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TO - Amembassy KABUL AIDTO A 32

Project No. 3060123 (3)
PD. AAC-458-A1

DATE SENT 3-16-72

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FROM - AID/W

SUBJECT - PROP Approval - National Development Training 306-11-780-123

REFERENCE -

X
KABUL
HECTO

ATT.

1. Attached is the approved Project Authorization and a copy of the memorandum to AA/NESA which approves implementation of the General Administration Training program outlined in the PROP. The proposed Undergraduate Training has been deleted, and approval of the Legal Training element has been deferred pending a further review by AID/W. If at the conclusion of this review AID/W finds that the Legal Training element can be implemented, then the project will be amended.

2

2. The Project Authorization designates FY 1976 as the final obligation year while the FY 1972 Congressional Presentation lists the project's obligations as "continuing". This five year project obligation plan has been selected for planning purposes and does not preclude funding beyond FY 1976.

3. The following comments made during the NESA Staff review are forwarded for the Mission's information and guidance:

a. U.S. participation on the Joint Selection Board should be in an advisory capacity and final selections should be the responsibility of the Afghan Government.

b. To achieve maximum effect on the RGA bureaucracy, selection of participants should be concentrated, where possible, in a small number of administrative units.

c. The PROAG should include a statement in which the RGA cites its own training priorities.

PAGE 1 OF 2 PAGES

DRAFTED BY	OFFICE	PHONE NO.	DATE	APPROVED BY:
MLDiLegge:mb	NESA/NE	29262	1/19/72	D. G. MacDonald, AA/NESA

AID AND OTHER CLEARANCES
NESA/NE:BLangmaid (draft)
NESA/NE:RFriedline (draft)
NESA/ID:JBlume
NESA/DP:ADWhite
NESA/DP:RBirnberg
NESA/ID:JAhern
OIT/NESA:TKing (draft)
NEA/PAF RFlatten (info)

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AID-6-39 (11-65)

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d. If an academic degree is not required, the PIO/P should be explicit in describing the participant's specific training needs so that the OIT program officer in AID/W has a basis for selecting the appropriate educational institution and for assessing the participant's progress.

4. The Mission is authorized to negotiate a Project Agreement with the RGA for the implementation of this project.

5. The Mission should advise AID/W, Office of International Training, when the Joint USAID-RGA Selection Board is established and operating, and under which Ministry.

ROGERS

2 Attachments
1. Project Authorization
2. PROP Approval Memo

ACTION MEMORANDUM FOR THE ASSISTANT ADMINISTRATOR JAN 25 1972

FROM: NESA/NE, Bradshaw Langmaid

SUBJECT: PROP Approval - National Development Training
306-11-790-123

The purpose of this project is to assist the Royal Government of Afghanistan (RGA) develop a corps of competent middle-level government administrators through the training of selected civil servants in advanced management skills. The enclosed PROP submitted by the Mission describes in greater detail the rationale for the proposed project as well as its design, scope, objectives and funding plan. This memorandum outlines the major elements of the proposed project and the conclusions of the NESA staff review.

Afghanistan's Needs

Afghanistan lacks a well trained and seasoned civil service. Prevailing bureaucratic practices are steeped in a traditional mold of unquestioned authority in which management initiative, systematic analysis of problems and sustained follow-up of programs are lacking. Afghanistan has no institute for public administration. Its only institution of higher education, Kabul University, does not offer training programs in the quality and depth needed to produce competent administrators.

Senior RGA officials are concerned about the general ineptitude of the Government's civil service. They recognize the need for well-trained government administrators. This need has been outlined in a letter to the Mission from the RGA Office of the Prime Minister, which appears as Appendix I in the PROP. Officials of the RGA have collaborated in the preparation of the scope and design of the proposed project. The PROP describes the RGA's requirements and the Mission's suggested course for meeting these requirements.

Project Scope and Direction

The PROP outlines a general training program in public finance and public administration for selected civil servants who have demonstrated a potential for benefiting from advanced training.

Three training categories were included in the proposed project scope as follows: (1) General Administration; (2) Legal Training, and (3) Undergraduate Training. In the NESA staff review of the PROP, in which OIT participated, it was concluded that only the General Administration category is ready for implementation at this time. The Undergraduate Training was dropped because it seemed unlikely that the training of Afghan secondary school graduates in U.S. colleges and universities would produce meaningful results.

Moreover, the American University of Beirut (AUB) offers more appropriate undergraduate training programs under a regionally funded project. OIT expressed the view that it would be difficult to justify undergraduate training in the U.S. when a viable undergraduate institution, i.e. Kabul University, does exist and receives U.S. technical assistance. The Mission has agreed to this deletion.

The Legal Training element has been temporarily set aside pending further refinement of its training objectives and a study of the capabilities of U.S. Law Schools to provide the type of professional education proposed by the Mission. If we later conclude that implementation of the legal element is feasible, we will request that the project be amended.

The PROP proposes that the General Administration training be implemented at graduate institutions either in the United States or in third countries where comparable training programs are available, e. g. Iran. The period of study will average from one to two years. The PROP specifies that the emphasis of the training program will be on acquiring skills, rather than academic distinction. Hence, matriculation for a degree is of secondary importance, although exceptions will be considered if a degree will serve a demonstrated professional need.

A joint RGA-USAID Selection Board under the general direction of the Prime Minister's office will select all candidates for training. The USAID members on the Board will function in an advisory capacity with final decisions made by the RGA. Selection will be based on an objective appraisal of each candidate's qualifications. These will include the candidate's academic record, on-the-job performance based on five years of work experience, growth potential and a recommendation by a senior RGA official. The general plan in implementing this project is to select civil servants from ministries most directly concerned with economic development problems, i.e. to concentrate the training in the Ministries of Finance, Planning, Agriculture, Commerce, etc. However, candidates from other ministries, as well as from provincial government offices, will also be eligible for training. The type of civil servant favored for selection will be one who is seen as a potential President, Director General, or equivalent in the Afghan Government. During the first five years of the project it is intended that a total of 105 Afghan civil servants be selected for training.

Our experience with similar projects suggests that unless there is a significant concentration of trained personnel in a given ministry (or administrative unit), there is little interaction and application of the newly acquired techniques and procedures and the trained

individuals will quickly revert back to old practices. Ultimately, the success of this project will hinge on the effectiveness of the proposed selection system and the placement of participants after training has been completed. We plan to evaluate the results of the selection system after the first group of participants have completed their training to see if qualified candidates are being selected and if post-training placement based on developmental criteria is being achieved.

Specific comments made during the Staff Review of the PROP have been summarized in the project approving airgram, which is enclosed for your signature.

Funding

The Project Authorization form, which outlines planned obligations for the project's first five fiscal years, is enclosed for your signature. This initial period of funding will not preclude further funding.

The RGA local cost contribution as indicated in the Project Authorization form is approximately $55,000; it will pay for the non-U.S. segment of international travel costs for participants training in the United States. RGA will also pay salary and amenities to participants while in training.

The U.S. dollar cost, which will be funded under a TA grant, is estimated at $1.36 million and will pay for tuition and maintenance costs of participants while in training. The estimated dollar cost was calculated on the bases of 105 participants selected for training for two academic years of training in U.S. institutions over a period of five years. Actual costs for individual participants will be less if selected for a one year training program, or if training is scheduled in a third country. No funding of technicians or commodities is called for in this project.

The project was included in the FY 1972 Congressional Presentation (page 50).

Recommendation

That the General Administration training category proposed in the subject PROP be approved for implementation.

Approved: [signature]

Disapproved: _____

~~Date:~~ FEB 3 1972

Clearances:

NESA/ID:JMBlume (draft)
NESA/ID:JAhern (draft)
OIT/PD:TKing (draft)
NESA/NE:BLongnaid (draft)
NESA/NE:RFriedline (draft)
NESA/DP:RDirnberg (draft)
NESA/DP:ADWhite (draft)

NESA/NE:MLDilegge:mb:1/24/72

AID 1020-24 (10-69)

AG( )Y FOR INTERNATIONAL DEVELOPMENT ( )

PROJECT AUTHORIZATION

1. PROJECT NUMBER: 306-11-780-123

2. PROJECT TITLE: National Development Training

3. COUNTRY: Afghanistan

4. AUTHORIZATION NUMBER:

5. AUTHORIZATION DATE:

6. PROP DATED: May 24, 1971

7. LIFE OF PROJECT

a. Number of Years of Funding: 5
Starting FY 1972 Terminal FY 1976

b. Estimated Duration of Physical Work After Last Year of Funding (in Months): 12

8.

