

PD-ABQ-617
98234

28

**An Evaluation of The Asia Foundation's Democracy Program
in Mongolia**

USAID Grant No 438-0002-G-003441

June 1993 - June 1996

Prepared for The Asia Foundation Mongolia

July 1996

David Hirschmann

1

TABLE OF CONTENTS

- i) EXECUTIVE SUMMARY
- ii) ACKNOWLEDGEMENTS
- 1 EVALUATION METHOD
- 2 PROGRAM CONCEPT
- 3 PROGRAM MANAGEMENT
- 4 PROGRAM RESULTS
- 5 TAF-USAID RELATIONS
- 6 RECOMMENDATIONS

APPENDIX List of People Contacted

Please note that throughout this report 'TAF' refers to The Asia Foundation/Mongolia and 'USAID' refers to USAID/Mongolia

(i) EXECUTIVE SUMMARY

1) PROGRAM CONCEPT

i) Given the urgent challenges facing Mongolian democracy in 1993, the uncertainty and novelty of institutional relationships and responsibilities, and the limited budget with which The Asia Foundation/Mongolia (TAF) was working, the set of concerns contained in the grant agreement between the United States Agency for International Development/Mongolia (USAID) and TAF made considerable sense at the time. For purposes of this evaluation therefore the basic conceptualization of the program appears to have been sound.

ii) Three years later the underlying logic of the strategy has held up well. There have been changes in, or changed perceptions of, the dynamics of these three program components or 'issue areas' as TAF refers to them, which have called for adaptations by TAF, but they have not challenged the basic argument behind the strategy.

2) PROGRAM MANAGEMENT

i) Programming of all kinds appeared to be of very high quality and appropriate.

ii) Overall a very satisfactory level of people has consistently been selected.

iii) Problem cases have been few in number and relatively minor in scale. In each case TAF itself came across the problem and responded appropriately.

iv) This program has a very strong record in incorporating women's participation.

v) TAF has provided some assistance to NGOs to help them become more self-sufficient and it probably could have done no more about sustainability at this stage.

vi) Overwhelmingly grantees rated the flexibility and responsiveness of TAF highly.

vii) TAF for its own internal management and analytical purposes (which in turn would have assisted in its response to USAID) might have given more attention to developing a more effective results focus in its management of programs.

viii) The ratio of administrative to program cost of the USAID grant does appear high, and clearly the program moved more slowly than had been anticipated. But the evaluator accepts the argument for a gradualist approach to managing a program in such a new environment and with such fragile institutions. Based on the state of the local institutions on which the program had to be built, results achieved particularly in the area of civil society, and on the value added by TAF, it is concluded that USAID has received a good return on its money and that the program is a credit to both USAID and TAF.

3) PROGRAM RESULTS

i) Representative Government Although some of the efforts may bear fruit under a new Parliament, the results amount to a modest impact of a small set of initiatives. In the view of the evaluator, however, these very few illustrations indicate that it is possible to make strategic interventions with modest amounts of money, and that work with Parliament (directly, or indirectly through NGOs) is deserving of reconsideration.

ii) Legal Education and Reform The work with the Chief Justice and Supreme Court was probably strategically significant, and the early exposure to change of large numbers of judges from all across the country must be seen as useful. Overall, however, this is a limited set of results, based on a relatively small program of undertakings, spread over too many sub-themes.

iii) Popular Participation/Civil Society Clearly in this area, particularly among women's organizations, considerable headway has been made. There are both direct early impacts and broader longer term results affecting relatively large numbers of people many of them rural, some early institutional strengthening, and some interlinked effects, for example in work on elections, Parliamentary responsiveness and press freedom. With the results of the most recent election, a number of initiatives such as the work with the Parliamentary Secretariat, the draft media and NGO laws have a very high likelihood of making progress. The June 30 election itself reflects well on the work of TAF. 25 candidates who ran for Parliament were TAF grantees, 16 men and 9 women, of these 10 men and 7 women succeeded.

4) RECOMMENDATIONS

Recommendations 1-4 focus on suggested means for substantively increasing program impacts through seeking cost effective or cost saving techniques such as electronic media or training as a means to more training rather than an end. Recommendations 5-8, while reinforcing the idea of augmenting impact, stress the need for analysis (of scale and depth of problems), strategic planning and design and monitoring of results. Recommendations 9-12 include a selection of ideas for enhancing the quality of the program.

- i) More in-country training
- ii) More training of trainers
- iii) Using Government networks
- iv) Scaling-up programs
- v) From exposure to competence
- vi) From concept to coverage
- vii) Focus groups
- viii) Strategic planning and results focus
- ix) Women's rights as human rights
- x) Sustainability
- xi) Enhancing economic linkages
- xii) Broadening the net of local partners

(ii) ACKNOWLEDGEMENTS

I want firstly to express my sincere gratitude to the officers of The Asia Foundation/Mongolia (TAF), namely Sheldon Severinghaus, Representative, Jennifer Butz, Assistant Representative, Oyunbileg, Program Officer, and Undarya, Program Officer. Being required to serve as both host and 'evaluatee' is difficult. But this was carried out by all the TAF officers in a manner that was open, helpful, friendly and yet fully professional at all times. I was given open and full access to all in-house documents, and considerable trouble was taken to arrange a full program of meetings with a wide range of people, some suggested by TAF and some requested by me.

I would like to express my appreciation to Chuck Howell, USAID Representative, and Sukherel, USAID Program Specialist, and to Ambassador Donald Johnson for making themselves available for meetings and providing very useful insights into the evaluation.

This was a time when all the parties mentioned were under severe pressure. Not only was TAF undergoing an evaluation of its three year program, but it was also closing the program, formulating new proposals, and preparing for an important national election and a visiting election team. USAID too was overseeing the end of this program, in the process of being closed down, and also dealing with the elections. Nevertheless everyone found the time to be fully cooperative.

Vera Young and Gordon Hein of TAF San Francisco were also of considerable assistance. In particular I want to express thanks to Vera Young for conscientious and detailed preparation of my program in the US and travel arrangements. I would also like to express thanks to Nancy Yuan for assistance in Washington DC.

Finally I am very grateful to all of the sixty people who took the trouble to be interviewed for this exercise, a number of them more than once. Their names are listed in Appendix 1.

SECTION 1 EVALUATION METHODOLOGY

There were two primary sources of materials, namely documents and interviews

1) DOCUMENTARY SOURCES

The following categories of documents were consulted

- a) The 'fundamental' documents were TAF's project proposal (1993), the grant agreement between USAID and TAF (June 1993), a few no cost extensions, TAF's Strategic Objective Framework (September 1995) and Workplan (October 1995), USAID/Mongolia Action Plan for FY 1995 - FY 1997 (1995), USAID's R4 Document (March 1996), and USAID/Mongolia Democratic Initiatives Strategic Objective (SO) Number Two (May 1996)
- b) 11 Quarterly Reports which contain brief descriptions of projects, financial and expenditure details both periodic and cumulative, justifications and explanations both programmatic and administrative, some mention of results of projects, numbers of beneficiaries direct and indirect, disaggregated by gender, and occasionally problems that arose during the course of the quarter. These are basic management documents supplied to USAID under the terms of the grant agreement
- c) 24 of 41 Project Files which include all the administrative arrangements, programs/agenda schedules/course curricula, consultant reports, correspondence between TAF and the grantees and with USAID (including the required project proposals and post-activity reports and correspondence), and with TAF San Francisco, and grantee reports
- d) TAF Fiscal Year Planning Budgets and Annual Reports
- e) Background reading (some of it provided by TAF San Francisco) on Mongolia and human rights and documents/studies supplied by other donors such as UNDP and ADB

2) INTERVIEWS

The following interviews were carried out (see Appendix 1 List of People Contacted)

- a) Interviews with The Asia Foundation officers in Washington DC and San Francisco on general guiding operational principles of the Foundation, its work in Asia and Mongolia, and more specifically with the responsible officers about specific programs such as visits, study tours and conferences undertaken in Mongolia and with Mongolians
- b) Consultants based in the US who had worked on programs in Mongolia or who had helped with programs for Mongolian grantees in the US about these activities focused on quality of

programs, support from The Asia Foundation in Asia, Mongolia and the US, and quality and appropriateness of grantees

c) TAF and USAID staff in Mongolia on an on-going basis on all topics concerned with the program contextual, programmatic and administration

d) Mongolians and expatriates in Mongolia on the political, social and economic context and role of other donors in the field of democracy and related fields such as privatization, the economy and poverty

e) Mongolian grantees or those working for institutions receiving grants These were core interviews

