at this higher level as well as requests for additional assistance.

Due to problems in both recruitment and limited duration, while increasing its budgetary expenditure rate significantly, APAP nonetheless failed to spend all of the allocated funds. This fortunately allowed the project to be extended through a period of transition within the mission where funding options were increasingly being limited and reduced. Thus, the successes achieved by APAP suggest that a smaller budget increase spread over a longer period of implementation would have been a better strategy.

### ***Institutionalizing Training: The Afghanistan Parliamentary Institute***

The Afghanistan Parliamentary Institute (API), while currently still a work in progress, nonetheless, with its recent recognition by the Presidential Decree as an institute of higher education under Afghan law, represents a signal achievement. Somewhat surprisingly, despite SUNY/CIDs past experience in helping to develop parliamentary training institutes in Chile, and Lebanon, among others, the API's development arose not from the original design of the project, but out of needs discerned by the implementation team and subsequently expressed by the National Assembly.

Every parliamentary development project will involve a significant training component. Moreover, SUNY/CID has led a number of projects in which an institutionalized training facility was included within the basic design of the project. The design the APAP project, however, was so tightly focused on needs assessment and start up support for the first Parliament that the idea of a permanent training program did not emerge until the later portion of the initial start up

phase. It appears to have been driven by two factors: the extremely low level of human capital development among the available labor pool plus a significant turn-over among staff once they

**Table 2 API Basic Skill Course Trainees**

	<b>Number of Students Completing Computer and Language Classes</b>			
	<b>Completed Computer Classes</b>		<b>Completed Language Classes</b>	
	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>
<b>2005</b>				
<b>2006</b>	127			
<b>2007</b>	125		78	35
<b>2008</b>	132	43	33	34
<b>2009</b>	29	10	23	7
<b>2010</b>	78	18	68	16
<b>2011</b>	41	9	44	8
<b>Total/Gender</b>	<b>532</b>	<b>80</b>	<b>246</b>	<b>100</b>
<b>Total</b>	<b>612</b>		<b>346</b>	

achieved a certain level of training and accomplishment. In light of this, APAP promoted the idea of a permanent training center with Parliamentary leadership and facilitated a Memorandum of Understanding (MOU) with respect to the institute between the Parliament and the Ministry of Higher Education in December 2006.

In a country in which the literacy rate hovers around twenty five percent (25%) of adults, the need for basic skills training in computer office software (MS Word, Excel, PowerPoint, Access, etc.) and English language classes was quickly identified and the project moved quickly to implement classes in this area under the banner of the API. As indicated in Table 1, the API has trained significant numbers of staff members in these basic skills since its start up in 2006. In addition, in 2005 and 2006, APAP also provided training in report writing, shorthand, management skills, and office management. These were not retained as part of the core curricula of basic skills.

At its inception, however, the API was not intended as simply a basic skill training center. It was always envisioned that it would also provide substantive training in legislative practice and skills, such as budgeting, legislative drafting, legislative process and rules of procedure, and other technical areas. However, while the training programs in basic skills was quickly institutionalized within the API through the standardization of curricula and transition to Afghan national trainers, the same cannot be said for technical training programs which continued to be delivered by technical staff and consultants. There are a number of potential explanations for this.

First, technical support often takes the form of training by the implementing staff. On APAP, the staff was organized along lines of, initially, program officer expertise and subsequently as teams focusing on particular areas of parliamentary practice (legislation, representation/outreach, and oversight/budget) with staff being supplemented by specialist short term consultants. It is both natural for these staff members to consider the delivery of specialized training as within the normal scope of work and routine practice in legislative development to view trainings as singular interventions that increase the retained capacity of the Parliament within that area. This is particularly true for short term consultants who are brought in to do specialized trainings. This pattern emerged prior to the establishment of the API and continued thereafter, although at that time began to be formally identified as falling under the API.

Second, there is a tendency by technical implementing staff to denigrate or devalue professional educators/trainers. Consultants are often hired based on their practical experience with an assumption that if you can do it, you can teach it – whereas if you haven't practiced in an area, questions arise about your competence to teach it. As such there is no natural native constituency to whom training can be transitioned. This skepticism towards professional educators/trainers even spills over into USAID. In 2010, when APAP sought to bring in a senior educator with experience in training institute development, it met with resistance because that staff member did not have extensive legislative experience.