FUNDING BY FISCAL YEAR (in U.S. $ or $ equivalent)	DOLLARS ($000)		F.L. 480	LOCAL CURRENCY Exchange Rate: $1 = 90 Afs. (24 May 71)			
				U.S. OWNED		HOST COUNTRY	
	GRANT	LOAN	CCC + FREIGHT	GRANT	LOAN	JOINTLY PROGRAMMED	OTHER ($000)
Prior through Actual FY	-	-	-				-
Operational FY	-	-	-				-
Budget FY 72	80						5
B + 1 FY 73	200						10
B + 2 FY 74	280						10
B + 3 FY 75	400						15
All Subsequent FY's FY76	400						15
TOTAL	1,360	-0-	-0-	-0-	-0-	-0-	55

9. DESCRIBE SPECIAL FUNDING CONDITIONS OR RECOMMENDATIONS FOR IMPLEMENTATION, AND LIST KINDS AND QUANTITIES OF ANY P.L. 480 COMMODITIES

This project is listed as "continuing" in the FY 1972 CP; however, for purposes of programming of future obligations, this approval authorizes funding for five years - FY 1972 - FY 1976. Funding estimates do not include participant training costs for Legal or Undergraduate Training as described in the PROP. Approval of the proposed Legal Training has been deferred. The proposed Undergraduate Training has been deleted.

10. CONDITIONS OF APPROVAL OF PROJECT

That the Project Agreement (Proag) include a statement on the RNA priority needs for training in the Afghan civil service.

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PO
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(Use continuation sheet if necessary)

11. Approved in substance for the life of the project as described in the PROP, subject to the conditions cited in Block 10 above, and the availability of funds. Detailed planning with cooperating country and drafting of implementation documents is authorized.

This authorization is contingent upon timely completion of the self-help and other conditions listed in the PROP or attached thereto.

This authorization will be reviewed at such time as the objectives, scope and nature of the project and/or the magnitudes and scheduling of any inputs or outputs deviate so significantly from the project as originally authorized as to warrant submission of a new or revised PROP.

A.I.D. APPROVAL	CLEARANCES	DATE
	NESA/NE:Mengwald	
	NESA/DP:AWhite	
SIGNATURE		
AA NESA: D. S. MacDonald		
TITLE / DATE	A/CONT	

Return to NE/NENA

NESA/

NON-CAPITAL PROJECT PAPER (PROP)

Country: AFGHANISTAN Project No. 306-11-780-123

Submission Date: 5/24/71 Original X Revision No.

Project Title: National Development Training

U. S. Obligation Span: FY 72 through FY initial obligation span thru FY 76

Physical Implementation Span: FY 72 through FY 77 initially

Gross life-of-project financial requirements:

U. S. dollars	$1,885,000
U. S.-owned local currency	
Cooperating country cash contribution (in $ equivalent, current exch. rate)	89,000
Other donor (for food projects, including voluntary agency contributions)	
Totals	$1,974,000

approved 02/03/72

NATIONAL DEVELOPMENT TRAINING PROP

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APPENDICES:

Appendix I - Letter dated May 19, 1971 from His Excellency Ghulam Ali Ayeen

Appendix II - The Afghan Legal System and Some of its Problems - By Mr. Gerald R. Williams

I. Justification

A major program goal of the U. S. Government assistance efforts in Afghanistan is to encourage and assist the mobilization, wise investment and efficient management of public and private resources directed toward achieving a sharply increased rate of economic and social growth. To accomplish this goal, a large number of Afghans with the knowledge and skills required for effective leadership and administration will be needed. In particular, Afghans now need the skills of policy problem analysis, management of institutional growth, evolution of a modern legal system, and leadership of public opinion on economic issues.

The above goal can best be met by a government wide approach, rather than a piece-meal effort project by project. Although USAID/Afghanistan and other donors have provided considerable training for hundreds of Afghans over the years, the overwhelming majority of that training has been in specific technical specialties. Afghan staff and leadership equipped with the attitudes, knowledge and skills required for competent economic analysis, effective policy formulation, management, and legal development -- i.e., those skills required for the governance of a developing economy -- remain in very short supply.

Indeed, a major justification for this project is the almost complete lack of personnel equipped for central staff work in the RGA, i.e., budget examiners, policy analysts, legal analysts, systems analysts, etc. There are some capable men in very senior positions but, because they have few if any staff to turn to, they are overloaded and deprived of systematic presentations of alternatives. Also, in too many cases, the effectiveness of their direction is limited by the span of their personal follow-up and supervision. [This stems in large part from the nature of Afghan education in which the role of the students is to learn "The Truth", i.e., to memorize answers rather than to develop skills in analyzing problems.]

The training required and proposed in this project paper (PROP) cannot be obtained in Afghanistan. While Kabul University is now producing graduates with fair preparation in engineering and science, training in law and economics needs much greater emphasis on the development of analytical skills, is nearly

devoid of preparation for management. Because of Kabul University and the presence here of Afghan graduates from foreign universities, there are now an increasing number of potential candidates for a program such as that proposed.

This shortage of personnel with training in economic analysis, management, and modern legal systems has required the RGA to promote technical specialists out of their own fields of competence. Policy problems are approached by hunch and on the basis of suspect, conflicting and ill-understood foreign advice for lack of Afghan analytical skills. The country is nearly devoid of financial institutions because an essentially medieval and religious law is hostile to them. A modern constitution is implemented only in part and legal rights against government exist only on paper for lack of a modern legal profession. In short, technical competence is generally frustrated by failures of system -- i.e., of analysis, organization, procedure, policy and law.

It is a part of the essential strategy of this project that susceptibility to a different approach will be high among able people who have had enough practical experience to be frustrated by the inadequacies of their previous training and who can benefit by being immersed for a considerable number of months in a culture which practices as well as preaches a systematic pragmatic approach to problems.

In conclusion, the proposed project cannot cure the basic deficiencies described above but it can increase, significantly and critically, the number of Afghans who will be equipped to spend their professional lives in the development of Afghanistan.

II. RGA Commitment

Influential Afghan leaders, in and out of the government, are increasingly aware of the necessity for improving governmental administration, for training younger officials in the skills needed for policy preparation, administration, analysis, and for modernizing the legal system to enable economic development to proceed.

The formal request for assistance from the RGA (Appendix I) underscores the importance it attaches to this kind of training; it has evolved from numerous

discussions between USAID and RGA staffs. The proposed project has been discussed with Prime Minister Noor Ahmad Etemadi by His Excellency Ghulam Ali Ayeen, Minister Without Portfolio. While the Prime Minister has given it the "Green Light", other cabinet members, e.g. Justice, Finance Interior, Information and Culture, Foreign Affairs, and Justices Ziayee and Karimi of the Supreme Court have repeatedly asked USAID to provide training for their officials in the areas proposed in this PROP.

III. Environment

Only in recent times has the government of Afghanistan begun to move into a "modernizing effort" and to end the enforced isolation of centuries. It has begun to establish and encourage new institutions to hasten that effort. USAID has been engaged since 1954 in forming and developing faculties of Education, Engineering, and Agriculture. The Ministry of Agriculture has just established a one year farm machinery mechanics school. Its extension-workers training facility with a one year curriculum is now in operation. USAID has helped to establish the first trade and vocational secondary school, the Afghan Institute of Technology. The USSR Polytechnic now is in its second year of instruction. There are a number of in-house training programs at the elementary or junior level. Kabul University is graduating students at the B.A. level, they are not yet completely comparable to U. S. and European institutions.

Only 7 years ago was a new modern constitution promulgated, and the three separate branches of government (Executive, Legislative, Judiciary) established. Afghanistan now is embarked on an "experiment in democracy"; an elective Parliament has been in existence for six years; two national elections have been held. The independent Judicial branch of Government is just three years old. Many "institutions" here still are somewhat embryonic.

The nation simply does not yet have the capability (or the institutions) to meet its manpower training needs at advanced levels, nor at all technical levels. USAID (and other donors) have trained a great many Afghans -- the overwhelming majority in narrow technical specialties. Initially, there was little choice since there were no trained technicians. With the passage of time, the Afghan Government has expanded also. New units have been established (such as the Cadastral Survey Organization); and governmental & societal needs

have become more complex. Only recently has there been movement to meet the requirements for generalist administrative or management skills which are becoming ever-more critical and there has been only an awakening as to the means of meeting the legal skills requirement. Less than 5% of our 2000 plus participants have had specific training related to management or administration areas -- and only a handful of those have had the broad training envisaged in this proposal. In the public administration area we have had just over 100 returnees from training of one year or more. Not more than a dozen of these have had substantive in-depth training that even approaches the planned training proposed in this project. In agriculture, transportation and engineering, land inventory, HAVA activities, and education we have provided no broad gauge training of the nature outlined herein. We have provided many programs at the Bachelor and Master degree levels, and a few at the Ph.D. level; but these were generally aimed at narrow specialties. We have provided a considerable number of short term (up to six months) programs with administrative and management exposure; and have also included some of these elements in longer programs, aimed at a specialty technician category, but these only scratched the surface of the management area, doing little more than providing an introduction to the role of the administrator in the development process.

