



# CONTRACT INFORMATION MANAGEMENT SYSTEM (CIMS)



## DIRECT ACTION DATA FORM FOR GRANTS & COOPERATIVE AGREEMENTS

1. Basic Contract Number 367-0163-G-00-3066-00 (See CIB 89-30)

2. Recipient Name The Asia Foundation

3. Award Description (This description will be seen by high level Agency officials, as well members of Congress.)  
The recipient shall... conduct program to Strengthen Democratic Institutions in Nepal.

4. Principal Place of Performance 367

5. Benefiting Country 367

6. Project Officer  
Country Code/Office Symbol 367/PPD/PD | Name (Last, First) Byes, Richard

7. Grant Agreement Type  
 A. Disaster Assistance  
 B. American Schools & Hospitals Abroad (ASHA)  
 D. Title XII Authority  
 E. Other Than A, B, or D

8. Basic Purpose  
 A. Technical Services to Host Country  
 B. Commodities  
 C. Training Services to Host Country  
 D. Research  
 E. Architectural & Engineering Services  
 F. Construction

7a. Extent Competed  
 A. Competed by the Technical Office  
 B. Competed by the Contracting Office  
 C. Not competed (unsolicited prop)  
 H. Not competed (predom cabab, etc)

9. Taxpayer Identification Number 94-1191246

10. Business Organization Type  
 A. Corporation  
 B. Individual  
 C. University or College  
 D. Historically Black College or University  
 E. Educational Organization (other than University or College)  
 Z. Other

F. International Center  
 G. Research Organization (other than International Center)  
 H. Voluntary Organization  
 I. Foundation  
 J. Hospital  
 N. Hispanic American college or univ.

ENTERED UN 23 1993 Section

11. If U.S. University, Host Country Institution

12. If Obligated Amount is in Local Currency, provide U.S. Dollar Amount \$350,000

13.a. Negotiator (Last, First, MI) Lama, Nina G.

13.b. Signature [Signature]

14.a. Contract Officer (Last, First, MI) Edin, Neil C.

14.b. Signature [Signature]

**COPY OF AWARD DOCUMENT MUST BE ATTACHED TO THIS FORM**



U.S. AGENCY FOR  
INTERNATIONAL  
DEVELOPMENT

2007-00  
a/c/p

Ms. Suzanne Wallen  
Director, Nepal Programs  
The Asia Foundation  
P.O. Box 935  
Baluwatar, Kathmandu  
Nepal

**Subject: Grant No. 367-0163-G-00-3066-00**

Dear Ms. Wallen:

Pursuant to the authority contained in the Foreign Assistance Act of 1961, as amended, the Agency for International Development (hereinafter referred to as "A.I.D." or "Grantor") hereby grants to The Asia Foundation (hereinafter referred to as "TAF" or "Grantee") the sum of One Million Five Hundred Ninety Thousand Dollars (\$1,590,000) to provide support to TAF for its program to Strengthen Democratic Institutions In Nepal as more fully described in the Schedule of this grant and the Attachment 2, entitled "Program Description".

This Grant is effective and commitment is made as of the date of this letter and shall apply to commitments made by the Grantee in furtherance of program objectives during the period beginning with the effective date and ending of April 23, 1996. Funds advanced by AID but unexpended by the Grantee at the expiration of this period shall be refunded to A.I.D.

The total estimated amount of the Grant is \$1,757,000. A.I.D.'s contribution of the program is \$1,590,000 of which \$350,000 is hereby committed. AID shall not be liable for reimbursing the Grantee for any costs in excess of the committed amount.

This Grant is made to the Grantee on condition that the funds will be administered in accordance with the terms and conditions as set forth in Attachment 1, entitled the Schedule, Attachment 2, entitled "Program Description," and Attachment 3, entitled "Standard Provisions," which have been agreed to by your organization.

Please acknowledge receipt and acceptance of this Grant by signing all copies of this Cover Letter, retain one set for your files, and return the original and one copy to this office.

Sincerely yours,



Neil C. Edin  
Grant Officer

Attachments:

- 1. Schedule
- 2. Program Description
- ~~3. Standard Provisions~~
- 4. OMB Circular A-122
- 5. Report Format

ACKNOWLEDGED:

THE ASIA FOUNDATION

BY: *Suzanne Wallen*  
 TYPED NAME: *Suzanne Wallen*  
 TITLE: *The Representative, Nepal*  
 DATED: *April 30, 1993*

FISCAL DATA

PIO/T No.	: 367-0163-3-20102	
Appropriation No.	: 72-112/31021, 72-1121021	
Budget Plan Code	: HDE2-92-27367-KG-13	\$265,000
	: HDS2-92-27367-KG-13	\$45,000
	: HDSA-92-27367-JG-13	\$40,000
This Commitment	: \$350,000	
Total Estimated Program Cost (USAID Contribution)	: \$1,590,000	
Technical Office	: PPD/PD	
Funding Source	: USAID/N	
Duns Number	: 07-463-2001	
Taxpayer I.D.	: 94-1191246	

Clearance: PPD/PD:RByes, *RJG*; FM: HJamshed *HJamshed*  
*3/12/93*

ATTACHMENT 1

**SCHEDULE**

**A. Purpose of Grant:**

The purpose of this Grant is to provide support to The Asia Foundation (TAF) for its program to Strengthen Democratic Institutions In Nepal as more fully described in the Attachment 2, entitled "Program Description".

**B. Period of Grant:**

1. The effective date of this Grant is the date of the Grant Officer's signature and the estimated expiration date is April 23, 1996.
2. Funds committed hereunder are available for program expenditures for the estimated period through June 30, 1993.

**C. Amount of Grant and Payment:**

1. The total estimated amount of the grant for the period shown in B.1 above is \$1,590,000.
2. A.I.D. hereby commits the amount of \$350,000 for program expenditures during the period set forth in B.2. above.
3. Payment shall be made to the Grantee in accordance with procedures set forth in Attachment 3 - Optional Standard Provision No. 3 entitled "Payment -Letter of Credit."
4. Additional funds up to the total amount of the Grant shown in C.1. above may be committed by A.I.D. subject to the availability of funds, and to the requirements of the Standard Provision of the Grant, entitled "Revision of Financial Plan".

**D. Financial Plan:**

1. The following is the Grant Budget including local cost financing items, if authorized. Revisions to this budget shall be made in accordance with Standard Provision of this Grant, entitled "Revision of Grant Budget."

**BUDGET**

<u>Description</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Total</u>	<u>Grantee Contribution</u>
Parliamentary Development	\$221,500	\$247,700	\$107,000	\$ 576,200	\$ 45,000
Legal and Judicial Development	\$166,700	\$129,000	\$125,000	\$ 420,700	\$122,000
Audit and Evaluations	\$ 5,000	\$ 5,000	\$ 5,000	\$ 15,000	-
Program Management Unit	\$ 14,436	\$ 15,148	\$ 15,905	\$ 45,489	-
Program Service Costs	\$ 68,172	\$ 68,172	\$ 68,172	\$ 204,516	-
Indirect Cost 26%	<u>\$123,710</u>	<u>\$120,905</u>	<u>\$ 83,480</u>	<u>\$ 328,095</u>	-
Total Program Cost	\$599,518	\$585,925	\$404,557	\$1,590,000	\$167,000

2. Without the prior written approval of the Grant Officer, the Grantee may not exceed the Grant Total (USAID Contribution) set forth in the budget, nor may the Grantee adjust the cost for any line items by more than ten percent (10%) of such line item, except training and overhead line items are fixed with no flexibility for line item transfer.

**E. Reporting:**

1. Financial Reporting

- a. Financial reporting requirements shall be in accordance with the Standard Provision of this Grant entitled "Payment - Letter of Credit".
- b. In addition, one copy of all financial reports shall be submitted to the Technical Office specified in the Cover Letter of this Grant.

2. Program Performance Reporting

- a. The Grantee shall submit quarterly program performance reports, and a final report, which briefly present the following information:
  - (1) A comparison of actual accomplishments with the goals established for the period. If the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs,
  - (2) Reasons why established goals were not met, and
  - (3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.
- b. Between the required performance reporting dates, events may occur that have significant impact upon the program. In such instances, the Grantee shall inform AID as soon as the following types of conditions become known:

- (1) Problems, delays, or adverse conditions that will materially affect the ability to attain program objectives, or prevent the meeting of time schedules and goals. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any AID assistance needed to resolve the situation.
  - (2) Favorable developments or events that enable time schedules to be met sooner than anticipated.
- c. If any performance review conducted by the Grantee discloses the need for change in the budget estimates in accordance with the criteria established in the Standard Provision of this Grant entitled "Grant Budgets", the Grantee shall submit a request for budget revision.
  - d. Five copies of each program performance report shall be submitted to the Project Officer, PPD/PD, USAID/Nepal.

Special Reports

The Grantee shall submit the pertinent information required under Quarterly Report and Activity Progress Report of the Attachment A of this grant. The Grantee shall provide special reports as requested by the Grant Officer or the Project Officer, USAID/Nepal.

F. Key Person:

The key person under this grant is :

Ms. Suzanne Wallen  
Director, Nepal Program  
Kathmandu, Nepal

The AID liaison Official is the Chief, PPD/PD, USAID/Nepal or his designee.

**G. Overhead Rates:**

Pursuant to the Standard Provision of this Grant entitled "Negotiated Indirect Cost Rates- Provisional", a rate or rates shall be established for each of the "Grantee's accounting periods during the term of this Grant. Pending establishment of final indirect cost rates for the initial period, provisional payments on account of allowable indirect costs shall be made on the basis of the following negotiated provisional rate applied to the base which is set forth below.

<u>Type</u>	<u>Rate</u>	<u>Base</u>	<u>Period</u>
Overhead	26%	Total Direct Costs	Date of Grant until amended

**H. Title to Property:**

Title to property purchased under this grant shall vest in the Grantee. Property shall be maintained and disposed of according to the terms of the Optional Standard Provision of this Grant entitled "Title to and use of Property (Grantee Title)".