To overcome these challenges it is recommended that the development of a training institute, when contemplated, should be integrated within the initial project design. In a country with such low human capacity, Afghanistan was a natural environment in which to anticipate this need. Second, it needs to be implemented quickly to avoid the tendency to adopt standard technical support practices (i.e. use of short term consultants and implementation staff to deliver singular trainings) and routinize such trainings within project practice.

## 4. Moving Ahead

While APAP has made enormous strides in helping the National Assembly become an effective branch of government, much work remains. Concerns fall into three areas: sustaining budgetary and legislative practice through the transition to a new Parliament; transitioning skills and expertise to the new Parliament; and institutionalizing the developmental gains being made in a sustainable way. Finally, given the unique circumstances of the presence of APAP from the inception of the Parliament, the project and USAID need to direct significant resources to a more detailed evaluation of APAPs programming and its impact on the National Assembly.

### *Sustaining budgetary and legislative practice*

While the support skills of the secretariat staff have improved as have some of the systemic procedural changes advocated by APAP (such as improvements in Qatia reporting and information sharing by the Ministry of Finance), the current Parliament's MPs have experienced only part of one budget process (the 2011 budget). They will still have to work through the Qatia report in the fall and the new 2012 budget next year. To do so effectively, they need significant continued support to enhance both the MP's and the secretariat's expertise and experience. This will also help build their confidence as parliamentarians as suggested by the developments led by the budgetary process over the past few years.

At the same time, APAP has introduced a number of new activities and relationships within the Parliament that need to be nurtured and given time to develop and establish themselves. For example, its efforts to promote CSOs as important expert resources and partners for Parliament, its support for the professional development of women parliamentarians, and its provincial outreach efforts are all demonstrating significant progress. Nonetheless, these are all activities that require time to develop and be acculturated within the Parliament through creating a history of practice.

### *Transitioning Skills*

In the most recent ramp up of activities, APAP used its enhanced resources to provide technical support and mentoring. The direct technical support helped establish the value of the technical skills being offered and generated interest on the part of the Parliament in receiving that type of support, while at the same time offering mentoring for parliamentary staff to deliver that support. While the former aspects of this assistance have largely succeeded, the transfer of skills takes a

longer time to accomplish. The next stages of the project need to build on those inroads and accelerate the level of skills transfer, particularly to committee staff.

### ***Institutionalizing Skills***

APAP has sought to institutionalize its technical support in a number of ways, including enhanced policies and procedures, enculturated practices, and the development of skilled staff capable of sharing their expertise with others, the API represents the most significant institutional effort. In an environment with low human development and limited literacy, the Parliament needs a training institution to help create a skilled support staff. The API already provides a level of basic skills training that could easily be picked up by the Parliament. But in order for it to provide high level technical training it still requires work, as does the process of building political support for the institution not only within Parliament, but within the Ministry of Higher Education and a number of partner Afghan universities who will be called on to help provide staff training.

## Appendix 1: Summary of Performance Monitoring Plan Results

The Afghanistan Parliamentary Assistance Project's (APAP) Performance Monitoring Plan (PMP) was modified and approved during 2009 in order to track three kinds of products over quarterly cycles: 1) Outputs, 2) Installed Capacities and 3) Outcomes. *Outputs* are the product of *Activities*. *Installed Capacities (Intermediate Results)* are the product of *Tasks*. *Outcomes* result from the achievement of *Objectives*.

The PMP includes seven USAID standard indicators provided by Governing Justly and Democratically (GJD) Indicator Handbook for Legislative Function and Process. The indicators are grouped by the four APAP objectives: support for legislative, oversight, representation, and institutional development functions. The categorization of the indicators as output or outcome indicators is in accordance with the categorization provided in the GJD Indicator Handbook. Per this categorization the APAP PMP has four Outcome indicators and three Output indicators for measuring progress towards results. APAP will continue to make revisions to the PMP based on its accumulated experience working with the Afghanistan Parliament.

The detailed results for each indicator are presented below.

### **Intermediate Result: 1.1 Efficiency in Processing Legislation Improved**

#### ***1. Number of draft bills subject to final vote in Afghan legislature receiving USG assistance through APAP (Outcome)***

This indicator measures progress towards achieving efficiency in processing legislation. While cognizant of the complicated legislative process in the Afghanistan National Assembly, this indicator measures whether the Afghan National Assembly is functioning in a democratic manner by meeting regularly and actively reviewing, debating and voting upon legislation.