Many of our former training programs in basic economics, budgeting, fiscal areas, statistics, etc., provide a base for broad gauge training proposed in this project.

Other donors have followed the same general pattern as USAID -- training technicians first, of necessity, and only now beginning to move into the broad generalist, managerial, and administrative areas.

Legal development in Afghanistan is, likewise, an acute problem which will not be remedied by an increase in the amount of education that is available from current or foreseeable sources in Afghanistan because that training ignores the skills that are needed in supporting Afghan legal development. Similarly, the problem will not be solved by bringing in more foreign advisors to recommend more of the haphazard legal drafting and inappropriate changes that have caused some of the current problems. Thus, the most appropriate response to the problem of legal development in Afghanistan is to

help develop in Afghan legal personnel the kind of legal skills which will enable them to adequately carry out their own development both for the Government sector and for private practice.

There is no doubt among the Afghans and the foreign donors that current training is inadequate to meet the demands being placed upon the legal system. Only three institutions teach any form of law. They are: private and governmental religious schools (at the primary and secondary level only); the Faculty of Islamic Law at the Kabul University; and the Faculty of Law and Political Science at Kabul University. While the UAR has been assisting the Faculty of Islamic Law for many years with a narrow approach to the role of Islamic Law in developing Islamic countries first, the Dean and Faculty have been awakened to the vast and often determinative world of law that lies beyond the past; and second, the UAR has had to withdraw most of its support due to its own internal problems. The French are finishing a 10 year contract with the Faculty of Law and Political Science. While their performance during the first three or four years was excellent, such has not been the case for the past six years, particularly in the quality of their contract professors, and their approach has been highly theoretical, not as an instrument of social and economic development. Continued assistance from the French is not anticipated.

Law of Contract, Law of Torts

The professional personnel requirements of the Afghan legal system fall into three categories: the courts, the Ministry of Justice, and private law practice. The Afghan Constitution created a comprehensive court system and gave the judges, whose training largely has been in private religious schools, the difficult and sensitive job of reconciling the conflicting requirements of Hanafi jurisprudence, ~~the 1964 Constitution, and the growing body of legislative law. The 870 existing judges simply have not been trained to do this job.~~ The Ministry of Justice is charged with drafting legislation, conducting criminal investigations and prosecuting offenders, and rendering legal opinions. All of these responsibilities require skills quite new to Afghanistan's legal profession whose members lack experience in research, analysis, drafting, investigation, case preparation, or preparing legal opinions. The private sector similarly needs these skills if it is to defend the rights of the people and develop the private corporate structures appropriate to economic development.

Admin Law
Legal Reform
Legislative Drafting
Business Law
Corporate Law
Law Market.

While there is no new plan by the RGA to reform its legal system, the Government is adamant in continuing its slow, painful, experimental process of

establishing an independent Judiciary, a Supreme Court Research and Training Center, and a modern criminal investigation and prosecution system. Justice Shaffer's 1965 report, "Judicial Administration", contains greater detail on the plan the RGA is following and furthermore emphasizes the need for trained manpower as the most critical problem facing the Afghan legal system.

IV. Alternative Strategies

1. Undergraduate Training in the U. S. for Provincial Secondary School Graduates

An informal proposal has been made to USAID (and subsequently to the AID Administrator) that the USAID send the three top secondary school graduates from each of the 27 provinces (except Kabul) to the United States each year for undergraduate academic studies leading to the B.A. degree. The purpose would be to provide rural Afghanistan with U. S. educated constructive leadership, to open opportunities for such development to a broader spectrum of people, and to get those trained abroad out in the provinces rather than concentrating more trained people in the central government.

While there is considerable merit in this proposal, the cost is high, the risk of loss is even higher, and the anticipated five years required to obtain the B.A. is long. These younger trainees are much more likely to find the U. S. most attractive, to marry there, and be lost to Afghanistan. The longer the training program the greater the loss rate. Much remedial work would also be necessary for matriculation.

USAID agreed to include up to ten provincial candidates in the American University of Beirut (AUB) contract quota for entrance in September 1971 and requested nominations for the AUB entrance examinations. The Ministry of Education did not bring in any top provincial high school seniors to take the AUB undergraduate entrance examination this spring. There was some concern that it would be too traumatic an experience since most, if not all, the candidates would probably fail. We understand it is still the Government's intention to bring at least some of the top provincial lycee graduates into Kabul for a year of intensive preparatory school work in English and other subjects using the facilities at AIT. If they do, they will take the AUB entrance examination next

April and those qualifying will be sent to AUB, or if it then appears desirable and funds are available we will then propose an amendment to this project to include a limited number of candidates for undergraduate and M.A. training in the U.S. We have no doubt about the potential value of such a program to the development of Afghan leadership, but from the point of view of cost effectiveness we regard it as extremely risky and thus of somewhat lower priority.

2. Institute of Public Administration

During Vice-President Agnew's visit to Kabul in January 1970, the Prime Minister requested assistance to establish an Institute of Public Administration. While there is strong receptivity here to the idea of a public administration or management institute, we feel the overseas training in analytical skills of a significant body of rising Government people is an essential prerequisite to the successful establishment of such an institute in terms of providing a growing body of people in the Government who will understand its usefulness, create a demand for its services, participate in its teaching and provide follow-up guidance to its graduates. We may, in the future, be proposing a project for the development of a management institute in Kabul University or supporting a UN project to that effect, but at the current stage of Afghan management development such a project would need to be so much of a turnkey operation as to be infeasible at this time. We believe the five-ten year impact of the proposed project would be greater, and the longer-run impact as great, as a comparable expenditure on an institute.

3. Relation to Other RGA Manpower Efforts

Principal among these is Kabul University which, though fast-growing, is in much need of help in raising its academic standards. While assistance from several sources is being provided to Kabul University, practically no management training is available. This project is designed specifically to complement and to some degree overcome these deficiencies for Kabul University graduates in the Government. Without it, few would be capable of playing a constructive staff or management role in the Government. Beyond the University the principal relevant manpower development is the training provided by assistance donors. In nearly all cases this is focused on needed technical specialities.

On balance, therefore, USAID feels that the efficiency of the approach proposed in this PROP will be very much higher since the older men proposed for training who have already established family and job ties in Afghanistan would be much more likely to continue their careers in Afghanistan after their return. A majority of the Kabul University students are now from the provinces. The ablest graduates enter the faculties or the Government, and since their selection for this project will be on the basis of merit, the breadth of opportunity is great. This project is designed to complement existing efforts since competent technicians in Afghanistan are typically frustrated by administrative, legal and policy failings and are frequently promoted to management and policy positions for which they were completely ill-equipped.

V. Project Target

To select RGA officials of high potential now in, or shortly slated for, responsible managerial or administrative positions and to provide them with the analytical skills, techniques, and knowledge oriented toward the practical problems of government policy formulation, program analysis, management and administration; evolution of the legal system; and other aspects of public leadership. Then, to return them to Afghanistan to use those skills at progressively higher levels and positions of responsibility in the government to accelerate Afghan development.

VI. Course of Action

1. Scope of Program

Put simply, the course of action is to select and train Afghan personnel with demonstrated potential in analytical skills of economics, management and law. They will be sent to the United States for non-degree programs usually of 15 to 24 months duration. Occasionally, a participant may earn an M.S. degree. The entire emphasis in this program is on the acquisition of skills for governmental application in management, policy development, legal evolution, and other aspects of public leadership. The attainment of degrees is purely secondary, and only incidental to the training. Most of these participants would be given about two semesters of graduate-level academic work in economic analysis, management, law, or some combination thereof, aimed primarily at the development of analytical, problem-solving skills and management ability. The academic studies would generally then be followed by an on-the-job experience related to their academic studies and to Afghan problems.

It is planned that some two-thirds of the candidates would come from the Ministries most directly concerned with economic development (and especially from planning and budget staffs, and large operational programs), but not excluding anyone viewed as President material equivalent to Bureau or Department heads. Others in line for roles of senior policy or management importance in the Ministries of Foreign Affairs, Interior, Information, etc., also would be eligible.