Some explanations need to be made about these interviews since the need for frankness which is essential to such interviews is not easily achieved The difficulty is that the community of grantees, potential grantees and grantors is a very small one and an environment of anonymity and confidentiality is not easily established Most people are grateful too and are unlikely to criticize the grantor In addition there would be a real fear about harming further opportunities for grants There was clearly a concern among some of the interviewees that the evaluation signalled an end to the TAF program and a number of interviewees made it clear that they wanted the program to continue

There is no way of completely overcoming such a problem but every effort was made to assure the interviewees of full confidentiality I explained that I was completely independent of TAF Where the interviewee spoke English I carried out the interview alone When I spoke to a Mongolian who could not speak English and who was not connected to a TAF program in any way, TAF staff helped with translation When I spoke with a Mongolian grantee who could not speak English, an independent translator was provided In this last mentioned situation I explained that the translator was completely independent as well I emphasized too that responses would not be linked in any way with the interviewee or a program, but would be included in a general discussion of what worked and did not work, lessons learned and recommendations In case interviewees felt uncomfortable with providing criticism as such, I asked them to make suggestions for improvements In one way or another I gave them every opportunity to make critical comments, and some did so Finally I put the emphasis of my questions on concrete results, i e I pressed them to explain to me how exactly they had made use of what they had learned to contribute to democracy in Mongolia, and, where appropriate, asked for supporting materials

3) EVALUATION FOCUS

In using the above sources the evaluation focused on the following issues which form the content of this report

- Quality of Programming
- Quality and Appropriateness of Grantees
- Value Added
- Gender
- Extent and Management of Problem Cases
- Sustainability
- Flexibility and Responsiveness
- Focus on Results/Impacts
- Relations with USAID
- Value for Money
- Concrete Results

Most of the findings on the above issues are included in the section on Program Management, but some are separated out for discussion in other sections

SECTION 2. PROGRAM CONCEPT

This evaluation will not provide a pre-1993 background to TAF programming or the usual brief history of Mongolia's political progress. This can be found in a good number of TAF and USAID documents.

The broad logic of the program, as conceived in 1993, was that with the basic democratic structures laid out in the 1992 constitution, this next phase would be one in which the general formal principles of the constitution become operationalized as new institutions would be created and old ones transformed. It was anticipated that there would likely be a period of testing as these institutions defined their various roles and worked out their relationships with each other: the legal system, the Parliament, the citizenry and the Government would all be challenged by their new responsibilities.

As Mongolia's democratization proceeded, therefore, TAF assistance would shift to a strategy of consolidation -- bolstering the young fragile infrastructure of institutions and processes recently put in place and ensuring the smooth and orderly continuation of the transition process. To that end TAF's overall Mongolia program intended to focus on strengthening the new and inexperienced Parliament, legal system and a variety of advocacy/oversight mechanisms in the non-governmental sector, including the media.

More specifically the Program intended to operate in the areas of Representative Government, Legal Reform and Education, and Popular Participation. In very summarized form, the program proposal mutually agreed upon by TAF and USAID in 1993 highlighted the following objectives which are paraphrased from the Agreement:

1) REPRESENTATIVE GOVERNMENT

TAF's emphasis would shift from working on substantive constitutional areas to institutional development of the new Parliament itself and development of its relationship with its citizenry. Primary emphasis would be put on legislative responsiveness, effective support services and Parliamentary accountability to the people. TAF would seek to achieve this through encouraging the Parliament to develop an efficient and effective non-partisan Secretariat operating in support of legislators, and to develop Parliamentarians' understanding of substantive policy areas and the role that legislatures play in a democratic balance of powers.

2) LEGAL REFORM AND EDUCATION

Each of the components of the legal system (procuracy, advocacy and judiciary) would have new roles, responsibilities and challenges. Amongst other deficiencies there was a severe lack of training, no professional licensing exams, no concept of a legal profession as such, no tradition of independence, few legal officers had any experience dealing with disputes.

characteristic of democratic and market oriented systems, and the judiciary had not assumed the mandate as the primary check on government power

Therefore TAF's aim was to help establish an independent judiciary, including attention to the Constitutional Court and the Supreme Court, and to provide training and programs to educate the public about their rights. Also TAF would give attention to the predicament of women, carry out civic education programs for women, promote legal education and training through academic programs, and through in-service re-training of legal practitioners

3) POPULAR PARTICIPATION

In the new climate of free association, new NGOs were starting up. TAF undertook to make a concerted effort to identify and support the embryonic NGOs, particularly those attempting to participate in public affairs. These might include professional, advocacy, policy research, or special interest groups. Also TAF would attend to broader issues common to NGOs relating to legal, financial and management barriers to their progress.

It is important to characterize this program at the outset, and in particular to point out what its main components include and exclude. Firstly, it is institutionally based, that is, it focuses on Parliament, the judiciary and even with popular participation, it is interested in NGOs. This institutional focus encompasses institutional development, leadership development within these institutions, and aims at policy reform through these institutional initiatives. In other words, the program is not primarily people-focused. Furthermore, the institutions are formal ones rather than cultural, traditional or alternate dispute resolution type associations. It follows that at least in its early stages the program would be focused on activities and organizations in the capital and work with middle class/elite/more highly educated people, rather than giving attention to poorer/less educated people living outside the capital. It is also 'politically' focussed in the sense of concentrating mainly (though not only) on public policy-making, adjudicating and influencing agencies, and less so on working within a broader political economy framework which might include efforts to incorporate economic policy, economic participation or/and poverty concerns.

Given the immediate challenges facing democracy, the uncertainty and novelty of institutional relationships and responsibilities, and the limited budget with which TAF was working, this set of concerns made considerable sense at the time and for purposes of this evaluation the basic conceptualization of the program appears to be sound.

Three years later the underlying logic of the strategy has held up well. There have been changes in, or changed perceptions of, the dynamics of these three program components or 'issue areas' as TAF refers to them, which have called for adaptations by TAF, but they have not challenged the basic logic behind the strategy. The scale and depth of the problems and lingering recalcitrance to undertake reform may however have challenged TAF's capacity, based on a limited grant, to make an impact in all these areas and that too has led to some adaptations.

These dynamics will be dealt with more fully in Section 4 on Program Results, but in brief it should be noted that while some progress was achieved in each of the three issue areas, Parliament turned out to be less responsive to change than was anticipated, civil society (and most notably women's non-governmental organizations) more responsive, and the judiciary a more substantial challenge than may have been expected

SECTION 3 PROGRAM MANAGEMENT

In accordance with the Agreement with USAID, more specifically the proposal that was accepted in the agreement, TAF undertook to administer the grant in accordance with its established procedures for developing and administering grants to local institutions. Under these arrangements each grant to a local institution is provided through a Letter of Agreement that clearly states the project's objective and budget, the Foundation's expectations and the grantee's obligations. It also specifies the grant's duration and provides for regular financial reporting and substantive evaluation by the grantee.

Based on the sample of activity files (over half) these procedures have been consistently followed. Each of the requirements appears to have been fulfilled by both TAF and the grantee organizations. The one exception to this is grantee reports. A few were not found in the files, and some are very superficial, amounting to little more than a list of activities. While some account must be taken of language difficulties, and of problems of collecting reports after an event, some of these reports do not amount to the 'substantive evaluations' required by TAF.

Further discussion of TAF's program management will take place under the following eight headings: Quality of programming, Quality of grantees, Management of problem cases, Gender, Sustainability, Flexibility and responsiveness to local needs, results focus, and Efficiency return on USAID investment.

1) QUALITY OF PROGRAMMING

The evaluator gave attention to quality of programming including the appropriateness, timeliness, detail, care, support and reported utility of programs.