**I. Special Provision:**

1. OMB Circular A-122

The Circular reserves the sections on bid and proposal costs and independent research and development costs. AID and the Grantee hereby agree upon the following treatment of these costs, pending such time as the Circular is amended to include them:

- a) Bid and proposal (b&p) costs are the immediate costs of preparing bids, proposals, and applications for potential activities such as Government and non-Government grants, contracts and agreements, including the development of scientific, cost, and other data needed to support the bids, proposals, and applications. In general, (b&p) costs of the current accounting period are allowable as indirect costs. (B&P) costs of prior accounting periods are unallowable in the current period. In this regard, (b&p) costs incurred for the preparation of requests for specific projects and programs are acceptable for recovery as indirect costs. However, proposal costs incurred in the attempt to obtain unrestricted funds are to be treated as fund raising and must be included in the organization's direct cost base. If the organization's established practice is to treat (b&p) costs by some other method, the results obtained may be accepted only if found to reasonable and equitable. (B&P) costs do not include independent research and development costs which are covered by paragraph (2) below, or preaward costs covered by Attachment B, Paragraph 33, of OMB Circular A-122.
- b) Independent research and development (r&d) costs are for (r&d) conducted by an organization which is not sponsored by Federal or non-Federal grants, contracts or other agreements. Independent (r&d) costs must be included in the organization's direct cost

base for allocation of its proportionate share of indirect costs. The costs of independent (r&d), including its proportionate share of indirect costs, are unallowable under AID agreements.

2. Close out

- a. Upon request, A.I.D. shall make prompt payments to a recipient for allowable reimbursable costs under the agreement.
  - b. The grantee shall immediately refund any balance of unexpended cash that A.I.D. has advanced or paid and that is not authorized to be retained by the grantee for use in other grants or agreements.
  - c. A.I.D. shall obtain from the grantee within 90 calendar days after the date of completion of the agreement all financial, performance, and other reports required as the condition of the grant. A.I.D. may grant extensions when requested by the recipient.
  - d. When authorized by the grant, A.I.D. shall make a settlement for any upward or downward adjustments to A.I.D.'s share of costs after these reports are received.
  - e. The grantee shall account for any property acquired with A.I.D. funds or received from the Government in accordance with provisions of paragraph T of Chapter 1 of HB 13.
3. Participant Training, if any, financed under this grant shall be administered pursuant to the Standard Provision of this grant entitled "Participant Training".

J. **Order of Precedence:**

Any inconsistency in this grant shall be resolved by giving precedence in the following order: (a) the grant letter; (b) the Schedule; (c) the Standard Provisions; (d) the program description; and (d) other documents, exhibits and attachment.

K. **Laws of Nepal:**

Grantee shall comply with all of the laws of His Majesty's Government, the Government of Nepal, prior to and during the undertaking of this program, so long as these laws do not conflict with the terms of this grant. If such a conflict becomes apparent during performance of this program, the Grant Officer shall be informed.

**Alterations and Additions to Standard Provisions:**

1. The following Standard Provisions are applicable to this Grant:

2. Payment - Letter of Credit
5. Air Travel and Transportation
6. Ocean Shipment of Goods
7. Procurement of Goods and Services
8. A.I.D. Eligibility Rules for Goods and Services
9. Subagreements
10. Local Cost Financing
12. Publications
14. Negotiated Indirect Cost Rates - Provisional (Nonprofits)
16. Regulations Governing Employees
17. Participant Training
21. Title to and Use of Property (Grantee Title)
24. Cost Sharing (Matching)
25. Use of Pouch Facilities
26. Conversion of United States Dollars to Local Currency
28. Rights in Data

2. In the Standard Provision of this grant entitled "Use of Pouch Facilities," in paragraph (a) (4), delete the address listed, and insert the following in its place:

Name of Individual or organization (followed by  
Letter symbol "G")  
USAID/Kathmandu  
Agency for International Development  
P.O. Box 96950  
Washington, DC 20090-6950

3. The Standard Provision of this grant entitled "Cost Sharing (Matching)" states that the Grantee must expend from non-Federal funds an amount at least equal to the percentage of total expenditures specified in the schedule of this grant. The percentage is hereby specified to be 9.5%.

Attachment 2

A PROPOSAL TO USAID/KATHMANDU TO SUPPORT  
A THREE-YEAR PROGRAM TO  
STRENGTHEN DEMOCRATIC INSTITUTIONS  
IN NEPAL

REVISED

Submitted by  
THE ASIA FOUNDATION

August 24, 1992

with revised budget Mar 3, 93

## EXECUTIVE SUMMARY

The Asia Foundation is requesting financial assistance of \$1,675,185 from USAID/Kathmandu for a three-year program to strengthen democratic institutions in Nepal. This funding would support Phase II of the previous USAID-supported Comprehensive Democratic Pluralism Initiative (DPI). Phase II will focus on two areas: the Parliament, and law and justice. The program will run from November 1, 1992 until June 30, 1996.

The proposed program will build upon the Foundation's established contacts and extensive programming experience in each of these fields, and will involve the active participation of both government agencies and selected non-governmental organizations in its implementation. In so doing, the project will capitalize on the current political environment that is receptive to programming in these areas and will encourage--in a sensitive and prudent manner--further progress toward the emergence of a more open, just, and democratic Nepal in the 1990s and beyond.

The two programming areas will be approached in a systematic manner, with clearly formulated project goals, a comprehensive strategy for attaining these goals, and a list of specific, mutually reinforcing activities to be carried out in support of this strategy. Emphasis will be placed throughout on the strengthening and sustainability of key institutions in each of the programming areas.

The Foundation's program with the Nepal Parliament will seek to strengthen both the institutional capability of the legislative branch and its ability to channel popular aspirations into the law-making and policy review process. This will be done by 1) increasing Members' understanding of policy issues, parliamentary practice, and their roles and responsibilities as parliamentarians; 2) strengthening the management capacity of the Secretariat to serve the Parliament and the public; and 3) increasing the public's awareness of key issues and understanding what it can reasonably expect of its representatives.

In the field of legal and judicial development, the Foundation will work to promote the rule of law and the fair and consistent administration of justice by 1) increasing procedural and substantive accessibility to the law among the judiciary, the legal profession and the local community; 2) enhancing judicial standards through education and management programs; and 3) supporting pilot community mediation projects for village-level non-formal dispute resolution.

The Asia Foundation will implement this comprehensive democracy program through a series of subgrants to Nepal government and nongovernmental organizations, in accordance with its own standard procedures and in coordination with the USAID Mission. The Foundation will complement the proposed USAID-funded program by utilizing its own general grant funds to support additional projects linked to parliamentary, legal, and pluralistic development in Nepal.

## THE PROGRAM ENVIRONMENT

Less than a year ago, Nepalis went to the polls for the first time in over thirty years to choose representatives for their new multiparty, democratic parliament. The resounding message from the election was that the voters wanted change from the status quo. They wanted an end to years of corruption, Kathmandu-centered development, and lack of hope bred in barred political freedoms.

While the elections signaled the desire for changing the status quo, lasting change will require strong democratic institutions matched with committed political leadership. The political will exists in Nepal, but democratic institutions are not built overnight.

The people of Nepal hold on to the hopes and freedoms that democracy has brought them. The current leaders of Nepal have a strong political commitment to maintain democracy and its institutions. The major threat that Nepal faces is the pace of change. For if the people do not see tangible change in their communities in reasonable time, their hopes will diminish. If democratic institutions do not develop to support the will of their leaders, the commitment of these leaders to democracy may fade. With this environment in mind, The Asia Foundation has designed a program that targets institutional changes that can have short-term positive effects but with long-term institutional development strategies in mind.

## PARLIAMENTARY DEVELOPMENT

In a parliamentary system like Nepal's--unlike the Presidential system found in the United States--most legislation is formulated and drafted in the executive ministries. The legislation is often pushed through the legislature intact by the MPs of the party in power.

However, as demonstrated by centuries of parliamentary democracy in England and elsewhere, this does not mean that Parliament is reduced to a mere debating society. The public airing of views in the Parliament serves as an important accountability check on legislation prepared by the bureaucracy. It gives the people's representatives and--through the press--the people themselves a chance to evaluate and react to proposals before they are imposed upon the nation.

Parliament can only be as effective as its members and staff. Where they lack the necessary procedural and policy sophistication to scrutinize government measures, parliamentary debate degenerates into accusations and rhetoric. If Nepal's representatives are to bring about the changes the people voted for, they and their offices must quickly develop leadership skills, a clear understanding of parliamentary practice, and most importantly, an understanding of policies and how they will affect their voters. Simultaneously, the public needs to know what they can reasonably expect of their representatives and how the policies they support will affect their daily lives.

In close consultation with the Speaker of the House of Representatives and the Secretary-General of the Parliament Secretariat, the Foundation has formulated a set of initiatives designed to bolster the Parliament's role in Nepali society. These initiatives fall into three broad categories:

- 1) To professionalize the Parliamentary Membership as responsible leaders and legislators;
- 2) To improve the management capacity of the Secretariat; and,
- 3) To increase public awareness of what they can reasonably expect of their representatives.

## Previous Asia Foundation Support

The Asia Foundation first established its relationship with the former National Panchayat in 1989 with a modest grant to acquire a special collection of books on representative government. With the successful restoration of democracy in 1990, The Asia Foundation moved quickly and responsively to the Secretariat's request for support for its new, multiparty Parliament. The first step was to bring the Foundation's Legislative Systems Consultant, Ms. Jane Ann Lindley, to Nepal to assess the needs of the new legislature and its Secretariat. (Ms. Lindley had been on the professional staff of the Congressional Research Services before joining TAF.) From two consultancy visits and an observation tour taken by the Secretariat senior management, a development plan was drafted.