Initially, the candidates will come from the central government organizations primarily; but it is planned that eventually a considerable number of candidates from provincial government priority areas (such as governors and sub-governors, provincial fiscal directors, etc.) can be included. Revenue Project

Law

The remaining one-third of the candidates, if available and qualified, would study in the legal fields. These participants would come from the court system (Judiciary), both branches of the Ministry of Justice (Prosecutorial and Legislative branches), and faculty members of the Faculty of Islamic Law and the Faculty of Law and Political Science. In addition to acquiring a basic knowledge of the developmental process, officials in the legal area would learn (1) legal research, (2) legal analysis, and (3) legal writing and drafting skills aimed at 12-24 mos.? enabling Afghan lawyers to improve the quality of legislation, the preparation of court cases, judicial analysis and decision writing, and the teaching of law. The purpose here is to give Afghan legal personnel the skills necessary to improve and adapt the Afghan legal system to Afghanistan's current and future needs, not to teach them the American legal system to impose here. (Appendix E of this PROP, "The Afghan Legal System and Some of its Problems," is a careful assessment of the current legal situation here.)

2. Criteria for Selection of Participants

The principal criteria for selection are ability, past performance, and promise of superior future performance. Indicators of outstanding ability are: (1) a good university record with the possession of at least a B.A. degree; (2) a good record on the job which would be evidenced by work performance and promotions; (3) judgment of senior people that the person under consideration has strong growth potential; and (4) a sufficient experience actually on the job (probably 5 years except in legal areas where it may have to be less) to demonstrate ability. The intention is to select people who already have demonstrated performance based on ability and a capacity to rise in the Government service on the basis of merit. This, hopefully, would demonstrate the results than can be achieved when

the criteria for promotions is shifted from personal relationships and other traditional criteria to that of performance as the basis for advancement in the Government Civil Service. Opportunity for selection should be available to young people from all parts and all ethnic groups of Afghanistan. We anticipate that most candidates will be in the 30-40 year age group.

All personnel selected will have completed their military obligation or will be exempt for reasons other than having been selected for training under this or other training activities. Since the language of training will be English, a solid working knowledge is required. It may be acquired after initial selection but must be demonstrated prior to departure for the U.S.

3. Joint Selection and Review Board

Since this proposal is designed to respond to needs throughout the government, the RGA focal point will be in the Office of the Prime Minister to prevent the program from being dominated by a single Ministry. The USAID and the RGA formally will establish a Joint Board with Afghan chairmanship and majority, with RGA membership from the most senior level government officials who would be expected to give participant selection and allocation of priorities for training their personal attention. The chairman will be the Minister Without Portfolio, Prime Ministry. USAID members will be the Training Officer and Chief, Public Administration Division. RGA members will be the President, Office of the Prime Ministry, the Advisor to the Prime Minister, the Rector of Kabul University, and the Deputy Minister of Planning.

The Board will establish selection criteria, determine the scope and type of training programs desired, provide public notice of the program, establish priorities, and finally select the candidates put forth by the Ministries, Agencies, Law Faculties, and the Supreme Court; generally approve the training programs; determine the initial placement of returned trainees; and periodically evaluate the effectiveness of the program.

While the Board at this level provides political and motivational advantages, of far greater importance is the supra-authority of the Prime Ministry where the determination will be made of the most pressing areas in the government for management improvement. The Board by its very nature and location will be ideally situated to insure proper placement of returnees and to insure their best utilization.

The selection board in the Prime Ministry is new but is essentially a formalization of a function carried out very effectively in the past when the RGA was selecting top high school graduates for university training overseas under government financing. The frequency with which one meets participants in that early program in high office operating with considerable effectiveness speaks well both for the quality of selection then carried out and for the impact of that experience on able young Afghans. Many of those young people continued for graduate work in the U. S. or Europe on their own after completing the government-financed undergraduate training but, apparently, at least half of them remained or eventually returned abroad. Unfortunately, the government does not have complete records of who was sent under that program in the late 40's and early 50's but, apparently, there were at least 100 of whom we are able to identify only 47 now here. From the point of view of prestige, openness of candidacy and rigor of selection, we think the proposed selection board is the best obtainable and the USAID members, together with their RGA representatives, will insist on high standards.

4. Size and Impact of Program

While the RGA has expressed some desire for about 35 participants a year under this project, in our discussions we have stressed the difficulty of reaching this number in view of the scarcity of Afghans who will meet the selection requirements and have the required competence in English. If individuals were not difficult to release because they were very badly needed here, they would not be the right candidates for this program. Thirty-five per year would be a substantial proportion of the number of able young men in the Government service who should be considered for such a program. However, the USAID and Afghan Government leaders involved have accepted this figure as a target.

The scale on which this project is proposed is a guess, with the principal limiting factor being the ability of the RGA to provide candidates with requisite qualifications. While the project sounds scattered it would, in the course of a very few years, have a major impact. This can be illustrated by the fact that seven years of full operation would provide 175 trained analysts, managers or policy makers which would be sufficient to provide 30 in the Ministry of Finance, 30 in the Planning, Budget and other staffs of the Prime Ministry, 10 each in Agriculture, Industry, Commerce, Interior, and Information & Culture, and 5 in Foreign Affairs, and 60 divided among the Law Faculties, Justice and the

Prior 027

175 { 30 Min Fin
10 Ag
10 Com
10 Info
10 Int
5 For

Ag per 40

60
110

Prosecutor's Office. The RGA is not large and the addition of effective skills in these numbers among its senior staff would have a critical impact on its operating effectiveness.

Clearly this project will implement AID's dictum to "spread the effect. When people are taught the concepts of management, they are taught to use the skills of other people to develop and implement integrated plans. Putting these concepts to work requires instructing others, particularly subordinates, in the techniques of implementation. Thus, with a relatively few people with broad training in administration, analysis, and legal skills intended to facilitate and not hinder, the normal working environment should achieve a large multiplier effect.

5. Relative USAID Funding Priority

The proposed project would cost roughly five per cent of our current TC program level. At that scale we give it high priority indeed; even in the face of substantial reduction in total program, we would continue to give this proposal strong preference.

6. Project Costs

This is proposed as a continuing project. We, therefore, have not computed a total project cost. We also are hesitant about predicting the annual cost in view of strictness of the criteria established and the apparent rapid changes in cost of education in the United States. However, for better or for worse, we estimate a selection program and consequent funding requirement for the next five years as follows:

Table 1
Page 13
COUNTRY: Afghanistan

NONCAPITAL PROJECT FUNDING OBLIGATION (in $000)

Project Title: National Development Training

PROP DATE
Original X
Rev. No.
Project No. 306-11-780-123

Fiscal Years	AP	L/G	Total Cont. 1/	Personnel Serv. AID PASA	Personnel Serv. CONT	Participants U.S. Agencies	Participants CONT	Commodities U.S. Agencies	Commodities CONT	Other Costs Dir & U.S. Agencies	Other Costs CONT
Prior through Act. FY 70											
Oper. FY 71											
Budg. FY 72	TA	G	93.5			93.5					
B + 1 FY 73	TA	G	289.0			289.0					
B + 2 FY 74	TA	G	392.5			392.5					
B + 3 FY 75	TA	G	515.0			515.0					
All subs (FY-76)	TA	G	595.0			595.0					
Total Life			1,885			1,885					

1/ Memorandum (nonadd) column

Table 1 (cont'd)
Page 1b

EXCHANGE Rate $1 - Afs. 90 2/

Project No. 306-11-790-123

Fiscal Years	AID-controlled Local Currency U.S. Country-owned	Other Cash Contribution Cooperating Country 3/	Other Donor Funds ($ Equiv.)	Metric Tons (000)	CCC Value & Freight ($000)	World Market Price ($000)
Prior through Act. FY 70						
Oper. FY 71						
Budg. FY 72		~~8~~ 5				
B + 1 FY 73		15 10				
B + 2 FY 74		18 10				
B + 3 FY 75		22 15				
All Subs. (FY-76)		~~26~~				
Total Life		~~17~~ 89 140				

2/ As of preparation date
3/ International Travel costs: Kabul/London/Kabul

Training and Funding Schedule

Start of Training	New	Continuing	Total
Sept. 1971	11	-	11
Sept. 1972	20	11	31
Sept. 1973	25	15	40
Sept. 1974	30	20	50
Sept. 1975	35	20	55
	121		187
	20		