Some interviewees suggested improvements for study programs. These most frequently related to length of the program: most wanted to increase the period of the course, possibly so that a degree could be obtained (in general TAF does not provide fellowships for degree courses), others in order to learn more. While one might anticipate that grantees would seek longer courses, the length of courses should continue to be given serious consideration. A few suggested more practical periods/professional affiliations which they said were more useful to them as practitioners. Also a few said they while in the US they needed more support academically and socially and in intensive English language training in order to benefit fully from courses. Some found the scale of smaller state agencies more relevant to them than federal government agencies and this was confirmed by a program manager in TAF San Francisco. On programs delivered in Mongolia I heard very few complaints at all. It might be noted that in one of the large legal training courses less than half the participants filled in the evaluation form and there were some less than enthusiastic responses.

On the whole the programs -- and many were looked at in San Francisco and Ulaanbaatar-- prepared for study tours or fellowships or consultant workshops in Mongolia

appeared to be consistently of very high quality. They were based on very careful and detailed preparation and selection of topics and methods of presentations seemed professionally excellent. In the overwhelming majority of cases grantees and grantee organizations were very pleased with the programs arranged for them and with the support they received.

Quality of programming of all kinds appeared to be of very high quality and appropriate.

2) QUALITY OF GRANTEES

There were a few cases in which it was noted by interviewees that people were not fully appropriate, and had not been completely engaged in programs, and it was suggested that possibly this is something an organization like TAF has to do from time to time for political/diplomatic reasons. Also on a few occasions it was suggested that people who were sent to the US may have benefitted more if their English were of a higher standard. These sorts of points were very much the exception. Based on many reports from host institutions and consultants who worked with Mongolians abroad or in-country, the conclusion is that overall great care is taken in selecting high quality candidates.

A separate point was also made that some of the grantees do not stay very long with their original departments or agencies when they return from the US, but as things stand there is not much that can be done -- although this is subject of a recommendation.

Overall, a very satisfactory level of people have consistently been selected.

3) MANAGEMENT OF PROBLEM CASES

There was a total of five cases in which the Foundation's grantees either mismanaged funds or changed personnel selected for study tours without agreement from TAF. In another case a grantee made use of funds to employ a relative. The evaluator came across three of these in TAF Quarterly Reports and three were conveyed verbally. All six were picked up by TAF's own monitoring system.

The evaluator also learned from interviewees about these problems. Sometimes they confirmed these events in their own organizations. In other cases they were mentioned or rumored by way of criticism of TAF or a particular NGO's management. Not surprisingly in such a small community, I found such rumors or reports to be mainly accurate in the sense that they accorded with TAF's own experiences and versions, but they went no further. In other words, while it is possible that there are other problems of which TAF is unaware, I did not hear of any from respondents who were ready to criticize.

In each case TAF has become aware of the mismanagement and responded quickly. It demanded the money back and where appropriate it followed up by trying to assist with strengthening the financial management of the organization. Where further cooperation was inappropriate TAF ceased working with the organization. In most cases the organizations

concerned have fired the person responsible. In one case the money has not been paid back despite efforts by TAF, and this case will go to court, and in another case most but not all of it has been paid back, and the grantee is continuing with a *bona fide* effort to repay.

These problems are to be expected in a new program where the culture and role of private voluntary organizations is such a novelty and where money and jobs are so poorly paid or unavailable, cases have been very few in number and all examples of problems have been relatively minor in scale. In each case TAF itself came across the problem quickly and responded appropriately.

4) GENDER

Attention to women and gender is a central component of this evaluation. Clearly this program came to focus effectively on women's organizations and women beneficiaries, not so much as a result of a decision by TAF to do so, but rather as a consequence of the very positive response from women. The program's initial conceptualization itself does not appear to have given attention to substantive gender issues, say as part of a legislative agenda or in the area of legal reform and human rights (and this may be something TAF may want to consider in future), but the women's organizations with which TAF has cooperated have done so very effectively.

As will become clear from the discussion of Program Results in the next section, (and as is indicated by the gender disaggregated number of beneficiaries discussed below) this program (in its later stages bolstered by funds from APWIP) clearly emerges with a very strong and effective record in encouraging and incorporating women's participation and increasingly the inclusion of their concerns.

5) SUSTAINABILITY

This is an essential long term goal for all assistance, more so for the type of institutional strengthening in which TAF is engaged. In a country as poor, and going through as a difficult an economic transition as Mongolia has experienced, sustainability is however as difficult a challenge as it is important.

At the earliest stages it is probably more important to get things moving, set precedents and examples, provide exposure, pass legislation, train and educate, respond to immediate problems etc, and to ensure that agreements and therefore objectives are achieved and lessons learned. Sustainability issues may come second.

TAF appears to have made efforts to encourage NGOs to seek funding from other donors and some have done so successfully, provided a series of well received and practically focused NGO workshops and one-on-one advisory consultancies on strengthening NGOs, their financial management and fund raising capacities. Of significance too have been a systematic series of efforts (which, given the election results may achieve results some time soon) to pass legislation which will facilitate the NGO community's capacity to raise funds.

Given the circumstances in which the NGOs are operating, the evaluator did not think it would be productive to attempt to assess sustainability prospects of individual NGOs, and therefore only a few generalized comments are appropriate. TAF has provided assistance to NGOs to help them become more self-sufficient and it probably could have done no more at this stage. Given the direction of USAID funding it will nevertheless be essential to think seriously about this matter under future programming.

6) FLEXIBILITY AND RESPONSIVENESS TO LOCAL NEEDS

There were a few complaints by grantees about TAF management being inflexible on occasion (for example, its insistence on non-partisanship), about micro-management (for example, over relatively minor expenses), misunderstandings resulting from grantees' inability to communicate effectively in English, lack of consistency in providing institutional support, and final decisions taking too long, so leaving the recipient in a difficult position. It was also noted that other donors provided larger grants. From my understanding of the specific issues and examples involved, TAF would have responses to most of these comments.

But of more importance to this evaluation is the fact that these comments were mentioned in mild tones and were very much in the minority. Overwhelmingly grantees rated the flexibility and responsiveness of TAF highly, and examples were given of timely assistance taking full account of local needs. A number commented that TAF seemed to have a strong understanding of the situation in Mongolia, and of the needs of local organizations. Some clear examples were provided relating to the media law initiative after the hunger strike, the election law proposal, and the formation of the women's coalition. Even a few of those who had been taken to task for mismanagement acknowledged that they had been dealt with fairly and constructively.

7) RESULTS FOCUS

The program agreed to by both parties was very much focused on project activities combined under three headings. It called for TAF to initiate or continue working in what appeared to be key areas, but it did not present any baselines nor did it emphasize the measurement of results. Neither indicators nor targets nor timelines were required or provided. Given the experimental nature of the program, such indicators would have been of dubious value.

During the second half of the program USAID began to take more interest in a results orientation and in measurement. In early 1995 some of the correspondence from USAID begins to refer to results and objectives. However the full process of USAID re-engineering including TAF participation (TAF was part of the re-engineering exercise which established a Strategic Framework Charter) or intended for their later information (TAF was not part of the R4 preparation which adopted the Strategic Framework) took place through December 1995 - March 1996, that is within the last 6 months or even 3 months of this program. In March 1996, there was a refinement in the form of a USAID R4 document, the contents of which have not been conveyed to TAF. But even as of March 1996 the design remained incomplete, there were no

baselines, no targets and no timelines, there were suggestions, but no management plan for collecting and analyzing the data, some of the many indicators may have been very difficult to collect. There is as yet no monitoring and evaluation plan for the Charter. The R4 document itself called for surveys in the Summer, that is, after this program is complete.

The evaluator is familiar with, and a supporter of the principles of re-engineering, notably their emphasis on results, on setting realistic targets, on its 'customer' or people orientation, on partnerships with local organizations, and on the flexibility left to in-country managers. The on-going exercise in re-engineering is clearly making progress and will have validity for, and add rigor to, programming in Mongolia when it is ready, and it should be related very closely to whatever work TAF does with USAID money in future.

But it appears somewhat unrealistic within the last 6 to 3 months of a program to expect a small NGO to set up a system for collecting and measuring impacts (far more conceptually and practically complex and more demanding in terms of time and money than collecting outputs) at the levels of Strategic Objectives (which are normally assumed to take 5-8 years) and Intermediate Results (to be achieved 1-3 years) for this particular program. All of this has taken place in an atmosphere in which USAID is cutting funds worldwide and future programming is uncertain. TAF has set in place its own responses by way of a Strategic Framework (which continues up the year 2001) and Workplan, indicating some readiness to work along these lines. There are also some modest alterations in the format of the Quarterly Reports: instead of reporting activities in chronological order, they are discussed under issue area headings and there is more effort to demonstrate linkages between activities.