With combined USAID DPI and TAF general grant funds, the Foundation set out to support the most immediate requirements that Ms. Lindley outlined in the development plan. These included the virtual creation of a library and research service; a pilot computerization and printing project to assist in the dissemination of debate proceedings; study tours for mid-level staff to expose them to other well-run democratic legislatures; Member orientation programs that included publications, and a video production on the role of Parliament; and in-house seminars on voting for National Assembly Members on rules of procedure, and on the budget.

With TAF general grant funds, three significant programs occurred this past year. Perhaps the most important was a visit by Mr. Michael J. Remington, former staff director and counsel for the U.S. House of Representatives Judiciary Committee. Mr. Remington participated in several intensive meetings with Nepal parliamentary leadership and led week-long workshops on legislative committee systems. In an effort to develop Tribhuvan University's capacity to impart knowledge and conduct educational programs about democratic political institutions including legislatures, the Foundation supported the participation of the chairman of TU's political science department in the Foundation's annual State Legislative Fellows Program. The Foundation plans to support the participation of a Parliament staffperson in this

year's U.S. Congressional Fellowship Program. Last year two mid-level Parliament officials participated in a month-long U.S.-Canada Comparative Legislatures Seminar that provided extensive exposure to and dialogue on the similarities and differences in parliamentary and presidential systems.

Given the earlier level of parliamentary experience both within the membership and the Secretariat staff, significant progress was made in providing tools to build the capacity of both. Further, both members and Secretariat staff have used the tools. The library is open, user-friendly and, during legislative session, busy with members and staff using its resources. The computer staff is well trained and using the provided computers and modern printing press. The video, publications, and member seminars were a modest first step in exposing the full membership to parliamentary theory and practice.

The expressed need at this point is to move from providing technical resources for the Parliament to strengthening its human resource potential. Management and capacity building at all levels of the Secretariat is critically needed so that proactive services can be provided on a timely basis. Concurrently, the Parliament membership will not be respected as public representatives unless they are able to effectively assume their roles as disciplined legislators who review policy and make law in response to constituency need. Finally the public has the right to demand that their representatives supply them with information about the issues and policy decisions that affect them.

#### Program Strategy, Objectives and Outputs

The strategy for development of institutional capacity-building of the Nepal Parliament is based on successful parliamentary development programs elsewhere in Asia including Thailand, the Philippines, and Indonesia. The Foundation recognizes the unique nature of Nepal's Parliament and political culture and will accordingly tailor its local strategy. Environmental factors that will support this strategy include: the leadership of both the Speaker and the Secretary-General who are committed to strengthening the Parliament as a democratic

institution; a national consensus supporting a multiparty legislature; leadership at the university and in national NGOs that wants to mobilize resources to support Parliament; and current global events that support an era of democratic institution-building.

The goal of this program is to increase the credibility and effectiveness of Parliament as a democratic institution. If Parliament is to have credibility and be effective, three things have to happen. First, Members must demonstrate competent, professional parliamentary practices and leadership. This includes a fundamental understanding of relevant policy issues. Second, the Parliament Secretariat must provide support services that enable MPs to carry out their responsibilities to the people. Third, the populace needs to understand what are reasonable expectations of their representatives and to be informed of new policy decisions that affect them. If these three things occur, Parliament will live up to the expectations of society and advance democracy in Nepal.

Objective 1. To professionalize Parliamentary membership as responsible leaders and legislators

OUTPUTS:

- o Leadership development initiatives established through workshops, observation/study tours, and multi-country seminar participation
- o Establishment of a Speaker's Forum to ultimately develop into a public affairs unit
- o Regular policy briefings for Members and committees on budget, economic, and sectoral issues
- o Parliamentary Service Internship program established with the university
- o Survey of private and university policy research capability completed
- o Pool of private and university-based policy expertise available to committees and Members for in-depth analysis of issues
- o Educational video program started for MPS

Objective 2: To improve the management capacity of the Secretariat to serve Members, process legislation, and be accountable to the public

OUTPUTS:

- o Trained Secretariat staff and improved Secretariat management
- o Bills and questions processed on more timely basis
- o Proceedings of debate, bills, and questions published on a more timely basis for Members and the public
- o Ministry legislative drafting staff trained
- o Improved legislative drafting services established
- o Increased and improved library and reference resources
- o Trained research staff
- o Legislative Information Management System in place

Objective 3: To increase public awareness and ability to evaluate Parliament

OUTPUTS:

- o Trained legislative reporters
- o NGOs trained to analyze parliamentary performance
- o Publication of occasional papers by policy experts
- o Education video program disseminated to the public

PARLIAMENTARY DEVELOPMENT PROJECT # 1

Project Activity: Parliament Secretariat and Tribhuvan University; Establishment of a Parliamentary Service Internship Program; and Development of a T.U. Legislative Research Resource Unit

Amount Requested: ~~\$106,500~~ 28,000

Background/Need: Critical Secretariat research staff positions are not being filled due to a government hiring freeze. Once they are hired, the new research staff will require training. The MPs need both an in-house research staff as well as access to expert advice and in-depth research capability as well as. At the same time, Tribhuvan University needs to strengthen its ability to provide policy analysis of legislative issues. Establishing a competitive fellowship program for outstanding graduates and a legislative research resource unit to serve the Parliament will promote linkages between the Parliament and the University and strengthen both institutions.

Description: The Foundation will annually award one-year fellowships to six outstanding young graduates of Tribhuvan University to work as Parliamentary Service Interns to assist the Secretariat with legislative research to support Members and committees. The Foundation will provide a stipend, salary for an intern advisor, and funds for a newsletter. The interns will be selected on a competitive basis and will most likely be graduates in economics, political science, or law. An advisor will make assignments, and coordinate and monitor their work. The interns will publish a modest newsletter on their research activities for use by Members and staff. This program will put additional intellectual resources at the disposal of the Parliament and may encourage some talented students to pursue careers as legislative staff.

Secondly, The Asia Foundation will support a survey of research resources in Kathmandu which will form the basis of a legislative research resource unit at Tribhuvan University. The survey will be undertaken by the University, under assignment by the University, to determine all university and private sector expertise available in Nepal for consultation on issues of

*fellowship program deleted for 3 years.*

*This program is deleted entirely.*

importance to the Parliament. The survey will require broad advertising, screening of talent, and development of a useful, computerized database of sectoral and other skills, experience, and knowledge. Once the survey is completed, it will be published for Members of Parliament. The Resource Unit will have two full-time staff to manage the program: a coordinator and a computer operator. Institutional support will include a computer, office furnishings, materials and printing costs. The University will provide office space.

A pool of expert consultants will be drawn from the survey list who are available to do in-depth research and analysis of issues for Members of Parliament and committees. The resource unit will be modeled on the TAF-supported Korean Institute of Legislative Studies and the Indonesian Parliament Distinguished Fellows Program. It is expected that this unit will draw not only upon university faculty members, but outside experts as well. The Foundation will work out an agreement with the university on staffing the unit and establishing a process for paying approved consultancies. Establishing a research unit responsive to the needs of the Members will enhance the capabilities of the University as well as the Parliament and, if successful, could evolve into a Nepal Institute for Legislative Studies. Approximately 8 consultancies a year would be available to the Parliament through this mechanism.

Budget:

USAID	USAID	USAID	
Year 1	<del>Year 2</del>	Year 3	
	Year I	Year II	Year III

Research Fellowship Program

Stipend for 6 fellows x 12 mos (\$50 x 6 x 12)	--	\$3,600	\$3,600	4,000
Newsletter Production Costs	--	\$1,400	\$1,500	2,000
Extra Stationary Supplies at Parliament	--	\$500	\$600	1,000
Intern Advisor (\$250 x 12 mos)	--	<u>\$3,000</u>	<u>\$3,300</u>	<u>3,500</u>
Total		\$8,500	\$9,000	10,500
		17,500	19,500	21,000

20

Budget: USAID Year 1 USAID Year 2 USAID Year 3

Survey of Consultants for Policy Research

Computer and Supplies	\$7,000		
Advertising and Printing	<u>\$3,000</u>		
Total	\$10,000		

*Delete*

TU Legislative Research Resource Unit

Fulltime Staff (2 staff @ \$250 per mo for 6 mos in Year 1, and \$300 per mo for 12 mos in Year 2; 3 staff @ \$300 per mo in Year 3

Office Furnishings	\$3,000	\$7,200	\$10,800
Supplies	\$1,500	\$2,000	\$1,500
	<u>\$500</u>	<u>\$2,800</u>	<u>\$2,700</u>
Total	\$5,000	\$12,000	\$15,000

*Delete*

Consultancies

(8 per year of varying duration)

<del>\$10,000</del>	<del>\$17,000</del>	<del>\$20,000</del>
---------------------	---------------------	---------------------

*Delete*

Year Totals ~~\$25,000~~ ~~\$37,500~~ ~~\$44,080~~

USAID Project TOTAL ~~\$106,500~~ \$128,000

N.B. Year 1 is a start-up phase and will be only six months.

## PARLIAMENTARY DEVELOPMENT PROJECT # 2

Project Activity: Parliament Secretariat: Library, Reference, and Research Service Development

Amount Requested: \$102,200

Background/Need: The Parliament Secretariat plays a vital role in providing support services that enable MPs to carry out their responsibilities to the people. Access to accurate, timely information on key issues is essential to Members' abilities to conduct informed discussion and debate and ultimately to draft and review sound legislation. Improving information resources and research services, even at a rudimentary level, is a high priority for the development of the Secretariat as a competent and professional institution. It is anticipated that the university-based program will complement this one and offer higher standards for research staff. As mentioned above, The Asia Foundation has already invested considerable resources in this particular section of the Secretariat. While significant progress has been made, additional human resource development is required.

Description: The Asia Foundation would continue to provide for the experienced professional services of Ms. Jane Lindley, Legislative Systems Consultant, to train Secretariat research staff. Taufique Rahman and Pasuram Misra, TAF management information systems consultants, will train staff and implement the final phase of a functional computerized legislative information system. In addition, the Foundation's San Francisco office will tailor a specialized U.S. based training course of six to nine months for a core group of Secretariat research staff in research methodology and preparation of basic, non-partisan issue briefs for members that lay out the background, provisions, and likely impact of measures under consideration using the U.S. Congressional Research Service model. Such a program requires the labor-intensive attention of The Asia Foundation San Francisco staff.