With APAP assistance, the NA has significantly improved the efficiency with which it processes legislation. The number of draft bills subject to final vote in the NA went up from 9 in 2007 to 17 in 2010 demonstrating significant progress made by the NA in processing legislation. It should be noted that though APAP had no influence over the number of draft bills introduced into the legislative process, APAP provided technical assistance to commissions in analyzing and reviewing Bills or enactments and trained committee staff to enhance their capacity to effectively assist committees in discharging their mandate.

### **Intermediate Result: 1.2 Committee Legislative Process Capacity Improved**

#### ***2. Number of draft bills accompanied by technical analysis and subject to review by Afghan parliamentary committees receiving USG assistance through APAP (Output)***

The effective and efficient functioning of committees in discharging their legislative responsibilities is an integral part of any democratic legislature. In order for committees to make informed decisions concerning draft bills and policies, they need access to fact-based, in-depth information and analysis of draft bills.

With APAP assistance, the NA witnessed an increase in the number of bills subject to technical analysis, demonstrating the ability of commissions to make informed decisions concerning draft bills and policies. In the initial years of Parliament, staff lacked the technical capacity to provide services for the effective functioning of its committees. When staff training commenced in earnest in 2006, APAP decided to initially provide technical assistance to six target committees in 2007 through; 1) facilitating expert organizations or individuals to provide advice/analysis of specific pieces of legislation under consideration by the six target committees and 2) introducing the concept of committee professional assistants who assist committees to effectively discharge their responsibilities. As a result, the number of draft bills subject to technical analysis by NA commissions rose from 1 in 2006 to 7 in 2010. Through the Committee Support Team Concept, technical substantive reports have been provided for key pieces of legislation at the Committee Stage; of note was the provision of Technical Briefing Books on the Election Law, the Extradition Law, the Law Combating Abduction and Trafficking in Persons and the Local Government Law. Indeed more laws are being debated within commissions and members are better able to debate laws within the plenary

In addition to the formal measures above it is worth noting that APAP has conducted several courses for Committee Professional Assistants, researchers and the legislative staff of the National Assembly through the API. These courses covered the following areas, Legislative Process, Legislative Drafting, Committee Procedures and Legislative Research. As a result, the number of staff trained in Legislative Research, Legislative Analysis, and Legislative Processes has risen from 0 in 2008 to 122 in 2009 and 230 in 2010. These courses have improved the legislative analysis and research skills, thus enhancing the capacity of staff to provide support services to MPs and commissions

### **Intermediate Result: 2.1 Parliament Active in Oversight**

#### ***3. Number of national executive oversight actions taken by Afghan legislature receiving USG assistance through APAP (outcome)***

Oversight actions by the legislature signify efforts by the legislature to oversee, and hold accountable, the executive branch: a key function of democratic legislatures and a key component of a system of democratic checks and balances.

As noted in the body of the report, Parliament's capacity to exert its oversight prerogative has improved substantially since 2004. As part of efforts to ensure that the NA asserts its oversight function in a more structured manner, APAP developed Rules on Questioning Ministers for the

MJ and conducted a course for members of the same house on how best to question government officials. In addition, in order to help enhance staff capacity to assist committees in conducting oversight, APAP also conducted a series of focus group discussions with Committee Professional Assistants, Researchers and officers of both Houses.

With APAP assistance, the number of oversight actions taken by the committees rose from 8 in 2007, to 26 in 2010. Most significantly, while two committees carried out the 8 oversight actions in 2008, through APAP assistance, the number of committees rose to more than fourteen of the 29 commissions of the National Assembly. In addition, the Executive has shown increasing respect for the commissions by appearing before the committees whenever summoned to do so.

### **Intermediate Result: 3.1 Improve Level of Representative/Constituent Interaction**

#### ***4. Number of public forums resulting from USG assistance through APAP in which Afghan MPs and members of the Afghan public interact (Outcome)***

Extensive interactions between legislators and members of the public are an important component of effective representation and a key function of democratic legislatures. Legislators, as part of their representation function, need to interact with members of the public to solicit input on policies and proposed legislation.