In brief, while this evaluator believes it will be advantageous to future programming to incorporate a systematic and realistic system of setting and monitoring results, he also feels that under all of the above circumstances it was premature to require TAF to respond systematically to the re-engineering requirements for this program.

A simpler question relates to whether TAF might have itself been more results focused for purposes of its own information management (and therefore also been able better to respond to USAID's growing interest in and need for results). TAF has provided a systematic collection of project outputs and sometimes the effects of those outputs, but there is less sense of clarity on what the dimensions of the problem are, and to what extent the combined impacts of the various projects are succeeding in responding to those problems.

This concern will be dealt with again under recommendations, but the conclusion here is that TAF for its own internal management and analytical purposes (which in turn would have assisted in its response to USAID's new needs) might have given more attention to this aspect of its work.

8) EFFICIENCY RETURN ON USAID INVESTMENT

The amount of the USAID grant was \$999 860, with direct program costs anticipated to be \$558 650. It was intended initially that the money would be spent in 18 months. It has taken twice as long.

TAF's 11th Quarterly Report (with three months and about three projects to go before the end of the life of project) indicated that total program cost thus far stood at \$859 550 of which \$404 986 had been spent on projects. In other words the program has moved money at about half the pace that was intended and spent a substantially higher proportion of the grant on administrative costs than was anticipated. The two results are connected because by doubling the time for the program, administrative cost inevitably had to increase markedly. The question then becomes more clearly focused on why expenditures on activities moved slowly. This needs to be dealt with first, but it cannot be the primary question, because that must refer to the quantity and quality of programming rather than simply the money moved.

In its correspondence with USAID, TAF provides reasons. Programs with Parliament had to be slowed down substantially once it became clear that Parliament was not responding. Salaries and other costs are so low, and because of continuing devaluation, may be getting lower, in dollar amounts, that it is possible to make money go much further in Mongolia than had been anticipated. TAF is carrying out other projects with different sources of funds many of which directly augment USAID's democracy program. TAF also provides close and careful advice and consulting to its grantees and thus the process takes much longer than might be anticipated. Finally, TAF claimed that USAID requirements slow the program down.

The evaluator's observations are as follows. While it is true that USAID procedures do inevitably slow down the process, US based partners such as TAF are fully aware of this in advance and should try to take this into account in advance. All the rest of the arguments appear to be valid, and particularly that of low costs. For an outsider it is important to appreciate that the most senior government officials and Supreme Court judges may earn the equivalent of about \$60 to \$70 a month. Expatriate salaries nevertheless must remain reasonably competitive and therefore the balance between programmatic and administrative expenditures will inevitably change particularly so with the arrival of a second expatriate. A further justification, not mentioned by TAF, but which the evaluator finds significant was and remains, the uncertain financial management practices of the NGO sector on which the program has come to focus so heavily. This deficiency is emphasized in a number of consultants' reports, and borne out by problems with which TAF was confronted in a few cases with some of the most promising NGOs (see above). The evaluator therefore accepts that a cautious management style which takes care to provide funds according to absorption capacity, and no more, makes sense in Mongolia. Also a number of grantees confirmed that TAF usually does provide careful and substantive advice during the course of a grant.

In the 33 months covered by the 11th quarterly report 38 projects had been carried out (The average investment in individual activities stood at a little over \$10 000) The program was

therefore averaging about 13 USAID projects a year, plus more or less 5 projects a year funded from other sources but of direct relevance to this program, for a total of about 18 democracy projects per annum. In relying on occasion on other sources to fund related activities TAF argues that USAID is getting value added. Insofar as these projects relate to the agreed upon democracy objectives of the program this appears valid. TAF has also on a few occasions cooperated with the Konrad Adenauer Foundation and the Asian Development Bank in undertaking projects. The most recent work on civil society and elections did provide strong evidence of the benefits of such synergies. It should also be noted that the pace of implementation of USAID projects doubled after mid-1995 with the arrival of a second expatriate and additional Mongolian program officer, and with agreement by USAID to ease the pre-proposal requirements.

TAF estimates that by the end of 33 months of the program, there had been a total of 2 426 direct beneficiaries (1803 women and 623 men) and 14 058 indirect beneficiaries (12 168 women and 1890 men). They point out, quite correctly, that for many projects such measures are meaningless, for example a project that leads to the passing of legislation, or improvement in the standing committee system. I would suggest too that in the 12th quarter the number of indirect beneficiaries, both men and women, will have increased rapidly due to a heavy emphasis on civic education of relatively large numbers of people.

The ratio of administrative to program cost of the USAID grant does appear high, and clearly the program moved more slowly than had been anticipated. But the evaluator accepts most of the justifications put forward by TAF (and notes a few additional reasons) for a gradualist approach to managing a program in such a new environment and with such fragile institutions. Based on results discussed in the next section, more so those in the area of civil society, and the state of the local institutional base on which the whole program had to be built, it is concluded that USAID has received a good return on its money.

In future, providing the key institutions, most significantly those in the NGO community, live up to expectations and prove themselves reliable partners, TAF should seek to find ways of making a greater impact, and where this so requires, to provide larger grants to that end. But the purpose needs to be to have an enhanced impact not to move money.

SECTION 4 PROGRAM RESULTS

As was discussed at the end of the previous Section, systematically testing for impacts of the program against performance indicators and targets agreed upon at the outset of the program is not possible. Nevertheless the program must be evaluated both on the basis of program management and the achievement of concrete results. Every effort will therefore be made in this section to link the changing context of the program to the projects undertaken to results attributable to TAF activities. In using the term 'concrete results,' the evaluator has sought to include only those consequences (sometimes referred to as 'outcomes' in USAID parlance) that go beyond outputs. In accordance with the early stages of this program, these are results or outcomes which are attributable to specific projects or (more often) sets of projects, and do not yet conform to notions of broad program impacts.

Discussion of results will proceed under each of the three issue areas in the following manner: 1) A brief overview or framework of developments in each will be provided to indicate the scale of the challenge, the operating environment in which TAF was working, and the changes which may have occurred and to which TAF needed to adapt. 2) A list of projects is provided together with the amount spent on each. 3) Then an effort is made to detect sub-themes within the issue areas under which results may be logically connected and the concrete results organized. 4) Concrete results are listed. 5) A brief conclusion is drawn about those results for each issue area.

1) REPRESENTATIVE GOVERNMENT

As a consequence of the electoral system in place during the 1992 parliamentary election, the ruling MPRP with approximately 60% support won 71 out of 76 seats. Essentially, in terms of representative politics this meant that Mongolia was close to being back to a one party system. Change, so strongly encouraged by the 1990-92 interim Parliament, slowed down considerably as a result. In 1993 the opposition candidate (a member of the MPRP) won the Presidential election.

Of most significance for this program, is that it soon became clear that there was great resistance among parliamentarians to allowing their proceedings to become transparent, especially to the public or the press. Therefore on these fundamental aspects of Parliamentary democracy, namely open access, accountability and responsiveness of the institution and its members to the public, progress would be made very difficult. For example, voting records are kept secret, information is controlled through the government press, visitors are allowed to observe for 15 minutes only (when they are allowed at all), individuals as individuals and not representatives of organizations are allowed to observe, and there is no access to Parliamentary records or archives.

A second aspect of Parliament relates to its legislative record. Most documents and interviews seemed agreed on the following: that Parliament at first had slowed down

considerably the process towards democracy and liberalization of the economy, but later somewhat reluctantly and to some extent under pressure of donors, had moved ahead particularly on the economic front. I was informed by the Secretariat that in four years 170 laws, 140 amendments and 400 regulations had been passed. Since 1993 laws have been passed concerning a new civil code, companies and partnerships, cooperatives, currency, environmental protection, foreign investment, hunting, international treaties, land, mineral deposits, natural resources, pensions, police, prisons, privatization, securities and taxes.

The assessment of observers is that while the legislative output has increased, the quality of the legislation has serious flaws, notably a lack of consistency in terms of internal coherence and clarity and in relationship to previous legislation. This has led to considerable confusion. It was said to be resulting in much confusion for business and encouragement to corruption as the only way through the maze of contradictory rules and interpretations. It was also pointed out that many of these laws had not taken implementation and enforcement into account and were therefore unrealistic.