As counterpart, The Foundation will use its own general grant funds to increase library resources including print and audio-visual materials. The Foundation will continue to provide

special collections of books in important areas designated by the Parliamentary leadership, and to build the Nepali-language library. Books on economics and business, public administration, law, international relations and management will be given priority. To store the vast quantities of information produced by the Parliament each session, The Asia Foundation proposes to procure either a CD-ROM system or microfiche, depending on the feasibility of each, with USAID funds.

<u>Budget:</u>	USAID Year 1	USAID Year 2	USAID Year 3
<u>Microfiche Equipment and Supplies</u>	\$15,000	\$2,000	\$2,000
 <u>Final legislative information management system (LIMS) networking and software</u>	 \$15,000	 \$1,000	 \$1,000
 <u>Computer Consultant/Trainer</u>  (\$100/wk x 52 wks x .5 FTE in Year 1; \$500/mo x 12 mos x .5 FTE in Year 2)	  \$2,600	  \$3,000	  --
 <u>TAF/MIS Consultant</u> (includes travel from Bangladesh)			
15 person days @ \$120/day	\$1,800	--	--
. 3 trips @ \$200 airfare	<u>\$600</u>		
Total	\$2,400		

<u>Budget:</u>	USAID	USAID	USAID
<u>Legislative Research Training</u>			
<u>for 6 Participants</u>			
Int'l Travel @ \$2,000 each	--	\$12,000	--
Living Costs (@ \$1,200/mo x 6 people x 6 mos)	--	\$43,200	--
Domestic U.S. Travel	--	<u>\$3,000</u>	--
Total		\$58,200	
Year Totals	\$35,000	\$64,200	\$3,000
USAID Project TOTAL	\$102,200		

N.B. Jane Lindley's time is budgeted in Project #3.

### PARLIAMENTARY DEVELOPMENT PROJECT # 3

Project Activity: Parliament Secretariat: Management Training; Workshops, Internships, and Consultancies

Amount Requested: \$75,000

Background/Need: If the Nepal Parliament is to succeed, it requires a well-functioning Secretariat that can provide support services adapted to legislators' lawmaking and government control functions. The Secretariat must be strong enough to outlive the politicians. The Asia Foundation has already played a lead role with support from USAID in this area. In a recent needs assessment conducted by TAF management information systems staff, it was determined that now that computer and other equipment is in place, the Secretariat table, bill, and question sections need attention. These sections are fundamental to the legislative process and, perhaps more importantly, to public information about the legislative process. TAF consultant, Jane Lindley, has also identified other sections needing management attention. Finally, the Speaker of the House has made special requests for management training of specified staff. As the life of this project progresses, attention will also be paid to committee staff, protocol, financial administration, and budgeting.

Description: A series of programs will be supported to upgrade the technical and professional skills of Secretariat staff in key administrative areas. These programs will include in-country training workshops of two to six weeks in duration conducted by Nepali management consultants, and U.S. and Asian legislative consultants such as Jane Lindley and persons coming through in the Speaker's Forum; and internships for selected Secretariat staff in legislative bodies outside Nepal. A Request for Proposals will be issued to procure the services of appropriate Nepali management consultant firms to address needs identified expressly by the senior management of the Secretariat.

The Asia Foundation's strategy will be not only to work with the Secretariat in upgrading its staff and developing improved support services, but also to increase demand for these services by making the Members themselves more aware of the advantages these services bring them in performance of their duties.

<u>Budget:</u>	USAID	USAID	USAID
Nepal Management Consultants	\$10,000	\$15,000	\$15,000
Legislative Systems Management Consultant (Jane Lindley, 30 days in Year 1 and 15 in Year 2)	\$10,000	\$5,000	--
Internships in Asian Parliaments	<u>\$6,000</u>	<u>\$7,000</u>	<u>\$7,000</u>
Year Totals	\$26,000	\$27,000	\$22,000
USAID Project TOTAL	\$75,000		

## PARLIAMENTARY DEVELOPMENT PROJECT # 4

Project Activity: Parliament: Leadership Development Training for Members of Parliament and Development of a Speaker's Forum

Amount Requested: \$171,000

Background/Need: Most Members of the Nepal Parliament had never served in government prior to their election in the spring of 1991 and have had only a modest program of orientation and training to assist them in carrying out their duties. In many cases they lack a solid theoretical and historical grounding in the functions and operations of the legislative branch of government and have had no prior experience in managing the duties of their new office. They are often quite ill-prepared to function as effective parliamentarians. In the last legislative session there were periods of acute disruption with the opposition staging walkouts, demonstrations, and other filibustering techniques. The Speaker himself has indicated a need for education of Members so that they understand the responsibilities and discipline required of parliamentarians.

Also, it is essential to improving the policy dialogue within the Parliament for Members to have frequent access and exposure to substantive briefings on key issues related to current legislation. The Speaker of the House has repeatedly stressed the need to have substantive "issue briefings" for Members on a regular basis.

Description: The Foundation will support a well-conceptualized, ongoing leadership program for MPs to be integrated as part of a "Speaker's Forum." The Foundation will provide information on what the U.S. Congress and state legislatures are doing to orient and educate their members. The Foundation will arrange for four workshops per year to better inform Members of Parliament and selected staff on such topics as parliamentary practices and procedures; policy analysis and review; budget analysis; the function and procedures of committees and public hearings; presentation, augmentation, and compromise in passing bills and budgets; the role, resources, and limitations of the Secretariat; and methods of providing for effective constituency services.

These workshops will become integral to the ongoing development of a "Speaker's Forum".

To meet the acute need for Members to deepen their knowledge of public policy issues of significance, the Foundation will support seminars on these issues as part of the Speaker's Forum. These will be conducted by leading international scholars and other experts in the fields of law, business and economics, international relations, regional security, and the environment. It is anticipated that four seminars will be conducted the first year and the number increased each year. The Speaker's Forum will ideally be used by other donors and Nepali resources as a vehicle to brief Members of Parliaments and to expose them to many good ideas. Thus staff may be required in the Speaker's office to coordinate this program.

Parliamentarians from other Asian countries, the United States and other Western democracies will be brought in to conduct 5-10 day workshops. Informal education techniques will be emphasized to generate as much discussion between and engagement of the Members as possible. These workshops will be videotaped and edited to form the basis of a video library on parliamentary training.

Thus three potential program formats can occur in this particular project: 1) One to two day seminars with speakers from Asian Parliaments; 2) 5-10 day workshops organized by the Secretariat with outside expertise (consultants) from the U.S. or Asia; 3) longer training programs of up to 6-8 weeks in duration using more technical expertise from the U.S., Canada, or Europe.

In addition, The Asia Foundation proposes to organize a one-week multicountry consultation meeting in New Zealand with participation from parliamentary committee chairs and staff from several South and Southeast Asian countries to take place in 1993 to discuss the efficiencies and challenges of Parliamentary committee systems.

The Asia Foundation will partially finance the costs of Asian speakers in the Speaker's Forum and the multicountry meeting with general grant funds. Also, it is anticipated that other donors may want to use the Speaker's Forum.

<u>Budget:</u>	USAID Year 1	USAID Year 2	USAID Year 3
<u>Local Workshops</u> (4 per year)	\$8,000	\$8,000	\$8,000
<u>Multicountry Meeting on Committee System in New Zealand (4 participants)</u>			
International Travel (\$2,000 x 4)	\$8,000	--	--
Living Costs (\$3,000/week x 4)	<u>\$12,000</u>	--	--
Total	\$20,000	--	--
<u>U.S. Consultants</u> (8 persons)			
International Travel (\$2,500 x 8)	\$20,000	\$20,000	\$10,000
Fees (\$5,000/person mo x 4 mos)	<u>\$20,000</u>	<u>\$20,000</u>	<u>\$10,000</u>
Total	\$40,000	\$40,000	\$20,000
<u>Asian Speakers</u>			
International Travel (\$1,200 x 3)	\$3,600	\$3,600	\$3,600
. Per Diem and Honorarium (\$180 x 30 person days)	<u>\$5,400</u>	<u>\$5,400</u>	<u>\$5,400</u>
Total	\$9,000	\$9,000	\$9,000
Year Totals	\$77,000	\$57,000	\$37,000
USAID Project TOTAL	\$171,000		

29

## PARLIAMENTARY DEVELOPMENT PROJECT # 5

Project Activity: Parliament Membership: Observation Tours to Other Asian and New Democracies; and a Series of Seminars on Comparative Legislatures

Amount Requested: \$75,000

Background/Need: Because democracy is so new to Nepal, Members of Parliament often have had very little opportunity to gain exposure to the intricacies of working democracies--to observe what works and what does not. Exposure to other countries at different stages of democratic development can provide many learning opportunities and shared problem solving for leaders of new and more advanced democracies.

Description: At the request of the Speaker of the House, the Foundation will support a series of observation tours for Members of the Nepal Parliament. The tours will include visits to a number of other Asian Parliaments in order to provide the Members with both a comparative view of parliamentary systems and the opportunity to observe firsthand the operations of working parliaments. Members will observe committee structures and operations within the budget process, political party operations in the legislative branch, bill drafting, and other key functions of legislatures. As Eastern Europe, the CIS, Central Asia, and other new democracies progress with establishing new democratic institutions, The Asia Foundation will organize a study and exchange program where legislators can discuss shared problems and gain from each other's strengths. Each study/exchange program will be preceded by a special seminar to brief the participants on the legislative systems they will be visiting. These seminars will be conducted by Asia Foundation staff. Upon their return, the MPs will hold a debriefing seminar on what they have observed in the Secretariat conference room for their colleagues.