Fiscal Year of Funding		Dollar Cost	
1972	8500 x 11 (New)	93,500	93,500
1973	9000 x 11 (Cont) 9500 x 20 (New)	99,000 190,000	289,000
1974	9500 x 15 (Cont) 10000 x 25 (New)	142,500 250,000	392,500
1975	10000 x 20 (Cont) 10500 x 30 (New)	200,000 315,000	515,000
1976	10500 x 20 (Cont) 11000 x 35 (New)	210,000 385,000	595,000

TOTAL: 1,885,000

	New	Continuing	Total
10 Sept. 72	10		
" 73	15	10	25
" 74	20	10	35
" 75	30	20	50
" 76	30	20	50
1977		15	15
	195		

80,000
200,000
50 280,000
15 400,000
400,000
15

Notes on Training and Funding Schedule:

The estimate of the number of candidates programmed each year is based on the following assumptions:

a. We plan to start the program in September 1971 and therefore believe that 11 is a reasonable number at this time which can be examined, selected, programmed, and for which the RGA can arrange the length of absence required for training under this project.

b. There is a reservoir of personnel suitable for this training which can be selected and programmed during the next 15 months for training to begin in September 1972.

c. By summer 1973, some trainees will have returned but the RGA will not be able to spare too many additional persons, so we are assuming that in September 1973 only about 25 will be available.

d. For each of the two following years the returnees will permit the RGA to release five additional persons for training so that in September 1974 there will be about 30 trainees, and in September 1975 the full level of 35 will be reached and maintained thereafter if the project continues.

Copied from original letter

Appendix I

FOREIGN MINISTRY
Office of the Prime Minister

May 19, 1971

Mr. Bartlett Harvey
Director
USAID
Kabul

Dear Mr. Harvey:

I am pleased to advise you that my Government desires the help of the United States Government in mounting training programs in the fields of law, economics, and administration in the U.S. for Afghan civil Servants of clear growth potential. We would like to begin this training activity for at least a few people in September 1971.

I would like to summarize herein my proposal, the conditions that call for such a program and my expectations as to how the overall program would operate:

It is generally agreed that there is a need for greater numbers of Afghan staff equipped with the knowledge and skills needed for Government leadership of development. This includes the skills for policy problem analysis, management of institutional growth evolution of a modern legal system, and guidance of public opinion on economic issues. While there are many officials trained in less broad fields, at home and abroad, we recognize that insufficient attention has been given to the training of senior staff in management and policy at the broad level.

The target of this activity is to select RGA officials of high potential and, by the provision of overseas training, to provide them with advanced skills, techniques and knowledge at the university post-graduate level but aimed at application to the problems of government. It is contemplated that some two-thirds of the candidates would come from the economic ministries, especially

from their planning and budget staffs, but not excluding any one viewed as President material. Others in line for roles of senior policy or management importance in Interior and Information would be eligible.

It is expected that the appropriate programs for most candidates would include at least two semesters of graduate-level academic work in economic analysis, management, law, or some combination thereof, aimed primarily at the development of analytical, problem-solving skills, and of management ability. The academic studies should generally then be followed by an on-the-job experience related to their academic studies and to Afghan problems. We understand that some programs will be non-degree; some may well result in a Master's degree. We do not expect that any will be extended to a Ph.D. Our expectation is that the entire emphasis in this program will be on the acquisition of skills for governmental application in management, policy development, legal evolution and other aspects of public leadership with the attainment of degrees only incidental to the training.

It is contemplated that about one-third of the candidates would be in the area focused on the development of legal skills. These participants would come from the court system, both branches of the Ministry of Justice, and younger faculty members of the Faculty of Islamic Law and the Faculty of Law and Political Science. Studies in the legal area would concentrate on (1) legal research, (2) legal analysis, and (3) legal writing and drafting skills aimed at equipping Afghan lawyers to improve the quality of legislation, the preparation of court cases, judicial analysis and decision writing, and the teaching of law. What we would like is for Afghan legal personnel to develop the skills necessary to improve and adapt the Afghan legal system to Afghanistan's current and future needs.

Size of the Program: We may be able and will try to select 10-12 qualified individuals who could start this September. We hope you would find it possible to increase the program in succeeding years to as many as 35 able young men in the Government service.

Criteria for Selection of Participants: The principal criterion is ability, past performance, and promise of superior future performance. Indicators of outstanding ability are: (1) a good university record with the possession

of at least a B. A. degree; (2) a good record on the job which would be evidenced by work performance and promotions; (3) judgment of senior people that the person under consideration has strong growth potential; (4) a sufficient experience actually on the job to demonstrate aptitude for government work. Our intention is to select people who have already demonstrated performance based on ability and a capacity to rise in the Government service on the basis of merit. Opportunity for selection would be available to young people on the basis of qualification solely. We anticipate that most candidates will be in the 30-40 year age group.

All personnel selected will have completed their military obligation or will be exempt for reasons other than having been selected for training under this or other training activities. Since the language of training will be English, we fully recognize that a solid working knowledge of this language is required. We would hope that it may be acquired, if necessary, after initial selection, but we agree that it must be demonstrated prior to departure for the U. S.

In line with our earlier discussions of this activity, the RGA would establish a board on which representatives of USAID would be invited to serve, to jointly select candidates of outstanding capability. This board would have Afghan chairmanship and majority and would be located in the Prime Ministry since this is a Government-wide program, not to be dominated by any single ministry. Membership would be at the most senior level at which it could be expected that the members could give candidate selection and allocation their personal attention.

I anticipate that the members would be:

Minister Without Portfolio (Chairman)
President, Office of the Prime Ministry
Advisor, Prime Ministry
University of Kabul Rector
Deputy Minister of Planning
USAID Public Administration Officer
USAID Training Officer

The board would establish the selection criteria, determine the scope and type of training program desired, provide public notice of the program, establish

priorities, select the candidates from nominees put forth by the government ministries, agencies, law faculties, and the Supreme Court; generally approve training programs; determine the initial placement of returned trainees; and periodically evaluate the effectiveness of the program.

I recognize that if we are to start the program this September, prompt steps need to be taken to establish the above mechanism, to solicit nominations from Government agencies, to select the candidates and prepare the necessary training requests. My Government is fully prepared to move quickly on these actions.

Sincerely yours,

/s/

Ghulam Ali Ayeen
Minister Without Portfolio
The Prime Ministry

APPENDIX II

UNCLASSIFIED

The Afghan Legal System and Some of Its Problems *

1. The Problem

The legal training currently available to Afghan legal personnel is inadequate to prepare them to meet the demands being made upon their legal system.

The legal training currently available to Afghan legal personnel is confined to three institutions: private and governmental religious schools (primary and secondary education only), the Faculty of Islamic Law at the Kabul University, and the Faculty of Law and Political Science at the Kabul University.

Most of the country's 870 judges received their training in private religious schools. These schools go only through the secondary level of education and prepare judges only for a very limited, traditional judicial function. Understandably, the judges from these schools are the most resistant to changes and improvements in the judicial system and are utterly unprepared to deal with the growing body of legislation now passing into their jurisdiction.

Nearly all of the new judges are hired directly upon graduation from one of the two law faculties at Kabul University. The Faculty of Islamic Law has been operating with the assistance of the United Arab Republic and has until very recently offered only a more technical approach to the subject matter of the private religious schools. The Faculty of Law and Political Science has been operating with the assistance of the French and has offered a highly theoretical approach to law, political science, and economics, based on the French-Roman Law tradition. Few of the faculty members have had formal legal training of any kind. Neither of the law faculties uses any textbooks for the students (the teachers pass out mimeographed copies of their lecture notes which the students memorize verbatim), neither faculty teaches in the least degree the skills of reading, analysis, research, and writing generally deemed necessary for competent legal work.

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* This Annex is based on materials prepared by Mr. Gerald R. Williams, the International Legal Center Fellow in Afghanistan.

UNCLASSIFIED

A final factor to be considered is that, over the past two years, the U. A. R. support in the Faculty of Islamic Law has shrunk to practically nothing due to pressures at home (in the U. A. R.) and is not expected to provide much support in the future. Likewise, the 10-year contract of the French with the Faculty of Law and Political Science will be up this spring and it appears that it is unlikely the French will renew it. Since the influence of the Arabs and French has been extremely narrow and theoretically oriented, their probable departures may be a mixed blessing. Nevertheless, unless supplemented by some additional training for local faculty members, legal education is likely to decline from its present low state.

The gravity of the present low state of legal education can only be understood in light of the demands currently being made upon legal personnel in Afghanistan. The demands comprise three categories: the courts, the Ministry of Justice, and private law practice.