The number of public forums in which members of the public and MPs interact rose from 5 in 2008 to 13 in 2010 despite the security situation that limits public gatherings. Most importantly APAP's radio roundtables assisted MPs and members of the public to interact despite the security situation. The radio roundtables increased citizen awareness of Parliament's activities and the activities of their representatives. At the same time, through APAP assistance, commissions have increasingly utilized public hearings to provide forums for individuals, special interest groups and Civil Society Organizations to provide input into the review of legislation.

### **Intermediate Result: 3.3 CSOs assisted in engaging Parliament**

#### ***5. Number of Afghan Civil Society Organizations receiving USG assisted training in advocacy through APAP (Output)***

After delays in identifying and mobilizing CSOs to work with Parliament, APAP met with success in 2010 and 2011 providing advocacy training for 15 Civil Society Organization representatives in 2010 and 56 in 2011. The fact that the number in 2011 represents only 2 quarters is an indication of the significantly increased activity for this indicator.

#### ***6. Number of USG APAP assisted Afghan CSOs that participate in legislative proceedings and/or engage in advocacy with national legislature and its committees (Outcome)***

No results were achieved for this indicator. Following the CSO advocacy training referenced above, the Afghanistan Parliamentary Assistance Program will move ahead with linking CSOs with commissions by assisting the National Assembly in creating a database of CSOs that will serve as resources for commissions.

#### **Intermediate Result: 4.1 Training for Staff Institutionalized and Implemented**

##### ***7. Number of Afghan legislators and national legislative staff attending USG APAP sponsored training or educational events (Output)***

The more legislators and legislative staff who participate in United States Government (USG) sponsored events designed to transfer legislative knowledge, skills and experience, the better able they will be to perform their legislative duties and functions.

The number of Legislators and national legislative staff trained rose from 760 in 2008 to 1205 in 2009. However the number dropped to 665 in FY2010 due to a short Parliament session resulting from the September 18, 2010 elections. Training of MPs and staff is the single most important approach that APAP has utilized to enhance MPs and staff skills. A recent survey of NA staff revealed that 72% of the respondents reported that APAP training was relevant to their work. Also, not only did 64% affirm that they applied the skills learnt in training to their work, 54% indicated that they transferred skills acquired through APAP courses to work colleagues.

In addition to the formal training listed above, the establishment of the Parliamentary Fellowship program is one of the major achievements of APAP. These Fellows have added value to the work of Parliament. 21 Fellows participated in the program in 2008, 20 in 2009, and 36 participated in 2010. The Fellowship Program is implemented under the auspices of API.

#### **Summary Table of PMP Results:**

	Indicator(s)	FY07 Base line	FY08		FY09		FY10		FY11	
			Target	Actual	Target	Actual	Target	Actual	Target	Actual
										Actual (Q1- Q2)
<b>OBJECTIVE 1: IMPROVE PARLIAMENT'S CAPACITY TO LEGISLATE</b>										
IR 1.1: Efficiency in Processing Legislation Improved	Number of draft bills subject to final vote in Afghan legislature receiving USG assistance through APAP	9	10	18	10	17	6	17	8	4
IR 1.2: Committee Legislative Process Capacity Improved	Number of draft bills accompanied by technical analysis and subject to review by Afghan parliamentary committees receiving USG assistance through APAP	5	5	6	4	5	14	7	8	2
<b>OBJECTIVE 2: IMPROVE PARLIAMENT'S CAPACITY TO OVERSEE</b>										
IR 2.1: Parliament Active in Oversight	Number of national executive oversight actions taken by Afghan legislature receiving USG assistance through APAP	8	12	9	10	9	40	26	24	34
<b>OBJECTIVE 3: IMPROVE PARLIAMENT'S CAPACITY TO REPRESENT</b>										
IR 3.1: Increased Level of Representative/ Constituent Interaction	Number of public forums resulting from USG assistance through APAP in which Afghan MPs and members of the Afghan public interact	18	8	5	8	6	22	13	24	9
IR 3.3: CSOs assisted in engaging Parliament	Number of Afghan Civil Society Organizations receiving USG assisted training in advocacy through APAP	N/A	N/A	0	0	0	0	15	30	56
<b>OBJECTIVE 4: IMPROVE PARLIAMENT'S INSTITUTIONAL DEVELOPMENT</b>										
IR 4.1: Training for Staff Institutionalized	Number of Afghan legislators and legislative staff attending USG APAP sponsored training or educational events	779	600	760	800	1200	1200	665	300	658