Each observation program will have four participants from Parliamentary membership and one from senior Secretariat staff to facilitate the professional relationship between leading politicians and government officers. The tours will be approximately two weeks in duration.

<u>Budget:</u>	USAID Year 1	USAID Year 2	USAID Year 3
<u>Annual SAARC Democracy Tour</u>			
Int'l Airfare (\$2,000 x 5 participants)	\$10,000	\$10,000	\$10,000
Per diem (\$100/day x 10 days x 5)	<u>\$5,000</u>	<u>\$5,000</u>	<u>\$5,000</u>
Total	\$15,000	\$15,000	\$15,000
<u>Eastern Europe, CIS, Central Asia Tour</u>			
Int'l Airfare and Ground Travel (\$6,400 x 3 participants)	--	\$19,200	--
Per diem (\$150/day x 24 days x 3)	--	<u>\$10,800</u>	--
Total	--	\$30,000	--
Year Totals	\$15,000	\$45,000	\$15,000
USAID Project TOTAL	\$75,000		

21

PARLIAMENTARY DEVELOPMENT PROJECT # 6

Project Activity: Ministry of Law, Justice, and Parliamentary Affairs: Training in Legislative Drafting

Amount: \$50,000

Background/Need: The Ministry of Law, Justice, and Parliamentary Affairs has primary responsibility for drafting legislation for enactment into national law. However, within the Ministry few staff have been trained in legislative drafting. If it is to carry out its appointed role in the legislative process, a priority area of support to the Ministry will be in the area of legislative drafting.

Description: At the request of the Ministry of Law, Justice, and Parliamentary Affairs, The Asia Foundation will bring an appropriate legal academician from the United States to conduct a two-week workshop and help devise plans for upgrading the legislative drafting capability and related legal skills of the Ministry. The Foundation will also arrange for one member of the Ministry staff to attend a one-semester course in legislative drafting either at the Public Law Center in New Orleans or the Legislating Drafting Program at Columbia University Law School.

<u>Budget:</u>	USAID Year 1	USAID Year 2	USAID Year 3
----------------	-----------------	-----------------	-----------------

Two-Week Workshop and Diagnostic  
(U.S. Consultant)

Int'l Airfare	\$2,500	--	--
Consultant Fees (@ \$350 day x 14 days)	\$4,900	--	--
Local Workshop Costs (space, materials, facilitators)	<u>\$2,600</u>	--	--
Total	\$10,000	--	--

U.S. Legislative Drafting Course  
(One person per year for 5 mos)

Int'l Airfare	\$2,500	\$2,500	--
Tuition	\$7,500	\$7,500	--
Living Costs (\$2,000/mo x 5 mos)	<u>\$10,000</u>	<u>\$10,000</u>	--
Total	\$20,000	\$20,000	--

Year Totals	\$30,000	\$20,000	--
-------------	----------	----------	----

USAID Project TOTAL	\$50,000		
---------------------	----------	--	--

PARLIAMENTARY DEVELOPMENT PROJECT # 7

Project Activity: Increased Public Awareness of Parliament through Research, Seminars, and Publications

Amount Requested: \$75,000

Background/Need: Efforts to strengthen the institutional capability of the Parliament must be accompanied by a series of initiatives dealing explicitly with Parliament's role in Nepal government and society. These efforts will help to focus popular attention on the legislative branch, its constitutionally-mandated lawmaking and government control functions, and its role in channeling the aspirations of Nepali citizens into the political process.

Description: The Asia Foundation will accept proposals from NGOs and policy research institutions that provide creative methods of civics education and public awareness regarding the legislature and its members. An example might be small newspapers targeted to neo-literate adults which cover such issues as their representative's voting record, policy issues affecting the local communities, how to evaluate your representative, etc. Radio programs, distinguished visitors of regional or international status, and video programs for TV might also be considered.

<u>Budget:</u>	USAID Year 1	USAID Year 2	USAID Year 3
Research, Seminars, Publications, etc.	\$30,000	\$25,000	\$20,000
USAID Project TOTAL	\$75,000		

## LEGAL AND JUDICIAL DEVELOPMENT

Nepal's new constitution adopts the American democratic tradition of an independent judiciary. For Nepal, this is a complete departure from the previous regime's system of a judiciary rooted in the executive branch of government. For a number of reasons, Nepal's judicial and legal system is weak and inaccessible creating barriers to the dispensation of justice and to checks on the executive branch. In addition, for two years after the Movement to Restore Democracy, the courts lay in complete disuse further exacerbating public distrust of the formal judicial system.

The courts are not the only weak link in the Nepal legal system. The entire legal infrastructure is weak. Rule of law is impossible where no one knows what the law is, and where no mechanism exists for finding it. Due to decades of panchayat rule under which the law and lawyers were systematically degraded, the law is substantively inaccessible. For example, no research system exists for finding the law. Nepal is a common law country in the sense that judicial decisions form binding precedents. The last attempt to "digest" existing Supreme Court cases and organize them by subject matter occurred over twelve years ago. No mechanism exists for transmitting Supreme Court decisions to the lower courts which, in theory, are bound to follow those precedents. Because it is virtually impossible to find out what the law is in Nepal, legal accountability is thin. There is no benchmark for determining whether judges have abused their discretion, and no standard for assessing whether lawyers have done their homework.

Even if every Nepal law and judicial opinion were published and made accessible tomorrow, little would change in the absence of capable courts to process legal claims and capable attorneys to present those claims. The Nepali court system is hobbled by archaic procedures and administration. No case management system exists for moving litigation through the courts. Due to the extraordinarily low salaries of judges compared to attorneys, corruption and lack of confidence in the system prevail.

Where the rule of law is degraded, so are lawyers. Although the profession flowered briefly after the overthrow of the Rana regime, the suppression of democracy in 1960 ushered in three decades of enforced mediocrity from which the Nepal bar has yet to recover. With notable exceptions, Nepali lawyers place little emphasis on knowing the law. This is understandable, since much of the law is substantively inaccessible. Rather than preparing for a hearing by studying how the law applies to the particular facts in question, lawyers typically throw themselves on the mercy of the court in a spontaneous plea for justice. Since the judge also is unlikely to know any law outside the Muluki Ain, the traditional Hindu-based legal code, the proceeding may lack any real legal foundation.

Although steps are being taken to institute a bar council and a bar examination, at present these institutions do not exist. One can practice law in Nepal with as little as twelve years of education. No code of legal ethics or judicial conduct has ever been considered.

At the village level, justice was rendered for many generations through traditional non-formal dispute resolution methods. During the panchayat system, this traditional scheme was overlaid with a more formalized "village council". With the restoration of democracy, both village councils and the formal court system were halted and discredited, leaving a vacuum for community-level judicial recourse.

While the above may paint a dismal picture, Nepalis--with their new constitution--have clearly chosen to be ruled by law. The constitutional mandate for an independent judiciary, the keen public interest in protecting the new constitution, a dynamic new Chief Justice, and an existing--if rudimentary--system for judicial education coincide to make this an unprecedented opportunity for building accessible and professional judicial and legal systems from the ground up. Nepal is most fortunate to have a Chief Justice whose commitment to the integrity and modernization of the judiciary will support all efforts to this end.

## Previous Asia Foundation Activities

The Asia Foundation has long been a major donor supporting human rights, and judicial and legal development in Asia. Although a young presence in Nepal, the Foundation has made a good start in addressing many of the problems outlined above and in establishing strong relationships and a pattern of cooperation within the legal and judicial communities. The Foundation first established a relationship with the Supreme Court in 1988. Since then, the Foundation has supported a computerization project to improve court administration and record-keeping, participation in U.S. and regional court management programs, and donation of law books to the Supreme Court Library. With USAID funds the Foundation has also provided support and expertise to the Judicial Services Training Center and the Ministry of Law and Justice Law Books Management Board. These latter two programs are to support judicial and government attorney education and to facilitate the process of Ministry legal drafting.

In addition, the Foundation contracted a law program advisor over the course of the last year who contributed widely to discourse with the legal community, the Supreme Court, and the Law Institute at Tribhuvan University about how to make the law and the courts more substantive and procedurally more capable and accessible.

The Foundation will continue with support from USAID and/or its own general grant funds to support the Nepal Arbitration Center, Tribhuvan University Law Institute programs, management training for the Women's Legal Services Project, and NGO legal aid or education programs. Also, the Foundation seeks to develop a legal framework for market activity with USAID economic liberalization funds. It is believed that this activity will complement the objectives contained within this democracy program and make a solid contribution to those of economic liberalization.

## Program Strategy, Objectives and Outputs

Strengthening the rule of law in Nepal means, at a minimum, progressing toward a state of affairs in which governmental actions--judicial, legislative and administrative--are constrained by the constitution, by existing laws, and by conceptions of natural justice or due process. This requires that the law be **substantively** and **institutionally accessible**. "Substantive" accessibility means that one can easily determine one's rights or what the law is; "institutional" accessibility means that the law can be enforced because capable courts and lawyers exist. **Community accessibility** means that even at the local level, people feel that they have access to justice and speedy resolution of disputes.

One of the main goals, then, of this three-year program is to more boldly etch a legal system into Nepal social, political, and economic life. To achieve this goal, the Foundation will work with members of the bar and the bench to strengthen the courts and legal profession, to articulate the law more clearly and systematically, and to broaden popular as well as professional access to the law. The Asia Foundation believes that this program will work hand-in-hand with the Parliament program to promote a more democratic culture in Nepal.

Work with the courts and the legal profession will focus on the law's substantive and institutional accessibility. Steps will be taken to develop a legal procedural code; a computerized and manual legal research system, case digests; and dissemination of decisions, cases, and new laws to the local level through benchbooks and other resources. Western and Asian expertise will be brought to Nepal to improve court administration and case management, and to advise on court revenue generation to decrease the demand for bribes. To improve the capabilities of the courts and the legal profession, the Foundation will continue curriculum and training development at the Judicial Services Training Center. (By the third year of the project, it is anticipated that JSTC and other planned programs will lead to a strengthened Attorney General's Office--another integral component of the legal infrastructure.) With support from USAID, the Foundation proposes to improve the quality of potential judges through annual internships, study tours, and selective

attendance at advanced law degree programs in both Asia and the United States. In addition, the Foundation through its own general grant funds will complement USAID support with continued efforts to develop young lawyers and legal education at Tribhuvan University.