2. The Afghan Legal System - A Thumbnail Sketch

The Courts: The court system consists of a Supreme Court, a Court of Cassation, a High Central Court of Appeals, 28 Provincial Courts with appellate and limited original jurisdiction, and approximately 210 trial courts of general criminal and civil jurisdiction, as well as six specialized courts to handle commercial, tax, civil service, public security, traffic, and governmental cases. In addition, there is a central administrative corps which includes 25 directors and 246 employees which supports the 870 judges and unnumbered Court administrative personnel in the field. The training of these personnel probably was adequate to prepare them for traditional Shariat judicial functions. Under the traditional doctrines, judges do not interpret the law or attempt to adapt existing law to new problems as they arise; they merely hear the facts and apply fixed rules. However, satisfactory this approach may have been in the past, it is patently inadequate to the demands of the modern national state. The Afghan Constitution gives judges the difficult and sensitive job of reconciling the conflicting requirements of Hanafi jurisprudence, the 1964 Constitution, and the growing body of legislative law. The task requires men who recognize the potential and importance of the judicial function in legal development and who have learned the mental skills of analysis, research, and writing which will permit them to fulfill that function. At present there are only a handful of judges prepared to perform the demanding judicial tasks that now present themselves.

It should be noted also that the lack of skill of the legal draftsmen and the prosecuting attorney in the Ministry of Justice - as explained below - severely increases the difficulty of the judge's duties. Laws have been hastily and sloppily copied from western models which have doubtful relevance to the problems and cultural setting of Afghanistan; judges must then assume the added responsibility of applying ill-fitting laws in a fair, comprehensible, innovative manner. Again, this is a task absolutely alien to the present judges and for which they have yet to develop the skills. The same applies to the problem of unskilled and inexperienced prosecutors; they come to court so ill-prepared that a judge regularly is forced to gather his own facts and to find the law himself, and even with this degree of judicial tolerance judges often are forced to interrupt a trial for days or even weeks and send the prosecutor out to prepare his case more adequately. These additional judicial burdens are critical because the judges have not received any training to prepare them to perform them. As a result, the quality of justice is suffering severely.

The Ministry of Justice: Legislative Drafting, Criminal Investigation and Prosecution, and Legal Opinions:

The work of the Ministry of Justice determines the direction, quantity, and quality of legal development in Afghanistan. The range of legal duties it performs would tax the most highly trained and sophisticated legal department, and yet, none of the regular attorneys for the Ministry of Justice have had legal training beyond that offered at the two Kabul Law faculties. In other words, none of them has done more than memorize either Shariat law or French legal theory - they have no skill or experience in research, analysis, or drafting, or cirminal investigation, or case preparation, or preparing legal opinions. The result is that laws are drafted without reference to or even comprehension of the special cultural and economic needs of Afghanistan, and those laws which have been ultimately passed by Parliament or by Royal Decree are often unworkable - for example, the commercial code, the foreign investment law, etc. Training in legal research, in how to recognize and evaluate particular problems and needs in a country, and how to draft them into a workable code is sorely needed. Training is likewise needed for the absolutely inexperienced prosecutorial staff; techniques of fact gathering, of case preparation, of courtroom presentation, of legal research, etc., are unknown and must be supplied before the prosecution will ever approach the quality demanded by the Afghan Constitution.

3. RGA Intentions

While the RGA has no new plan to reform its legal system, the Government is adamant in continuing its slow, painful, experimental process which began with the 1964 Constitution and which included establishing, over a three-year period, an independent judiciary (until the completion of that three-year period in 1967 the courts were under the jurisdiction of the Ministry of Justice - the change, in the Afghan context, was a radical one which will present problems for years to come), a Supreme Court Research and Training Center (whose functions still are largely ceremonial), a "modern" criminal investigation and prosecution function (still very [illegible] - nearly 100% of the criminal cases still are investigated and prosecuted by the police, and in an astonishing number of cases the police punish without resorting to a court), a "modern" legislative drafting function (confined generally to undiscerning copying of foreign codes), and a very ambitious theoretical commitment to western standards of honesty, fairness, due process, equal rights, and democracy in the legal process.

More detailed information on this "plan" is contained in Justice Shaffer's 1965 report, "Judicial Administration", which recommended advanced technical and communications gear for crime investigation and assistance in building court facilities. The Shaffer report further emphasized the need for trained manpower as the most critical problem facing the legal system. Mr. George C. Christie, General Counsel, reported a similar conclusion in his report of August 11, 1966.

4. Prospects of Foreign Donor Assistance other than the U.S.

The French are under a 10-year contract to the Faculty of Law and Political Science. Their Contract Team's performance was excellent for three or four years but for the past six years has, it has been reported, been disappointing, both in the quality of the three contract professors and in the quality of the system they bring with them. Their approach to law is as a theory, not as a live, dynamic instrument of social development. At any rate, the contract expires this spring, and it is doubtful whether the French will renew it, and if they do, it will be on a much more limited scale. The answer to this problem, of course, is not to bring in temporary French (or any other) teachers, but to teach the young and best faculty members how to develop their own materials and how to use the active method of law teaching.

Egyptian law professors have been assisting at the Faculty of Islamic Law for many years, and despite the narrow approach to the role

of Islamic Law in developing Islamic countries, their assistance has been satisfactory. Two factors combine to make that assistance inadequate today. First, the Islamic Law Faculty, in the past few months, have been awakened to the vast and often determinative world of law that lies beyond the narrowest interpretations of Islamic past, and they are actively seeking to broaden the scope of the school to include that world in order to give Islamic Law a fair chance to adapt itself to modern needs. This is a revolutionary change in attitude which was not thought possible only a year or two ago, and has manifested itself in several ways: the Faculty began taking English courses (two hours a day, three times a week) last fall and are keeping them up; the first-year students have compulsory English training; the Faculty invited--indeed, insisted--that the IIC Fellow here teach a class in Introduction to the Principles of Western Law, in which he has used the active method of teaching and found it very well received (this is the first time a non-Moslem has been allowed to teach); the Dean of the Faculty has interested at least two of his professors in the possibility of preparing textbooks for their classes (none are used now) and has asked for and received Asia Foundation money to support both writing and publication of the texts. There are other, less conspicuous, indications that the Faculty is seeking the type of approach which only U.S. training can provide.

The second factor, of course, is that the UAR has had to withdraw most of its support due to its own internal problems, and not much additional assistance in the foreseeable future is foreseen.

According to latest information, the Japanese will provide technical assistance on the establishment of a court clerk training program in Kabul. Present plans are for Mohammad Ismael, Vice-President of the Supreme Court Research and Training Center, to stop by in Japan on his return from an Asia Foundation trip to the U.S. this Summer to gather the necessary information. He already has drafted the proposed regulations for the Kabul training. In addition, there may be some Afghan court personnel who will go to Japan for Court Clerk training, but they will not be judges. In other words, the Japanese contribution complements our proposed legal training by training court clerks, which is something we would not be prepared to do in our training program.

U.K. assistance proposals are more nebulous, Frankenberg has not yet written back anything specific since his January visit, although the British Council told Justice Karimi that most probably it would be the fall of 1972 before any program could begin. At present it looks as if one or two judges will be invited to study for 9 to 12 months at one of two English Universities, probably under Colombo Plan financing. It is hoped that this offer will be repeated for more than one year, because the Supreme Court currently has 50 young judges and administrators taking English courses in preparation for future training.

Mr. Krishna, the World Bank Attorney assigned to this area, just completed a ten-day visit in response to a request from the Ministry of Planning. He has returned to Washington and would certainly be happy to talk with AID/W about plans. Briefly, the World Bank does not provide the type of assistance or training considered in this PROP (there was no talk of training here, only of having an expert come to draft a mining and a new water law, and perhaps other laws). Mr. Krishna suggested that ILC would be the best vehicle for following through on the RCA request, and he met three times here with ILC Fellow and will meet with ILC's Peider Konz in New York.

5. <u>Type of Assistance Required by the Afghans</u>

At this point in discussing legal training, it is essential to stress again that the assistance offered by a foreign donor must not be to teach the legal system of that foreign nation. Giving Afghans the skills to work within their own system will be many times more advantageous in the long run than to introduce confusion and dissatisfaction by trying to sell the specific legal peculiarities of any national system. This, of course, is where nearly all so-called developed countries make their mistake--they all invite Afghans to study in regular degree programs (whether or not for a degree) which only teach the foreign legal system. And except with the U.S. Socratic method of teaching, few skills are passed on to the Afghan and he comes home no better prepared to be a pioneer within his own peculiar system. The proposed legal training, therefore, will be specifically designed to respond to the law and development problems relevant to Afghanistan, and will have as its primary goal, the teaching of specific legal skills,

A second point is equally important. Coordination is necessary if trainees are to get a balanced view which will give them some perspective on their own problems. The ILC Fellow met with Frankenberg while he was here and meets regularly with Mr. Pearson, of the British Council, and there is mutual agreement that trainees who go to the U.S. would benefit greatly from stopping for several weeks in the U.K. on their return trip to compare what they saw in the U.S. with what is in the U.K. Likewise, stops in the UAR and perhaps Beirut or Tehran would give the program a perspective otherwise unattainable. It is hoped that AID funds may be used in support of this kind of coordination.