The overwhelming dominance of Parliament by the MPRP and its opposition to public access led to some re-thinking of emphasis by TAF. It was felt that not much constructive could be accomplished by directly working with the MPs themselves. Therefore a two-part strategy, which fits with the original conception, was to focus more on strengthening the constitutionally (although not substantially) non-partisan Secretariat and later on the role of NGOs in pressing for reform and drawing at least some MPs out into the open.

LIST OF PROJECTS (Chronological)

*#1 State Great Hural Secretariat Study Tour of Legislative Support Services (August 1993)
\$24 002*

*#3 Central Asian Development Foundation Seminar on Government Budget Processes
(September 1993) \$11 567*

*#9 State Great Hural Participation in the Comparative Legislature's Seminar (October 1994)
\$11 226*

*#15 State Great Hural Conference and Consultancies on Corruption and Ethics (December
1994) \$1 247*

#28 State Great Hural Short-term Legislative Development Training (September 1995) \$8 810

There were only one or two projects from other sources used by TAF to bolster its work in this area. It should also be pointed out that ten months before the end of this grant, USAID directed TAF to stop working with Parliament. But even without this direction, it is clear that TAF was not registering a very positive response and was itself reducing its focus on directly working with Parliament.

RESULTS

Although 5 projects amount to a very limited program, these initiatives, as well as a few undertaken with NGOs, appear to focus on two sub-themes one is strengthening the legislative process through the Secretariat, and the other is enhancing public access to Parliament

i) Strengthening the legislative process (through the Secretariat)

- *The drafting of a new law on Parliament which inter alia rationalized the number of standing committees (from 10 to 6) and improved the functioning of the committee system This has had a positive effect at least on some committees*
- *It has also led to improvement in the Parliamentary library which has undertaken new responsibilities for collecting and making available data to MPs*
- *An amendment to the tax law*
- *Drafting and passing of an anti-corruption law*

ii) Increased Public Access

Despite attempts by two grantees, the Secretariat has not agreed to open the records to the public Although not a success as such the idea has been put forward and discussed and could well be taken up by the new Parliament

- *As will be pointed out later, and as an example of synergy in the program, one NGO successfully managed for the first time to get access to the Parliamentary Archives for one week (but were limited to two people at a time)*
- *Other NGO activity pressured MPs for the first time to come out and commit themselves in public on selected issues*
- *Another example of synergy is that as a result of a series of TAF grants under a different USAID-funding source program, 16 laws were passed by Parliament relating to the environment*

Although some of the efforts may bear fruit under a new Parliament, the above results amount to a modest impact of a small set of initiatives In the view of the evaluator, these very few illustrations indicate that it is possible to make strategic interventions with modest amounts of money, and that work with Parliament (directly, or indirectly through NGOs) is deserving of reconsideration

2) LEGAL EDUCATION AND REFORM

The Mongolian judiciary is now formally independent of other branches of Government. There are three levels of court. The lowest level is the soum, intersoum and district courts. The second level is the aimag court. In 1994 these courts rendered 1 224 civil and 1 646 criminal appeal judgements. At the highest level is the Supreme Court. In 1994 it dealt with 114 civil cases and 343 criminal cases. There is also a Constitutional Court. Over recent years there has been considerable increase in the proportion of civil cases involving issues such as contract disputes and bankruptcy. According to a needs assessment of the judicial system, carried out 1995, there are a total of 357 judges working at these three levels who have all been trained under the socialist system and lack the expertise to deal with these new commercial types of cases, let alone constitutional disputes, and questions of human rights. Lack of familiarity with commercial law among judges and Ministry of Justice officials who draft laws has been a concern of TAF. Court houses are poorly equipped, there is little research capacity and salaries are very low. At \$33 to \$51 a month they are equal to other civil servants but low compared to salaries in the private sector. One promising feature is that the budget for the Judiciary has increased from \$248 000 in 1993 to \$991 300 in 1995.

Figures provided the evaluator by the Ministry of Justice record that between 1992 and 1996 some sort of short-term re-training -- the level of courses could not be determined, and must vary from case to case -- but he was informed that it was primarily short-term workshop type courses -- has been provided to 120 out of total of 375 prosecutors, 112 of 1373 police, 27 of 153 Ministerial legal advisers, approximately 70 of 345 judges, and 17 of 30 officers of the Ministry of Justice. Despite training efforts by a variety of donors, including TAF, the problems of competence in new areas of law remain severe. As was pointed out by a legal consultant, the judicial and legal system can only improve when the majority of judges and lawyers of all kinds are effectively (re)trained, there are no strategic shortcuts. The judiciary is not helped either by the lack of clarity in legislation and pursuant regulations. To achieve substantial competence a very large program is required. A recent study estimates that in all about 1000 legal professionals of all kinds are in need of training, and that a minimum of three months training of each person is required to provide the necessary level of new competencies.

A second area of concern to TAF has been the enhanced independence of the courts. It is difficult to gauge independence, but clearly this does not emerge from constitutional enactments alone, but rather from practice, custom, competence and confidence, and it takes time. Informants were generally negative about the judiciary's independence particularly when it came to disputes of significance to Government or the ruling party or those with access to, or influence with, the Party.

LIST OF PROJECTS (Chronological)

#3 *Supreme Court Participation in the Asian-Pacific Chief Justice's Conference (August 1993)*
\$3 854

#4 *General Council of Courts Orientation Program for New Judges (November 1993) \$10 630*

#10 *Supreme Court Civil Code Training for Mongolia's Judges (September/October 1994) \$24 715*

#12 *Constitutional Court Participation of a Constitutional Court Judge in a Human Rights Workshop for Judges of the Asia Pacific Region and a Study Tour of the Thai Judiciary (April 1995) \$2 790*

#13 *Supreme Court Non Degree Fellowship in Constitutional Law for a Justice of the Supreme court in the US (December 1994-5) \$27 695*

#14 *Supreme Court Training Program in Economic and Commercial Law for Ten Mongolian Judges in South Korea (March/April 1995) \$55 437*

#22 *Ministry of Justice Non-Degree Fellowship in Commercial Law (1995/6) \$27 524*

#23 *Supreme Court Participation in the 6th Asia-Pacific Chief Justices' Conference (August 1995) \$4 924*

#24 *Mongolian Group for Independence of Judges and Lawyers Participation in the 14th LAWASIA Conference (August 1995) \$3 440*

#35 *Supreme Court Judicial Bulletin (February 1996) \$4 656*

RESULTS

Given the daunting scale of reforming the legal system, TAF has made an effort to make specific and strategic interventions. A total of nine projects were undertaken in this issue area under the USAID grant and possibly another three projects under different programs. These nine activities may be divided into four thematic areas: namely enhancing the independence and status of the Supreme Court (4 projects), knowledge of commercial law (2), knowledge of constitutional law (2), and nation-wide orientation training for judges. (This adds up to ten since one serves two purposes)

i) Independence and Status of the Supreme Court

- Although it is not a concrete result, the evaluator accepts that the Chief Justice and the Supreme Court did benefit from some of these early and timely international exposures to issues of judicial independence and practice*
- One grantee has initiated the process of drafting a law for an administrative court. The creation of this court has been approved in principle by the Cabinet and the drafting of the law is under way*

- *Three (and possibly four) Judicial Bulletins have been published and 1000 copies widely distributed which aim at communicating to judges legal precedents of superior courts and to provide interpretations of some important but complex laws to professionals*

ii) Nation-wide Orientation of Judges

- *Although, these would normally be regarded as outputs rather than results, it is nevertheless acknowledged that the training of large numbers of judges in two substantial workshops does amount to a concrete contribution*

The first was linked to the February 1993 new Law on the Courts which led to the complete restructuring of the court system and judicial procedures. Approximately 220 judges of various levels from all over the country were given a common if introductory understanding of the changes.

The second was pursuant to Parliament's adoption in 1994 of a drastically amended version of the country's civil code. 282 judges attended a 9 day workshop.