The Asia Foundation will also systematically explore and develop model Nepali community mediation projects. The Foundation supports community mediation programs in a variety of Asian contexts and has significant in-house experience in this field. Four models for community mediation schemes can be followed: 1) local government programs (like the former village councils), 2) NGO-supported programs, 3) integration into rural resource management efforts such as community-based irrigation programs, and 4) training existing nonformal community mediators. The Foundation will explore the feasibility of these different models in the changed Nepal context. Additionally, the Foundation proposes to support Nepal Government drafting of community mediation legislation to insure long-term viability of any programmatic efforts in this regard.

Objective 1: To increase substantive accessibility to the law.

OUTPUTS:

- o English translation of current code, Mulaki Ain
- o Research, publication and dissemination of Supreme Court opinions
- o Computerized legal research system established
- o Publication of new case digest
- o Central Law Library established

Objective 2: To open institutional accessibility to the law.

OUTPUTS:

- o New procedural code drafted
- o Improved court administration and case management
- o Trained judicial services staff and government attorneys
- o Increased number of judges and lawyers with advanced law degrees

Objective 3: To provide community-level accessibility to the law.

OUTPUTS:

- Draft community mediation legislation
- Pilot community mediation project established
- Increased awareness of modernized community mediation models and nonformal dispute resolution methods and application
- New community legal aid programs established

## LEGAL AND JUDICIAL DEVELOPMENT PROJECT # 1

Project Activity: Supreme Court: New Procedural Code: Research Survey; American or Asian Consultant

Amount Requested : \$37,000

Background/Need: Current laws relating to court procedures are lengthy, ambiguous, and impractical for a modern state. The traditional legal code, the Muluki Ain, remains the principal source of procedural law in Nepal, and it is at least a decade out of date. Its densely-worded text contains many Arabic words and presents serious interpretative difficulties and many of its provisions are no longer valid. A modern procedural code is needed that can be readily understood and is easily accessible. The Asia Foundation will support translation of the Muluki Ain into English out of its general grant funds so that relevant parts of it can be incorporated into a new procedural code. The Foundation requests USAID funds to assist the Supreme Court in conducting a survey of existing procedural problems, and to provide the services of legal procedure specialists to draft a model code, and work with a team of judges who will recommend a new set of procedural codes.

Description: The Foundation will support a 12-district survey to be conducted by the Supreme Court and coordinated by the Foundation's legal advisor, of problems including those attributable to the existing procedural code, the problems caused by an absence of case management system, and the difficulty of enforcing the judgements of the courts. The survey will primarily be based upon interviews with district court officials. Once this survey is completed, the Foundation will provide a consultant on civil and criminal procedure to Nepal's Supreme Court to consult with judges, government officials, lawyers, and academics who together will then draft a model procedural code. A team of designated judges will review the draft code and prepare a final report to the Chief Justice setting forth specific proposals for new procedural rules.

In Year 2 of the project, The Asia Foundation will provide a second consultant to evaluate the progress of court procedure in

Nepal. Modifications in procedure and such systems that can be developed using computers will be established.

<u>Budget:</u>	USAID Year 1
<u>Survey</u> (\$1000 for local transportation and travel allowances x 12 districts)	\$12,000
<u>Consultant</u>	
Int'l Airfare	\$2,500
Daily fees @ \$500/day x 25 days ( <u>N.B.</u> U.S. judges and court officials have high daily rates)	<u>\$12,500</u>
Total	\$15,000
<u>Follow-up by consultant</u>	
Int'l Airfare	\$2,500
Daily fees @ \$500/day x 15 days	<u>\$7,500</u>
Total	\$10,000
USAID Project TOTAL	\$37,000

## LEGAL AND JUDICIAL DEVELOPMENT PROJECT #2

Project Activity: Supreme Court: Research and Planning Cell

Amount Requested: \$42,000

Background/Need: As described earlier, the law in Nepal is in effect substantively inaccessible because no mechanism exists to locate specific laws. Currently the Supreme Court research unit houses a library and a large file room. In the file room, are file cabinets stacked on top of file cabinets, locked to all but those with friends in the Supreme Court. The file cabinets contain handwritten records of all past judgements. Many of these records contain nothing more than the names of the parties involved and the outcome of the case. They may not give any record of what the case was about or the arguments or evidence used to support the decision. The Supreme Court knows it needs to rid itself of those decisions that might be considered "bad", and systematically put those that are still valid on computer or in a simple manual filing system.

Previous Support: The five computers donated to the Supreme Court by The Asia Foundation with general grant funds are the first step in the process of modernizing the Court research system. Currently the Foundation is providing technical assistance and training to the staff in computer use.

Description: The Asia Foundation will assist the Supreme Court in building its research capability in a number of areas. The Foundation will work with the Supreme Court to establish a central reference library. The Foundation proposes to provide an Asian expert on computerized legal research to make recommendations on how to convert the judicial opinions, which are currently being word-processed for publication, into a database that could be "searched" by advanced software in the future. Additionally, a part-time MIS consultant (Nepali) will be available for ongoing training and technical assistance in computerized research systems.

Support will also be given for publication and dissemination of a Supreme Court Digest, and to publish historical legal documents of statutory value.

<u>Budget:</u>	USAID Year 1	USAID Year 2	USAID Year 3
 <u>Legal Research Systems</u>			
<u>Consultant (Singapore)</u>			
Int'l Airfare		\$1,000	
Fees @ \$2,500/mo x 2 mos	--	<u>\$5,000</u>	--
Total	--	\$6,000	--
 <u>Publication Dissemination</u>			
Printing	\$3,000	\$3,000	--
Supplies	\$3,000	\$3,000	--
Postage and Freight	<u>\$4,000</u>	<u>\$4,000</u>	--
Total	\$10,000	\$10,000	--
 <u>8 week Internship for Supreme Court Research staff</u>			
Airfare to U.S.	\$2,500	--	--
Domestic U.S. Travel	\$1,500	--	--
Living Costs @ \$2,000/mo x 2 mos	\$4,000	--	--
Tuition for Short-term Research Courses	<u>\$4,000</u>	--	--
Total	\$12,000	--	--
 <u>Part-Time MIS Consultant (Nepali)</u> (\$200/mo x 10 mos)	 \$2,000	 \$2,000	 --
 Year Totals	 -\$24,000	 \$18,000	 --
 <b>USAID Project TOTAL</b>	 <b>\$42,000</b>		

### LEGAL AND JUDICIAL DEVELOPMENT PROJECT #3

Project Activity: Supreme Court: Judicial Education: Internships in Other Countries and Scholarships to Study Law Abroad

Amount Requested: \$20,000

Background/Need: The fair, speedy, and effective administration of justice requires that the members of the judiciary be properly educated in their roles and responsibilities. This requires not only proper training for judges at the time of assuming office, but also continuing education throughout their tenure of service. Judicial education and training are vital to dispensing justice in the courts.

Judicial education is especially important in Nepal where one can practice law with as little as twelve years of education, there has been no bar examination or bar council, and there is no code of legal ethics or judicial conduct. The law school at Tribhuvan University suffers from a low admissions standard, a deplorable plant facility, and a totally inadequate library. It is essential that Nepal's Supreme Court judges be given opportunities to continue their education and training.

Previous Support: For the past two years with USAID funds, The Asia Foundation has supported the development of the Judicial Services Training Center (JSTC). Whether judges will continue to receive training at JSTC has not yet been decided. TAF is proceeding on this project mindful that curriculum development and training of trainers needs to be targeted both to the JSTC and to judicial education generally. TAF support to JSTC goes through FY93. At the end of that grant, the Foundation will evaluate how best to continue support to in-country judicial education programs.

Description: The Foundation will begin to provide scholarships for judicial officers (the pool of future judges) to attend law schools in India and Sri Lanka and possibly New Zealand and/or Australia. If an outstanding legal/judicial scholar became apparent, then TAF would consider funding a scholarship to the U.S. A scholarship fund of \$15,000 will be established to offset

tuition and international travel costs. Law students will be expected to provide some counterpart funds.

The Foundation would send the Chief Justice of the Supreme Court to the bi-annual LAWASIA Chief Justices Conference which focuses on court management issues and shared problem solving.

The Foundation proposes to provide scholarships with USAID funds for five judicial officers to attain their LLM degrees in India, Sri Lanka, Australia or New Zealand.

The Foundation will continue support of the clinical legal education program at Tribhuvan University with its own general grant funds. A Foundation grant enabled the university to develop curriculum and an internship program to give law students practical experience. Through internships in law firms students gain familiarity with regular court proceedings, drafting documents, and dealing with clients. This year the law campus will open its first-ever legal aid program.

<u>Budget:</u>	USAID Year 1	USAID Year 2	USAID Year 3
<u>Scholarship Fund</u> for 2-3 court officers per year (5 total) to attain their law degree in India, Sri Lanka, or Aus/NZ	\$15,000	--	--
<u>LAWASIA Chief Justices Conf</u>			
Airfare	--	\$2,500	--
One Week's Allowance	--	<u>\$2,500</u>	--
Total	--	\$5,000	--
Year Totals	\$15,000	\$5,000	--
USAID Project TOTAL	\$20,000		

## LEGAL AND JUDICIAL DEVELOPMENT PROJECT # 4

Project Activity: Supreme Court: Management Training, Participation in Court Management Programs, Observation Tours, Case System

Amount Requested: \$60,000

Background/Need: At present, no system exists for moving litigation through the courts in Nepal. Cases are tried over a series of months and even years, sometimes taking up to ten years to reach a decision, with different judges involved at different stages of the case. Not only intolerable delay results, but also questions of fairness are raised. This system is also extremely cost-inefficient. There is a critical need to improve the management of cases in the courts so that they are completed in a timely and fair manner.