Concerning the linking of legislative and administrative drafting activities with legal concepts and local language usage, it must be noted that the lack of adequate consideration of Afghan legal concepts and local social and customary practices has been the unfortunate hallmark of virtually all past assistance from all foreign aid programs (all countries). And this very disregard of Afghan tradition and needs is the motivating factor behind legal aspect of this proposal. Rather than letting foreigners come to do the significant legal work (which does not fit the local situation) we propose to train Afghans to do their own legal work and to help sensitize them to the need for their talents for the honest and orderly development of their Islamic legal tradition.

6. Training Locale

One alternative to sending Afghans abroad to learn skills needed for Afghanistan's develop would be to conduct in-country training with the assistance of the ILC, building the course content around Afghan law. According to Justice Karimi, the advantage of added access to Afghan law and local problems which would come from in-country training would not offset the disadvantages inherent in trying to teach men who are still working at their regular jobs and still have the burdens of family and social life to detract them. On closer consideration however, it appears to us that in-country training would be far superior if the same quality of teachers and physical facilities could be made available. Would it be possible to attract two or three top law professors in legal development away from their schools for five years to carry out such training? From this end it does not seem possible. And the prime consideration of the training is that it will be done by law professors who have had experience in developing countries and who are sensitive to the need to build on the

indigenous legal system. Only at very few universities is there such a nest of men interested and skilled in the new field of legal development. This should not rule out the possibility of supplementary in-country training with ILC assistance, especially if it could use returnees from the U.S. training as models and instructors. This, in fact, should be assumed to be part of the total program, but not for immediate implementation.

Return to NE/NENA NE-Mr. Friedline

MIKE

F.6 Project #123

July 19, 1972

NOTE FOR: Mr. Langmaid - ASIA/NE

Rev. 1

I have considered and approved the PROP which adds legal training to the National Development Training Project for Afghanistan. Since there are some unresolved issues, I would add the following points:

1. I understand that two groups of scholars will have been selected and started training before any evaluation can be completed Thus the decision point for further funding will be prior to selection of the third group, not the second.

2. I expect that the plan for evaluation will be in place before we sign a contract for implementation.

3. Clearly, the elements of the evaluation focus will include:

a. the quality of the trainees selected, and other indications of continued Afghan support for the project.

b. judgments about the quality of the course provided by the contractor, and the reactions to it of the Afghan students, and the success in academic terms of the students in the course.

It is hard to see that we will be able to go much beyond these points in the early evaluation. Hence we should not expect too much. Over the longer-run, we should identify other benchmarks to evaluate against.

AA/ASIA-Curtis Farrar

Clearance:
ASIA/DP:ADWhite(draft)

AID 1020 24 (10-69)

AGENCY FOR INTERNATIONAL DEVELOPMENT (A.I.D.)

PROJECT AUTHORIZATION

1. PROJECT NUMBER	3. COUNTRY	4. AUTHORIZATION NUMBER
306 11-790 123 (Revision #1)	Afghanistan	
2. PROJECT TITLE		**5. AUTHORIZATION DATE**
National Development Training (Legal)		**6. PROP DATED** July 1972

7. LIFE OF PROJECT

a. Number of Years of Funding: 4
Starting FY 1973; Terminal FY 1977

b. Estimated Duration of Physical Work After Last Year of Funding (in Months): 18

8. FUNDING BY FISCAL YEAR (in U.S. $ or $ equivalent)

	DOLLARS $000		P.L. 480	LOCAL CURRENCY Exchange Rate: $1 = 84 Afs. (May 1972)			
				U.S. OWNED		HOST COUNTRY	
	GRANT	LOAN	CCC + FREIGHT	GRANT	LOAN	JOINTLY PROGRAMMED	OTHER $000
Prior through Actual FY	-	-					-
Operational FY	-	-					-
Budget FY 72	150						5
B+1 FY	150						5
B+2 FY	150						5
B+3 FY	150						5
All Subsequent FY's	150						5
TOTAL	750						25

9. DESCRIBE SPECIAL FUNDING CONDITIONS OR RECOMMENDATIONS FOR IMPLEMENTATION, AND LIST KINDS AND QUANTITIES OF ANY P.L. 480 COMMODITIES

This revision adds a legal training component to an approved project cited above which is listed as "continuing" in the FY 1972 CP. For purposes of programming of future obligations, this approval authorizes funding to FY 1977. There are no PL 480 commodities planned in this revision. The above represents a downward adjustment to the estimated total contract cost set forth in the Prop amendment, to be further resolved in the preparation of obligating and implementing documents.

10. CONDITIONS OF APPROVAL OF PROJECT

That the legal training activity be reviewed after the completion of the first 18-month training cycle to determine if the activity is meeting project objectives.

(Use continuation sheet if necessary)

11. Approved in substance for the life of the project as described in the PROP, subject to the conditions cited in Block 10 above, and the availability of funds. Detailed planning with cooperating country and drafting of implementation documents is authorized.

This authorization is contingent upon timely completion of the self-help and other conditions listed in the PROP or attached thereto.

This authorization will be reviewed at such time as the objectives, scope and nature of the project and/or the magnitudes and scheduling of any inputs or outputs deviate so significantly from the project as originally authorized as to warrant submission of a new or revised PROP.

A.I.D. APPROVAL	CLEARANCES	DATE
Curtis Farrar	ASIA/NE:Bradshaw Langmaid	7/12/72
SIGNATURE	ASIA/DP:Alfred D. White	7-11-72
AA/ASIA, Assistant Administrator 7-19-72		
TITLE DATE	A/CONT	

GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ASIA/NE, Mr. Bradshaw Langmaid

DATE: June 28, 1972

FROM : ASIA/TECH, James M. Blume JMB

SUBJECT: PROP - National Development Training (306-11780-123), Revision No. 1

I have cleared the attached PROP for TECH. However, there are two points that I suggest you consider before sending it forward to the Assistant Administrator for approval.

1. It seems to me we should try to focus our very limited training input more sharply than described in the PROP. The range of problems on which this project proposes to concentrate include (a) improved legislative drafting, (b) criminal law and procedure, (c) legal research, and (d) a general familiarization with American legal system, including practical experience in the U.S. courts. I have the impression that each of the above is a significant body of knowledge and experience in its own right and that training 45 participants in five years is an exceedingly limited input in addressing this kind of problem. Is there not some sector within this broad scope where there is a higher priority, a greater readiness to translate this training into action, some outstanding Afghanistan leadership, etc., that would dictate a sharper concentration of effort?

2. The proposed evaluation of the program which will presumably serve as the decision point for further funding, will take place prior to the conclusion of the first training session. Hence we will have a second group selected and perhaps in training before the first program is completed. This seems to me to be a mistake. I also think it would be useful if we could decide now the principal criteria we will use to evaluate the effectiveness of the project and block out some funding in the PROP for evaluation, if outside help is to be required.

I presume that we will be seeking proposals from a number of institutions to implement this project when approved.

cc:
ASIA/DP/PR:RGBirnberg
ASIA/DP/PL:JABrown
ASIA/TECH/PS:JAAhern
ASIA/NE/A/ALP:RLFriedline

5010-108

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : AA/ASIA, Mr. D. G. MacDonald

DATE: JUL 12 1972

FROM : ASIA/NE, Bradshaw Langmaid

SUBJECT: PROP - National Development Training (306-11-790-123), Revision No. 1

The purpose of this project amendment is to implement the legal training category which was originally included in the National Development Training PROP, approved by AA/ASIA on February 3, 1972 (Tab A). Legal training was set aside at that time because of several questions raised during the AID/W review concerning training objectives and the capabilities of U.S. law schools to provide the type of law training envisaged in the PROP. With the assistance of the Office of the General Counsel, an Islamic law expert from the State Department, and in consultation with Afghan legal officials, the attached PROP amendment has been prepared. This document outlines the status of Afghanistan's legal institutions and the type of training deemed necessary to increase the effectiveness of those institutions.