I was not made aware of concrete results in the areas of constitutional or commercial law, although I was made aware of efforts to make changes. In the second half of the program, USAID directed TAF to stop working on non-judicial training which effectively meant an end to training of Ministry of Justice officers in commercial law. The work with the Chief Justice and Supreme Court was probably strategically significant, and the early exposure to change of large numbers of judges from all across the country must be seen as useful. Overall this is a limited set of results, based on a relatively small program of undertakings, spread over too many sub-themes.

3) POPULAR PARTICIPATION/CIVIL SOCIETY

Organized voluntary popular participation was not permitted under the old system. Thus in 1990 when TAF first was invited to work in Mongolia, there were no independent NGOs, no civil society, and no tradition or culture of private voluntary association for purposes of public and welfare service, economic advancement, advocacy, or advancement of human rights or civic education. By 1996 there were estimated to be over 600 registered NGOs of all kinds.

Probably of more significance than the numbers, as far as the TAF program is concerned, is that by 1996 there were a number of small, financially dependent but effective NGOs working in the field of political rights, civic education and women's rights. In comparing 1996 with 1993, some key organizations of this kind had established operating structures and procedures, had spread well beyond the capital and were carrying out substantive programs. In particular women's organizations have responded most enthusiastically and constructively to the new opportunities and initiated a number of effective programs.

While there is much that is positive in this area of civil society, consultants who have visited and some of the people interviewed do warn against premature enthusiasm. Many of the organizations are fragile, new, financially dependent, revolve around one or two leaders, lack

programmatic clarity, lack membership and plans to gain members. There is a shortage of local funding sources and a serious danger of corruption as leaders may be tempted to use funds (including donor funds) for personal rather than public service.

LIST OF PROJECTS (Chronological)

#5 *Liberal Women's Brain Pool Association for Women in Democracy Regional Workshop and Strategic Planning Meeting on Women in Politics (January 1994) \$17 956*

#6 *Women for Social Progress, Liberal Women's Brain Pool, Office of the Prime Minister, Association for Women and Democracy Asian Regional Study Tour of Women in Politics and Public Affairs (February 1994) \$1 850*

#7 *Consumer Protection Association and others Consultancy on the Legal and Regulatory Framework for NGOs in Mongolia (April/May 1994) \$11 977*

#8 *Liberal Women's Brain Pool Participation in the First Asia-Pacific Congress of Women in Politics (September/October 1994) \$3 235*

#11 *Office of the President Media Law Project Phase 2 (October 1994) \$15 825*

#16 *Mongolian Society for Environmental Law Institutional Support (December 1994) \$5 820*

#17 *Liberal Women's Brain Pool Regional Leadership Training Programs on Women and NGOs (February/May 1995) \$ 4 282*

#18 *Consumer Protection Association Consultancy on the Organization and Financing of NGOs (March/May 1995) \$12 988*

#19 *Tsekh National Conference on the Draft Law on NGOs (March 1995) \$ 1 046*

#20 *Liberal Women's Brain Pool Non-Degree Legislative Internship and Related Study Tour (April 1995) \$17 399*

#21 *Liberal Women's Brain Pool Participation in the Economies in Transition Research and Conference Series (June/July 1995) \$2 001*

#25 *Liberal Women's Brain Pool, Mongolian Women's Federation, Women for Social progress Participation in NGO Women's Forum, Beijing (September 1995) \$5 000*

#26 *Liberal Women's Brain Pool Women in Politics Workshop (September 1995) \$5 945*

#27 *Consumer Protection Association Liberal Women's Brain Pool, Women Lawyer's Association, Tsekh, Union of Artists NGO Leaders Study tour (October 1995) \$27 767*

#29 Consumer Protection Association Consultancy on NGO development (October/November 1995) \$8 271

#30 Women's Lawyers Association Operational Support (November 1995) \$2 000

#31 Women for Social Progress Voter Education Consultancy (November 1995) \$4 099

#32 Women's Information and Research Center Publication of the Women's Coalition roundtable on Election Law Reform (November 1995) \$764

#33 Women's Lawyer's Association Seminar on Legal Issues Facing Women (December 1995) \$1 844

#34 Press Institute of Mongolia Election Coverage \$7 303

#36 Women for Social Progress Voter Education Study Tour (March 1996) \$7 561

#37 Women's Information and Research Center Ethics Consultancy \$9 342

#38 Liberal Women's Brain Pool Women in Politics Seminars \$8 195

In the last quarter

#39 Women's Lawyers' Association Consultancy on the Special Needs of Legal Aid NGOs

#40 Political Education Academy Aimag Voter Education targeting local government administrators and other public servants in six aimags \$15 496

#41 Press Institute of Mongolia Election Coverage Monitoring \$780

RESULTS

In all there are some 26 projects, 15 focused on women or/and working through women's organizations. Although I may not have a complete list, there were at least another 9 projects, 6 of them related to women's issues or/organizations funded by TAF from other sources. Civil society strengthening with an emphasis on women has clearly emerged as TAF's major area of concentration. Together with non-USAID funded grants such as those under the USAID/WIP (Women in Politics) fund and its own general grant, and working in cooperation with other donors notably the Konrad Adenauer Foundation, this program of activities has produced a number of significant results. It seems useful to divide activities into 5 subthemes

i) NGO strengthening (including legal environment)

- *Drafted an equitable NGO law required by NGOs, for example, to facilitate fund raising. This has not gone through but it had been fully discussed, some MPs have been educated and have responded to the issues raised, and probably it will soon come before Parliament again*
- *Produced an information booklet on the NGO law and international human rights covenants to which Mongolia is a signatory, 300 were distributed to over 100 government agencies, NGOs, political parties, academic institutions, and media organizations*
- *A number of NGOs such as the Red Cross, the Children's Center, the Association for Environmental Protection changed management and board structure and procedures as a result of a Workshop*

ii) Women's NGOs strengthened (including attention to women's rights)

- *A seminar for 250 people on violence against women and children and joint successful proposal to another donor for funding of a Center for Domestic Violence. Free legal aid centers providing assistance to women*
- *Publication on women's rights*
- *Women's Law Association enabled to establish a separate identity from the Mongolian Women's Federation, and create an organizational structure. Later able to increase membership of women lawyers from 125 in Ulaanbaatar to 400 based in 15 aimags*
- *Women from LEOS conducted 6 seminars for about 350 women on NGOs and democracy to bag, som and aimag levels women and administrative heads, also coordinated radio and TV programs*
- *Three Asian women led a seminar of 80 Mongolian women from all aimags and over a dozen women's organizations. Led to the formation of a coalition called "Women of Mongolia" uniting 22 organizations. Although short lived it was the first attempt at a comprehensive coalition*

iii) Voter/Civic Education

- *First research on voter behavior in 1992 and 1993 elections. Used in preparing voter education materials for 1996 election,*
- *Publication of a Citizen's Guide to Government*
- *Publication and distribution of 8 weekly thematic civic education fliers (distribution 5000 each) and 20 000 copies of a final pre-election paper containing information of party stands on specific issues and candidate responses to questions (together with APWIP funding)*

- *A number of voter education undertakings including a training of trainers initiative and distribution of manuals in most provinces. Numbers reached could amount to 10 000 or more because of the multiplier effect, but reports on this will come after the election*
- *Voter education for special groups such as young people and single mothers and certain officials such as local government officers and police in 6 aimags. Materials drawn directly from materials obtained on study visit*

iv) Media Law and Election Coverage

- *Spring 1994 opposition political forces mounted an 17 day hunger strike protesting the government's performance on various accounts. President Ochirbat committed to have a law drafted for an independent press. Asked TAF to assist with consultants to do so - did so with TAF and then used them again for refinements. Draft contains provisions to end governmental control of radio and TV and to end censorship. This has not yet been adopted but must have a good chance in the new Parliament*
- *Production of a reporters' resource handbook and multi-media training materials as also all details of how to access influential figures, for reporters covering elections*
- *Public acknowledgement by both main parties that there had been an improvement in the quality of election coverage*

v) Access to Parliament

- *Voter education project informing the electorate about their MPs' stance on election laws*
- *Brought 60 women representing 23 Coalition member organizations together with 19 MPs*
- *Pressed a certain number of MPs for the first time to declare their positions on specific issues, once on gender and once on the media law*
- *First time an NGO has gained access to the Parliamentary archives to carry out research*

Clearly in the area of civil society and women's organizations headway has been made and one can observe not only direct early impacts but also broader results affecting larger numbers of people many in the rural areas, some early institutional strengthening and some interactive effects, for example in the area of elections, Parliamentary responsiveness and press freedom. With the results of the most recent election, a number of further initiatives such as the work with the Parliamentary Secretariat, the draft media and NGO laws have a very high likelihood of making substantive progress.