Description: The Foundation will send Supreme Court judges and staff to judicial education programs on case management and administration in the United States or Asia. (The Philippines has made great strides in court management.) The Asia Foundation has supported the development of court management systems in most of the fourteen countries in which it works. From years of experience, the Foundation has developed a detailed database of all short-term (continuing education) court management courses, seminars, and training programs in the U.S. The Foundation can easily tailor a two-week observation program to gain exposure to court systems in different Asian and American contexts followed by a month-long internship in an appropriate court context. Every few years The Foundation's San Francisco office organizes a multi-country court management program at its headquarters in San Francisco, attended by participants from all over Asia. Diverse seminars and hands-on exercises are led by leading U.S. court management experts.

The Foundation will also bring consultants to Nepal to work with the Supreme Court on devising systems for docketing cases, maintaining and transferring case files, monitoring judicial case loads, and avoiding backlogs. The consultants will make recommendations on court revenue generation mechanisms for

raising the salaries of judges and government attorneys to alleviate the temptation to take bribes.

<u>Budget:</u>	USAID Year 1	USAID Year 2	USAID Year 3
<u>Court Administration Observation</u>			
<u>Tours and Internships</u> (U.S. Study tour for one person/year for six weeks)			
Int'l Airfare	\$3,000	\$3,500	\$4,000
Domestic Airfare	\$1,500	\$1,500	\$1,500
Per Diem (\$150/day x 15 days)	\$2,250	\$2,250	\$2,250
Living Allowance for one month	<u>\$2,750</u>	<u>\$2,750</u>	<u>\$2,750</u>
Total	\$9,500	\$10,000	\$10,500
<u>Court Management Consultants</u>	\$15,000	--	--
<u>Participation in Bi-Annual TAF</u>			
<u>Organized Court Management</u>			
<u>Programs (2 people)</u>			
	--	--	\$15,000
Year Totals	\$24,500	\$10,000	\$25,500
USAID Project TOTAL	\$60,000 —		

48-

## LEGAL AND JUDICIAL DEVELOPMENT PROJECT #5

Project Activity: Nepal Legal NGOs/Tribhuvan University: Private Sector and University Contributions to Research System

Amount Requested : \$75,000

Background/Need: The objective of any research system is to make the law "transparent"--findable--so that a lawyer or judge who diligently follows an established methodology will find everything pertaining to a law on a given point. While many research tools exist in Nepal, they are incomplete, irregular, outdated, duplicative, and in the final analysis, too cumbersome to use. Because of the inadequacy and inconvenience of the existing formal research tools, Nepali lawyers rely heavily on informal research networks.

The Asia Foundation (with its own funds) brought law specialist, Steven Hirsch, to Nepal in 1991 and 1992 to research the existing Nepali legal system, specify shortcomings, and propose tools which could be created in order to improve the system. This project reflects his findings and recommendations.

Description: The Asia Foundation will review proposals from legal NGOs and/or the Tribhuvan University to support private efforts to consolidate Nepal's legal documentation system. While the Supreme Court will be responsible for digesting Supreme Court decisions, TAF will accept proposals from NGOs including TU law faculty who want to publish any of the research tools necessary for a complete and most importantly, accessible, research system. Priority will be given to those proposals which develop a plan to generate income from their research publications. Because the publications should prove invaluable to any practicing lawyer, it is anticipated that it should be a profitable venture.

The Foundation will work with legal NGOs, particularly outside of Kathmandu, to disseminate basic information on the law, available research tools, and Supreme Court opinions.

The Foundation will support development of the following research tools:

- (1) A new "Nepal Digest" to find judicial questions interpreting the Muluki Ain, statutes, rules, and the Constitution;
- (2) A new Nepal Kanoon Patrika to locate the full texts of the cases digested in the Nepal Digest;
- (3) A Nepal Citator Service (NCS) to check the continuing validity of reported opinions, and to locate newer opinions which cite those opinions; and,
- (4) An "Index of Unpublished Opinions" to find the latest unpublished opinions of the Supreme Court by subject matter.

The Foundation will use general grant funds to provide stipends to a group of third-year Tribhuvan law students to research and prepare a digest of Supreme Court opinions since 1979 (the last digest was done in 1979). This will provide support to good students and encourage them to read and analyze cases plus initiate a comprehensive digest in a cost-effective way. A Table of Cases will be added at the end to enable researchers to look up referenced cases once they have been published.

Budget: The Asia Foundation requests a budget of \$25,000 a year for three years to develop this private sector legal research system. The Asia Foundation will provide an additional \$5,000 a year for the TU research program as counterpart with general grant funds.

Throughout the life of the program The Asia Foundation will provide, with its own funds, the services of a law program advisor to facilitate the momentum and development of this and all projects identified in the legal component of this proposal.

## LEGAL AND JUDICIAL DEVELOPMENT PROJECT #6

Project Activity: Supreme Court: Dissemination of Opinions and Desktop Publishing, Benchbooks Publication

Amount Requested: \$46,000

Background/Need: No mechanism exists for transmitting Supreme Court opinions to the lower courts which in theory are bound to follow those precedents. Thus the Supreme Court is issuing new law into an institutional vacuum. Although Nepali law now consists of a complex layering of traditional, statutory, and constitutional law, the only widely-disseminated legal reference work is the Muluki Ain. Many lower court judges and lawyers know nothing about the decisions of the Supreme Court. Supreme Court opinions must be made regularly available at the local level if the opinions of the court are to become the law of the land.

Description: The Asia Foundation will provide the Supreme Court with the technical and financial assistance to publish a limited number of its important decisions predating the 1990 Constitution, and enable the Court to publish all decisions since then. The Foundation will assist the Court in devising a method for distributing its decisions to the lower courts, lawyers, and the public.

The Foundation will support the production, publication, and distribution of easy-to-use benchbooks for judges on civil procedure, criminal procedure, and rules of evidence. The benchbooks will be published in a format that will allow for easy reference, and for the inclusion of additions at a later date. They will be provided free of charge to Supreme, Appellate, and District Court Judges but will be sold to lawyers, thus creating a revolving fund for use in updating and enhancing the books.

The Foundation will support increased desktop publishing capability for the Supreme Court by providing additional computer hardware equipment and appropriate software to facilitate publication of Court opinions. As mentioned under Project # 2, this project will be under the jurisdiction of the Registrar's office. Both projects will be closely coordinated.

<u>Budget:</u>	USAID Year 1	USAID Year 2	USAID Year 3
Benchbooks Series (Printing costs)	\$5,000	\$5,000	\$10,000
Dissemination of Publications (Transportation, postage and freight to remote areas)	--	\$6,000	\$3,000
Upgrading Desktop Publishing Capability	--	\$15,000	\$2,000
Year Totals	\$5,000	\$26,000	\$15,000
USAID Project TOTAL	\$46,000		

- 52 -

## LEGAL AND JUDICIAL DEVELOPMENT PROJECT # 7

Project Activity: Study of Current Status and Feasibility of Nepal Community Mediation; Draft New Community Mediation Legislation; Establish Pilot Community Mediation Projects

Amount Requested: \$141,200

Background/Need: Non-formal methods of dispute resolution are consonant with Nepali tradition. Practiced in concert with a formal legal system, these methods can, in fact, help to support the rule of law. Mediators and conciliators do not need to be legal professionals, although some training in these methods is desirable. Mediators are frequently village leaders, educators, or persons well known to the community.

Village level dispute resolution in Nepal is both traditional and modern. Anthropological accounts of hill communities in Nepal and India describe dispute settlement by respected individuals or groups who say such authority has been exercised for generations--since long before the imposition of panchayat rule in Nepal.

Within jurisdictional bounds, the authority of the panchayat judicial councils was to be equal to that of the district court. The majority decision was to prevail. A New Era study found, however, that most villagers, including elected village panchayat officials, were ignorant of the limits of their statutory jurisdiction, as well as many details of substantive law and procedure. Yet, whether under official jurisdiction of village councils or not, the vast majority of disputes among villagers have been resolved at the village level.

Although the jurisdiction of village governments in the new democracy has yet to be spelled out, indications are that it will be similar to former provisions. For Nepal, with serious delay problems in the formal legal system, village-level dispute resolution offers a timely, cost-effective way of alleviating the burden on the formal legal system that is rooted in the tradition of the society and should be encouraged.

The Asia Foundation has supported the use of non-formal means of dispute resolution across Asia with training programs in dispute

resolution techniques, legal education, jurisdictional limits, integration to legal aid or advocacy programs, and public education about the advantages of mediation. The Foundation proposes to explore ways in which community mediation can be systematized at the village level.

The first step is to determine what has happened at the local level since the former Village Panchayat Act was abrogated and the village judicial councils were disbanded. How are village disputes being resolved? Are NGOs filling the role of the councils or do the councils still exist in an unofficial capacity? At the same time that the research is being conducted, the Foundation can explore locations to establish low-risk pilot mediation projects as research labs and trial models for strengthening village mediation.

Description: A survey of the existing legislation that bears on community mediation is needed to determine what amendments or replacements to existing law are needed. At the same time, a constituency that understands the importance of village dispute resolution will be important to generating support for any new legislation that is proposed. The Nepal Bar Association's endorsement will be critical as community mediation is often opposed by lawyers who view it as an economic threat. A key element of any strategy to promote community mediation will have to be an education program for the Bar to "sell" them on the process.

The Foundation proposes to organize a study/observation tour to Sri Lanka, Bangladesh, and the Philippines to expose study team members to working Asian community mediation systems. Ideally the team would include someone from at least joint secretary level from the Ministry of Law and Justice and a representative of the Nepal Bar Association, an anthropologist, and an outside expert on community mediation (four people).

The team would then review the status of current legislation bearing on community mediation and draft new legislation. The Foundation would provide for a consultant to the group--someone like P.B. Herat, the Sri Lankan Secretary of the Ministry of Law, who drafted the successful Sri Lanka government-sponsored Community Mediation Boards Act.