## **National Assembly Members of Parliament Survey**

In addition to the PMP indicators summarized below APAP designed and administered the National Assembly Members of Parliament (MPs) survey to gauge MPs impressions of the APAP training and their views on other issues related to their roles as Members of Parliament. The survey, administered by APAP staff to a sample of 52 Wolesi Jirga (WJ) and Meshrano Jirga (MJ) MPs, with a 50% response rate, was conducted from August 7-September 9, 2010. Key findings were as follows. Some key highlights of this survey follow.

*Greatest Challenge;* 73% of the respondents identified the lack of knowledge about the roles and functions of Parliament as the greatest challenge. While 27% of the respondents indicated that they struggled with political/tribal divisions in the new Parliament, 15% of the women MPs reported lack of acceptance by their male counterparts as their greatest challenge.

*Impact:* 88% of the respondents attributed their increase in knowledge about the roles and functions of Parliament to APAP workshops/seminars, demonstrating APAP's contribution to establishing an effective and functioning Parliament.

*Key discussion of Draft Bills take place in Parliament;* An overwhelming majority of MPs 88% believe that key discussions of draft Bills occur in Parliament, a demonstration of the significant role played by Parliament in reviewing legislative proposals sent by the Executive.

*Acrimonious Parliament-Executive relations;* Most MPs 69% reported that Parliament-Executive relations have not been good from the beginning due to several factors, including the existence of warlords or political parties with self serving interests, the Executive taking advantage of the lack of knowledge about the roles and functions of Parliament among Members of Parliament, and a disregard of Parliament decisions by the Executive. However, 54% respondents suggested that Parliament-Executive relations can be improved through mutual understanding and non-interference in the affairs of each other and respect for each other's decisions. 23% felt that respect for the provisions of the constitution regarding the separation of powers will improve the relations.

*Legislative and oversight were identified as the most important roles of committees;* Not only did 69% respondents report legislative and oversight as important roles of committees but 22% of the 18 respondents felt that commissions should report their findings in the plenary.

*Sources of Information for Commissions;* While 73% of the respondent affirm that APAP and government officials are their sources of information when performing commission work, 15% reported the use of internet and another 15% utilized committee assistants.

*Appreciation of APAP and International Implementers:* 62% of the respondents foresee a future role for APAP and other development organizations in strengthening MPs skills and providing assistance towards enhancing the work of commissions.

## Appendix 2: Selected Publications and Project Deliverables

### APAP Publications

- *Budgeting and Parliamentary Budget Institutions*
- *1390 Budget Analysis*
- *1389 Budget Analysis*
- *1389 Sector Analysis Report*
- *1388 Budget Analysis*
- *Committee Procedures Manual*
- *Parliamentary Oversight Manual*
- *Constituency Relations Manual*
- *Legislative Drafting Handbook*
- *Legislative Budget Process and Oversight Handbook*
- *Career Regulations for Parliament Staff*
- *DIPR Communications Strategy*
- *WJ Draft Rules of Procedure*
- *MJ Draft Code of Conduct*
- *NA Committee Rules of Questioning*
- *Legislative Newsletter (weekly)*
- *Budget and Gender Newsletters (monthly)*
- *Political Profiles of Afghan Politicians (internal APAP/USAID use)*
- *Women Candidates Handbook for 2005 Elections*
- *WJ MP Directory*
- *Afghanistan Pilot Participatory Poverty Assessment (APPPA) 'Plain Language Guide'*
- *NA Library Brochures*
- *Know Your National Assembly brochure*

### Laws, Workplans, and Reports

- Draft Strategic Plan for Institutional Development
- Performance Evaluation Format for Line Ministries
- Draft Workplan for WJ Justice and Judiciary Committee
- Draft API Parliamentary Standing Order
- API Technical Planning Report
- Combating Abduction and Trafficking in Persons Briefing Book (WJ Justice Committee)

- Extradition Law Briefing Book (WJ Justice Committee)
- Reviews and Reports on Provincial Development Plans
- Selected Translations: GIROA Constitution, Civil Law and Penal Code, Criminal Procedures Code, Civil Procedures Code, Commercial Code, Commercial Procedures Code, Police Law