The June 30 Parliamentary election itself reflects well on the work of TAF. Obviously TAF cannot take credit for the election process or results, or that of individual candidates, but

the following can be said TAF's contribution to voter education has been noted 25 candidates who ran for Parliament were TAF grantees, 16 men and 9 women, 7 for the ruling party and 18 for the opposition Of these 10 men and 7 women succeeded

SECTION 5 TAF-USAID RELATIONS

In accordance with the agreement TAF undertook the following proposal, reporting and evaluation responsibilities

As a project is developed that may be suitable for USAID funding, a project description will be prepared that includes project background and objectives, the institutions to be funded, activities to be carried out, a budget with counterpart contributions, the time frame and duration and a list of participants. The project description will be sent to OAR/M for review, comment, and concurrence as far in advance of the project's implementation as possible. At the same time it is important that the Foundation maintain its ability to respond quickly and in timely fashion to fast breaking opportunities when they occur.

Program monitoring and evaluation will take place on three levels each one of increasing scope. On the most basic level TAF guidelines will require each grantee to submit a substantive report to the Foundation that provides self evaluation of the project upon the completion of each activity as well as a financial report. Within one month after the receipt of the grantee's evaluative report, TAF staff will write up a brief progress report on the grant activity and send it to USAID Mongolia.

On the next level TAF will provide substantive quarterly reports to USAID as required by the agreement. These will give a brief evaluation of each program as well as summaries and comments on individual grants. The reports will expand upon the individual progress reports by attempting to provide an evaluation of the short term cumulative effects of all projects within each program. The Asia Foundation will also continue to provide USAID with quarterly financial reports.

At the end TAF proposes to commission an external evaluation to be carried out by a team of American and Mongolian evaluators of the entire program.

The following discussion is based primarily on materials in TAF files

- i) Activity Proposals all appear in the files and seem to contain the type of information required. I do not know how long these were sent in advance of proposed implementation.
- ii) Grantee Reports appear in the files for the most part, but as noted in the previous Section, there are a minority of files in which there are no such reports.
- iii) Activity Progress Reports based on the sample of project files referred to, this was completed by TAF in most but not all cases. These are undated. I did not see complaints from USAID.

iv) Quarterly Reports with a few exceptions are produced on time. Two or three became 'six monthly' rather than quarterly reports, but there was no record of complaints on this score. They contain all of the information required. As has been suggested in Section 3 on results focus, more thought might have gone into discussion of cumulative results. Towards the end of the program, in response to reports 8, 9, and 10, USAID did point out some oversights and asked for further explanations, but itself acknowledged that in the main the reports were useful and informative.

iv) The final evaluation is the subject of this report.

I do not know enough about timing of reports, although I was made aware that there were some differences particularly over lead time between proposals and proposed dates of implementation. TAF arguing that the process needed to move urgently, USAID responding that it needed more time.

There are on record a number of differences over procedures which will be discussed in the next paragraph. There is the one letter noted above pointing out some problems with a few reports. But for the rest I did not see any other communication from USAID which may have provided any feedback on the reports. This may have been done, but there was no record in the files.

I came across a few cases of differences over procedures between TAF and USAID, notably over the level of English required of trainees sent to the US, arrangements for health insurance for grantees, time for review of project proposals, and a request for inclusion of intended results in proposals. Essentially TAF argues that it needs the flexibility to respond quickly to opportunities which may be lost if all procedures are followed. USAID points out the purposes of these requirements, and argues that TAF is aware of them and needs to plan accordingly. On some occasions TAF managed to come up with alternative funding until such time as USAID agreement could be obtained. On other occasions they managed to get USAID to waive some requirements.

There were problems of this kind. The evaluator looked into two, both to do with English proficiency. Not altogether surprisingly both sides are right. The lack of English proficiency of one grantee sent to the US detracted from the academic component of the visit and limited the responsibilities that could be undertaken during the professional affiliation. Nevertheless, it seems to be agreed to by all concerned that the study tour was very valuable, and that the grantee has performed with excellence on return. In another case there was a difference over both English and health insurance arrangements. The grantee acknowledges the early difficulties caused by weak English, and the files indicate that dealing with health insurance in the US did cause some problems. But on balance the program was a success.

There were also some differences over the re-engineering process, both the time taken up by the process and the lateness of the suggested changes in program requirements, as also over the need to commence supplying results. This has been discussed in Section 3.

The evaluator looked at the documentation on some of these differences and discussed them with the parties involved. It is not judged appropriate or constructive to deal with this in the report, except to make the following very general comments and a recommendation.

Differences of this nature are to be anticipated. The grantee is a large, well established and effective NGO with its own programmatic agenda and modes of operation, more so since it is on the frontline and in contact with the public. It therefore sees that part of its mission is to respond to changing and urgent needs, and make decisions about when to trust and when to exercise control. Therefore when a rule, or its implementation in Mongolia's particular circumstances, seems to be getting in the way of its effectiveness TAF finds this a burden. On the other hand USAID Mongolia is part of USAID bureaucracy and the US Government and has to accord with a set of requirements, many of which are derived from problematic experiences, such as those concerned with English proficiency and health insurance. Such institutional differences give rise to different organizational cultures.

Such a situation may well be exacerbated when the parties are working in a new and changing local environment on the one hand and an at least equally uncertain donor environment on the other. There were serious threats of cuts in USAID funding to Mongolia (which eventually materialized) at the same time as USAID Washington was requiring the country mission and its NGO partners to engage in a longer term, more rigorous, results focused program designing process known as re-engineering. In these circumstances it is to be expected - although it is not inevitable -- that there will be room for misunderstanding between the in-country personnel having to implement these processes. It was not therefore a surprise to find that there was some mutual dissatisfaction with the way things have been working on both sides. As was noted in Section 3, the process was helped by USAID agreement to additional professional staffing for TAF and by easing pre-proposal requirements. Despite these various differences, this joint endeavor between TAF and USAID has yielded a very worthwhile program.

The evaluator wishes to conclude 1) that there is a fair likelihood of these kinds of tensions emerging between grantor and grantee, 2) that it is deemed inappropriate to discuss this further in the report, 3) that problems and the potential for problems need to be dealt with early in a grant or cooperative agreement, 4) and that therefore it is recommended strongly that early on in any new agreement between USAID and TAF that to the extent possible areas of potential conflict should be discussed as also a method of dealing with differences as soon as they arise.

SECTION 6 RECOMMENDATIONS

Making recommendations in the prevailing situation is complicated by the fact that future funding and programming remain uncertain. In other words it is unclear how much money might be available, for how long, and for what ends. Nevertheless, based on the findings contained in this evaluation, it is recommended that in whatever program is implemented the following recommendations be given consideration by TAF

Recommendations 1-4 focus on suggested means for substantively increasing program impacts through seeking cost effective or cost saving techniques such as electronic media or training as a means to more training rather than an end in itself

Recommendations 5-8, while reinforcing the idea of augmenting impact, stress the need for analysis (of scale and depth of problems), strategic planning and design and monitoring of results

Recommendations 9-12 include a selection of ideas for enhancing the quality of the program

1) More In-country Training (multiplier 1)

Besides the expense, there appear to be two major problems with overseas training. One is that because of very low government salaries, highly trained Mongolians, notably those sent to the US, will be very likely to leave government employment soon after they return. The second problem is the paucity of professionally specialized Mongolians with or without experience who speak satisfactory English. Therefore, programs which bring outside experts to Mongolia to train Mongolians are more likely to be cost effective insofar as they can train far larger numbers of people for less money, most of whom will remain in their jobs

2) More Training of Trainers (multiplier 2)

In order to make a larger impact on Mongolia's democratic challenges be it in the areas of legal literacy, civic education, NGO strengthening or even with legal professionals, more attention should be given to looking for opportunities for training trainers. This too is cost effective, will help deliver more skills to rural areas and will further enhance and accelerate results

3) Using Government Networks (multiplier 3)

With a new Party in power, some major opportunities present themselves for making a substantial impact through greater reliance on Government information delivery and education systems. For example the radio and TV will now be available, school curricula can be altered to take account of the new system of government, and it will now be possible to (re)train school

teachers and professors. These are not new ideas, but they may now for the first time be possible.