After the feasibility study is conducted, the Foundation also proposes to establish pilot mediation projects in two or three locations. The feasibility study will determine the type of model that best suits Nepal; that is, quasi-governmental model, non-governmental model, fully volunteer model, and so on. Training would be provided to prospective community mediators by an American or Asian expert in community mediation techniques. These pilot projects could be established in the second year of the program and continue on an experimental basis until the termination of the three-year grant, at which time a comprehensive evaluation would be conducted including recommended next steps. As the pilot projects progress, the Foundation will explore opportunities to establish legal aid programs as well.

<u>Budget:</u>	USAID Year 1	USAID Year 2	USAID Year 3
----------------	-----------------	-----------------	-----------------

Study/Observation Tour for  
4 Persons

Int'l Airfare (\$2,000 x 4)	\$8,000	--	--
20 days per diem (\$100/day x 4)	<u>\$8,000</u>	--	--
Total	\$16,000	--	--

Feasibility Study

20 days fees for 4 experts (\$50/day x 20 x 4)	\$4,000	--	--
Local Transportation	\$1,000	--	--
Report Writing Costs	<u>\$1,000</u>	--	--
Total	\$6,000	--	--

<u>Budget:</u>	USAID Year 1	USAID Year 2	USAID Year 3
----------------	-----------------	-----------------	-----------------

Draft Legislation Consultant

Int'l Airfare	\$1,200	--	--
Per diem (14 days x \$100)	\$1,400	--	--
Fee (14 days x \$100)	<u>\$1,400</u>	--	--
Total	\$4,000	--	--

Community Mediation Techniques  
Trainer

Int'l Airfare	\$2,500	--	--
Per diem (\$100/day x 14)	\$1,400	--	--
Fee (\$450 x 14 days)	<u>\$6,300</u>	--	--
Total	\$10,200	--	--

(N.B. This fee is considerably higher than TAF's usual rate, but is what we have paid in the field.)

<u>Budget:</u>	USAID Year 1	USAID Year 2	USAID Year 3
<u>Pilot Mediation Projects</u>			
(3 Projects)			
Start up costs	--	\$2,100	--
3 Fulltime Project Directors (\$2,600/year x 3 in Year 2; \$3,000/year x 3 in Year 3)	--	\$7,800	\$9,000
Office Rent/Utilities (3 offices)	--	\$10,000	\$11,500
Furnishings and Equipment (3 offices)	--	\$6,000	\$4,800
Trainings (Govt and NGO)	--	\$8,600	\$9,200
Supplies and Materials (3 offices)	--	\$7,500	\$7,500
Local Transportation	--	<u>\$3,000</u>	<u>\$3,000</u>
Total	--	\$45,000	\$45,000
<u>Evaluation</u>	--	--	\$15,000
Year Totals	\$36,200	\$45,000	\$60,000
USAID Project TOTAL	\$141,200		

## PROJECT ADMINISTRATION

This three-year program to strengthen democratic institutions in Nepal is intended to reflect a partnership between USAID and The Asia Foundation in all major aspects of project design, implementation, and management. In this regard, the project will be evaluated after eighteen months, and the work adjusted accordingly, based on the results of the project to date and the changing program environment in Nepal.

Attached to this proposal is an illustrative budget summary that lists anticipated projects in the three main program categories over the three years. Due to political, institutional, and programmatic realities, however, there will inevitably be changes in the exact plan, which will be discussed and agreed upon during the semi-annual review process. In implementing this program, the Foundation will draw upon its established procedures for administering subgrants to local institutions. These procedures have been tested and refined over many years, both within the Foundation's general grant program and in a variety of USAID-supported programs. Under these arrangements each subgrant to a local institution is provided through a letter of agreement that clearly states the goals of the grant, the activities to take place under the grant, and the project budget. It also specifies the subgrant's time frame and the grantee's reporting requirements, both substantive and financial.

### Program Management Unit

Implementation of this project will be staff-intensive. Its success is contingent upon the involvement of Asia Foundation staff at every stage of the grant process, beginning with subgrant identification and continuing through project development, monitoring, and evaluation. To help administer the project, The Asia Foundation will recruit a full-time Nepali program officer to monitor and evaluate the programs under this grant, a secretary, and an accountant. It is anticipated that these latter two staff will spend two-thirds of their time on this project. Due to the grant's close relationship to the Foundation's on-going program, responsibility for subgrants in each subject area will be shared by the Representative, the

Program Development Consultant, and the Program Officer. All staff recruited for the project are expected to be in place within three months after the grant agreement with USAID is signed.

The Asia Foundation will require additional equipment to support this project, and funds have been budgeted for these items. Since the Foundation will be launching this project as soon as the agreement is signed and funds are made available, the Foundation hopes that it will be possible to procure the equipment locally.

### **Monitoring and Evaluation**

The Asia Foundation will utilize its established procedures for monitoring and evaluating subgrants. Each subgrant will be provided through a letter of agreement that clearly states the project's objectives, the Foundation's expectations, the time frame for the grant and the subgrantee's obligations. The subgrantee will be required to submit interim and final substantive reports to the Foundation that provide self-evaluation of the project. The Asia Foundation will analyze these reports in conjunction with its own assessment derived from site visits during the development and implementation of this project. In addition, subgrantees will be required to submit financial reports to the Foundation on a semi-annual basis.

The Asia Foundation will provide annual substantive reports to USAID. An interim report submitted every six months will provide a brief evaluation of the overall project, as well as progress reports on each individual subgrant. The Asia Foundation will also provide USAID with quarterly financial reports on the project, in accordance with established procedure.

The Foundation has budgeted funds for annual external audits of all the of the non-governmental organization subgrantees as well as for selective evaluations of individual subgrants.

Funds have also been budgeted for an extensive external evaluation midway through the project (at month 18). The evaluation will be performed by an expatriate expert (possibly Asia Foundation San Francisco evaluation staff) and one USAID

staff member, and will be used to assess the overall impact of the program in both qualitative and quantitative terms, to make recommendations for future improvements in project implementation. It is possible that new programming opportunities will emerge after the first 18 months that will warrant changes in this proposed budget submission. For example, while neither the Attorney General nor Auditor General's offices are included, at some point TAF might want to establish a grant relationship with them. Currently, the Parliament is not at the stage for a Budget Office modeled on our Congressional Budget Office, but it is something that the Parliament can aspire to and which the evaluation team will want to consider.

March 8, 1993 TAF

REVISED BUDGET  
Democratic Institutions Strengthening Project

## PARLIAMENTARY DEVELOPMENT

Description	Year 1	Year 2	Year 3	Total	Cost Sharing
1. Parliament Secretariat and Tribhuvan University Internship Program	8,500	9,500	10,000	28,000	
2. Parliament Secretariat Library, Reference and Research Services	35,000	64,200	3,000	102,200	
3. Parliament Secretariat Management Training	26,000	27,000	22,000	75,000	
4. Parliament Leadership Development for MPs	77,000	57,000	37,000	171,000	
5. Parliament Membership Study Tours and Seminars	15,000	45,000	15,000	75,000	
6. Ministry of Law, Justice, and Parliamentary Affairs: Legislative Drafting Training	30,000	20,000	0	50,000	
7. Increased Public Awareness of Parliament	30,000	25,000	20,000	75,000	
<b>SUBTOTAL USAID</b>	<b>\$221,500</b>	<b>\$247,700</b>	<b>\$107,000</b>	<b>\$576,000</b>	
8. Library Books					15,000
9. Increased HMG budget for supplies, equipment maintenance, and in-service training					30,000
<b>SUBTOTAL COST SHARING</b>					<b>\$45,000</b>

## LEGAL AND JUDICIAL DEVELOPMENT

Description	Year 1	Year 2	Year 3	Total
1. Supreme Court: New Procedural Codes	37,000	0	0	37,000
2. Supreme Court: Research and Planning cell	24,000	18,000	0	42,000
3. Supreme Court: Judicial Education	15,000	5,000	0	20,000

61

3/3/53  
Cost  
Sharing

Description	Year 1	Year 2	Year 3	Total	
4. Supreme Court: Improved Management	24,500	10,000	25,000	59,500	
5. NGOs and TU: Research Development	25,000	25,000	25,000	75,000	
6. Supreme Court: Dissemination of Opinions	5,000	26,000	15,000	46,000	
7. Community Mediation Survey and Pilot	36,200	45,000	60,000	141,200	
<b>SUBTOTAL USAID</b>	<b>\$166,700</b>	<b>\$129,000</b>	<b>\$135,000</b>	<b>\$420,000</b>	
8. Law Books Donations					25,000
9. Increased Supreme Court Budget for Dissemination of Publications					7,000
10. Central Law Library Building, Maintenance, and Staff					75,000
11. Increased budget for supplies, materials, etc.					15,000
<b>SUBTOTAL COST SHARING</b>					<b>\$122,000</b>
Audits and Evaluation	5,000	5,000	5,000	15,000	
Program Management Unit	14,436	15,148	15,905	45,489	
<b>TOTAL PROJECT COSTS</b>	<b>\$407,636</b>	<b>\$396,848</b>	<b>\$252,905</b>	<b>\$1,057,389</b>	
Program Service Costs				204,500	
<b>TOTAL Direct Program Costs</b>				<b>\$1,261,889</b>	
Indirect Costs at 26% of total direct program costs (provisional rate)				328,091	
<b>TOTAL THREE-YEAR PROGRAM COSTS (USAID Support)</b>				<b>\$1,589,980</b>	
TAF and Subgrantee Cost Sharing					<b>\$147,000</b>
<b>TOTAL PROGRAM COSTS</b>					<b>\$1,736,980</b>

9.5/11 =  $\frac{1,589,980}{167,000} = 9.53$   
 (9.5/11) =  $\frac{1,589,980}{167,000} = 9.53$   
 (9.5/11) =  $\frac{1,589,980}{167,000} = 9.53$

W