4) Scaling-up Programs

When TAF becomes convinced of the reliability of partner organizations and of their financial management capabilities and integrity, it should seek ways of increasing the ambition and scope of activities. While this would usually involve moving larger amounts of money, and providing more administrative support or institutional strengthening money, the purpose is to broaden the net of beneficiaries.

5) From Exposure to Competence

Many but by no means all of the programs have been focused on exposing individuals or groups to new ways of thinking or operating, and this has been very important in the early stages of transition. But exposure through visits or brief workshops does not provide competence. It is suggested that TAF more carefully assess the requirements of providing grantees with the expertise to carry out their new responsibilities with competence and confidence, for example judges, journalists, policy analysts, or at a more simple level, with civic education courses. What type of course actually provides people with an understanding, what type of legal literacy course might allow a person to gain the confidence to act on their legal rights?

6) From Concept to Coverage

As was stated, the underlying original concepts of the program made sense. There was a problem and there was a solution: the judiciary lacks expertise in commercial law, therefore there was a need to send judges for training. The voters do not understand their rights as citizens, therefore mount civic education programs. While this is logical, it fails to take account of the scale of the problem. One needs to have sense of the dimension of the challenge: for example, how many women need legal education (and how long would a workshop need to be to make a difference) and then to devise a plan with that number in mind. TAF would not be able to solve such problems on its own but it can look for partners with whom to cooperate.

7) Focus Groups (reality check)

To the extent that TAF may be able to make use of polls done by other organizations it should try to make arrangements to do so, this can be used for purposes of needs assessment and measurement of change in perception and behavior of people, and of impacts of programs. If this is not possible or appropriate, it might think about using focus group techniques or rapid rural appraisal methods as a cheap but relatively effective way of providing reality check on its work, in particular as a way of finding out what non-elite or non-urban groups or citizens think about its programs or about democracy in general.

8) Strategic Planning and Results Focus

This pair of suggestions is made not so much because these are USAID requirements which they are, but because they make sense to a program situated where TAF's democracy program is today. Many of the activities have been experimental in nature, and the linkages between projects have been developed incrementally as TAF has been finding its way. It should now be in a position to analyze the scale and depth of a problem, the steps necessary (by itself or with partners) to reduce the problem, set itself realistic (in the sense of achievable and collectable) clear, indicators and targets, put in place a system for monitoring impacts, and proceed to monitor them. It is useful to keep the number of indicators to a minimum, to keep them mono-dimensional, to rely on qualitative ones where appropriate, to ensure that there are baselines and that the collection system will not be burdensome. In this way managing for results can be a very useful management tool, and therefore serve TAF well.

While accepting the notion of longer term, more focused and results oriented design, it is essential that a mechanism (possibly involving a modest amount of the grant) be included to enable TAF to respond to rapidly changing circumstances. The universally unexpected results of the June 1996 election brought home once again the point that the democratization process is a very uncertain one.

9) Women's Rights as Human Rights (expanding the 'public' sphere)

The TAF program has a very strong record on women's participation in politics and public affairs. It needs to revisit its perception of 'public' so as not to exclude issues considered relevant to women and particularly poor women which are often considered 'private' for example, violence against women and children, domestic violence, the predicament of single mothers and divorced women. In other words Mongolian women need the opportunity to suggest what is 'political' and 'public' and what might therefore legitimately be included in democracy programs. Such an agenda is clearly on its way, and TAF is well placed to respond positively.

10) Sustainability

In this program ending in 1996, it was not possible to pursue sustainability as a systematic objective of the program. In the next stage however it will be necessary. This is not to suggest that assistance be made conditional on immediate sustainability of the organization being assisted but it is necessary to start thinking of an exit strategy which will allow the NGO to continue its work. Clearly, when the NGO law is passed, it will be easier to raise funds through donations and income generating exercises. Given the paucity of resources in the country, there may need to be some encouragement of coalitions or mergers of organizations, some education on the role of volunteerism, and possibly more effective services to members.

APPENDIX LIST OF PEOPLE CONTACTED

Unless otherwise mentioned, interviews were carried out in Mongolia

Gotovyn Akim Editor in Chief 'Il Tovchoo' (independent newspaper)

Arunaa Project Officer, Women and Social Progress*

David Atkin Director, Nonprofit Support Services, Portland+

Jim Anderson Field Director, World Bank Research on Privatization

Ragchaagun Baasan Counsellor, Department of Europe & American Affairs, Ministry of External Relations

Bill Bikales Project Advisor, Economic Policy USAID/EPSP

Gilles Blanchi Deputy Director, International Development Law Institute

Chanrav Burenbayar International Department Chief, The Mongol Messenger

P Burmaa Chairperson, Women and Social Progress*

Jennifer Butz Assistant Representative, TAF

Bazarsad Chimed-Ochir Project Leader WWF and Executive Director, Mongolian Society on Environmental Law*

Dorjgotovyn Chimed-yunden Senior Advisor, Foreign Relations Department, State Great Hural

N Chinchuluun Program Officer, Mongolian Women Lawyers' Association*

Banzragchiin Delgermaa Director, Political Education Academy*

D Dembereltseren Chief Justice, Supreme Court*

Lawrence Dolan Strategic Planning Adviser, USAID Regional Support Mission for East Asia

Lorena English Project Vote Smart Portland+

Tsendin Enkhbat Managing Director, Press Institute of Mongolia

A Enkhjav Head, Administration Department, Ministry of Justice

Bob Friedline Director, Nescor Energy (Former USAID/Mongolia Mission Director)

G Ganzorig Justice, Supreme Court*

Immanuel Gebhardt GTZ/Germany Advisory Service to the Ministry of Justice

Gordon Hein Vice President, TAF San Francisco

Maryanne Hoirup-Bacolod Desk Officer for Mongolia, USAID Washington DC

Chuck Howell Representative, USAID

Stephen Hutcheon Beijing Bureau Chief, The Sydney Morning Herald

Sodnomdorj Jargalsaikhan General EIA Expert, Ministry of Nature and Environment

Donald Johnson US Ambassador

Ian Johnson Beijing Bureau Chief, The Baltimore Sun

John Karr TAF San Francisco

Kate Krause Consultant on Women's Participation, Sacramento

Paul Li Former Director, California Center for Judicial Education & Research,
Emmeryville+

Joseph Lake US State Department (former Ambassador to Mongolia) Washington DC

Dondovyn Lamjav Director, Tsekh (NGO to Protect Human and Constitutional Rights)*

N Luvsanjav Minister of Justice, Member of Government*

U Narantsetseg Deputy Chairwoman Liberal Women's Brain Pool*

Banzragch Odonjil Head, Office of Information and Legislative Reference Services, State Great
Hural*

Paul Oquist UNDP Senior Advisor in Management Development, Cabinet Secretariat

Tam Ormiston TAF San Francisco

B Oyunbileg Senior Program Officer TAF

Chris Plante TAF San Francisco

Werner Prohl Country Director, Konrad Adenauer Stiftung

Purev Executive Director, Mongolian Women Lawyers' Association*

N Rinchindorj Secretary General, Secretariat, State Great Hural

Sheldon Severinghaus Representative, TAF

Anna Stjärnerklint Deputy Resident Representative, UNDP

Dugersurengün Sukhjargalmaa Program Assistant, UNFPA*

D Sukhgerel Program Specialist, USAID

Balchingün Teserendorj Legal Advisor of the President*

Gavin Tritt TAF San Francisco

Sharavyn Tsendbayar President, Mongolian Consumers' Association & General Secretary, AND (Friend) Foundation

T Undarya Program Officer, TAF

Urana Officer, Ministry of Justice*

Kimberley Wedekind TAF San Francisco

Richard Wilson TAF San Francisco

Nancy Yuan TAF Washington DC

David Yang Center for Democracy and Governance, USAID Washington DC

Vera Young TAF San Francisco

Carol Yost TAF Washington DC

Zanaa Deputy Chairwoman, Liberal Women's Brain Pool*

* Personal or Institutional Grantee + Interview by Telephone