Project Objectives:

Afghanistan's Needs

The RGA has expressed a twofold need: 1) to broaden the training of its legal officers in order to improve the operation of the judicial machinery, and 2) to give its lawyers a greater ability to adapt existing Afghan substantive and procedural law to the demands of development. Traditional Afghan legal education has been found wanting in preparing Afghan lawyers to deal effectively with the implementation of the 1964 Constitution. The new Constitution calls for the drafting of new legislation and the modernization of existing legal codes and has also established an independent judiciary. Afghan lawyers, however, have experienced difficulties in administering the newly established system of courts and in providing legal services to the executive branches of the government.

The senior law officers in the RGA have concluded that there exists a clear need to broaden the legal training and experience now offered in Afghanistan. Moreover, RGA law officials believe that the pragmatic approach to legal training and problem solving offered in U.S. law is best suited to meeting Afghanistan's needs.

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

The attached amendment is based on extensive discussions with the RGA legal officials by a member of the General Counsel's office and Dr. Herbert Liebesny, INR/State, Islamic Law expert, who personally investigated the Afghan legal situation and whose findings are included herein. The RGA commitment to the project was underscored by the recent visit to AID/W by the Deputy Minister of Justice, H.E. Samiuddin Zhouand and Assistant Attorney General, Mr. Mohammed Shoaib, who discussed and endorsed the subject PROP amendment.

Project Description

The primary objective of the legal training activity is to provide advanced training to selected Afghan Government attorneys in modern legal practices particularly as they relate to the traditional and constitutional systems of law in Afghanistan. The intended result is an increase in the day-to-day effectiveness of Afghanistan's legal institutions.

This amendment will provide training for 8 to 10 Afghan attorneys at a U.S. law school for a 12 to 18-months study program. Trainees will be selected by the RGA. Within the areas described in the "Course of Study" section of the attachment, the curriculum will focus on the particular subjects deemed most relevant to the needs of the trainees. The project is programmed for a period of 5 years, however, before the completion of training for the initial group of trainees a preliminary evaluation will be made to determine whether to continue the project. There will be continuous monitoring and review by AID/W and USAID. We view this activity as a pilot effort and we will determine its success after we and the RGA have examined the effects of the training and the capacity of the U.S. law school to design and implement a curriculum which will meet the Afghan requirements.

It is vital to the success of the project that a suitable contracting institution be selected which is prepared to devote the resources necessary to develop the training program outlined in the PROP amendment. Certain U.S. law schools have indicated preliminary interest in the project. On the basis of these indications, it is our judgment, that there exists the necessary capability to provide the legal training program described in the PROP amendment.

It is important to note that the project is not intended to train Afghans in the U.S. legal tradition or to supplant the Afghan legal system. The intent is to assist those responsible for legal institutions in Afghanistan to develop and administer their system according to their own needs as they perceive them.

Recommendation: That the National Development Training PROP be amended to include the legal training category.

Approve: [signature]

Disapprove: _____

Date: 7-19-72

Clearances:
ASIA/ID:JMBlume (draft)
ASIA/ID:JAhern (draft)
OIT/PD:TKing (draft)
~~ASIA/NE:BLangmaid~~
ASIA/NE:RFriedline (draft)
ASIA/DP:RBirnberg (draft)
ASIA/DP:AWhite (draft)

Attachment:

GC/ASIA/NESA:TDBrown:mh:7/6/72:ASIA/NE:MDiLegge

NON-CAPITAL PROJECT PAPER (PROP)

Country: AFGHANISTAN Project No. 306-11-~~770~~ 790-[illegible]

Submission Date: Original Revision No. 1

Project Title: National Development Training

U.S. obligation Span: FY 72 through FY 77 initial obligation spa[illegible]

Optimal Implementation Span: FY 72 through FY 78 initially

Cost life of project financial requirements:

U.S. dollars	$ 2,313,[illegible]
U.S. owned local currency	
Host country cash contribution (in dollars, current exchange rate).....	79,[illegible]
Other donor (for fund projects, including voluntary or in-kind contributions).....	
Totals	2,413,[illegible]

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AMENDMENT TO

NATIONAL DEVELOPMENT TRAINING PROP

AFGHANISTAN LEGAL TRAINING

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AMENDMENT TO NATIONAL DEVELOPMENT TRAINING PROP

AFGHANISTAN LEGAL TRAINING

I. Background and Justification

A. General

The 1964 Afghan Constitution provided for an independent Judiciary and imposed new responsibilities on the Ministry of Justice which includes the Attorney General's office,(hereinafter referred to as the "Ministry"). The Constitution was and is considered to be an "experiment in democracy", the success of which will rest largely on the adequate functioning of its legal machinery. Indeed, officials of the Royal Government of Afghanistan (RGA) have expressed the need for legal training in terms of meeting democratic objectives as well as economic development goals.

Moreover, the RGA has embarked on a program of upgrading its legal institutions as part of the overall attempt to modernize its institutions described in the Development Training PROP. The RGA does not want to discard or supplant its present legal system and jurisprudence; it does not want to train its legal personnel to become U.S. lawyers. Rather, the Afghans want to train their personnel to enable them to work within the present system more effectively and to shape their present jurisprudence in a manner consistent with the requirements of development.

B. The Problem

Simply stated, the RGA has expressed a twofold need: (1) to increase the competence of legal personnel in order to improve the functioning of the judicial machinery which now is inhibited by a lack of well-trained lawyers, and (ii) to give its lawyers a greater capacity to adapt existing Afghan substantive and procedural law to meet the demands of the 1964 Constitution and of general economic and social changes. The legal personnel in whose training the RGA is primarily interested include the Judiciary, an independent branch of the RGA; the Ministry, a department within the Executive branch; and the two law faculties of Kabul University. These interdependent institutions represent, in essence, the Afghan legal system which is experiencing increasing difficulty in coping with the problems of a changing society. For example, the law faculties and Islamic religious training institutions train substantially all of the lawyers in the Ministry, including those responsible for legislative drafting and prosecutorial and appellate work, and the members of the Judiciary*. Afghan legal education, however, using a traditional theoretical approach, based mainly on French and Muslim teaching methods, does not equip the legislative draftsman properly for the task of producing the modern statutes required by the Constitution and necessary for orderly political and economic development. Neither does it give the judges the needed ability to interpret and apply new legislation in a manner consistent with the principles of Islamic law and with pre-existing statutes. Thus, the process of adapting substantive law to new needs and introducing new substantive legislation has been greatly impeded.

*The term "law faculty," reflects continental European usage and, is synonymous with "law school".

It is obvious that without properly trained personnel, the institutions which the Constitution has set up cannot function effectively. Thus, the Ministry of Justice has a wide range of investigative, prosecutorial and supervisory responsibilities. The Supreme Court similarly has broad administrative functions regarding the Judiciary. In the judgement of the Afghan officials themselves, their personnel are insufficient in numbers for these responsibilities and are not trained to respond properly to the requirement of developing the more democratic society, to which they have committed themselves, or developing the legal supports for economic and social development. The Afghans believe that the American system with its greater stress on practical training and empirical solutions is best suited to fill this gap.

C. Specific Institutions

The following is intended to highlight specific needs in the framework of a discussion of the legal institutions concerned and is based on extensive talks with Afghan officials.

(1) The Ministry of Justice (including the Attorney General's Office) - As stated above, the Ministry has a wide range of responsibilities, including legislative drafting; criminal investigation and prosecution at the central, provincial and district levels; representation of the RGA in civil cases in which it is involved; handling petitions for extraordinary relief in cases of misuse of power by prosecutors or judges; the rendering of advisory legal opinions to the RGA, as well as notarial and legal aid functions.*

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*Of the 936 employees of the Ministry, 212 are graduates of the law faculties of Kabul University. The Ministry has grown substantially during recent years and the addition of another 65-70 personnel is projected during 1972. See Chart attached as Annex A.

With respect to legislative drafting, the Ministry is fully cognizant of the express requirement of the Constitution to draft new statutes in many fields. At the same time, the Afghans are acutely aware of the danger of wholesale adoption of foreign law. They want to adapt foreign legal experiences to their own culture and needs. So far few of the statutes called for by the Constitution have been drafted. Some of those already drafted are undergoing substantial revision. The legislative draftsmen, in the Afghan officials' own evaluation, need to develop their skills in several directions. They need to learn to draft clearly and concisely and to harmonize new legislation with existing statutes and with the legal traditions of the Afghan people. They also need to draw from foreign legal experience, while at the same time evaluating it critically from an Afghan viewpoint rather than following it slavishly.

In the area of criminal investigation and prosecution, Ministry personnel have stressed the need to improve the ability of their prosecutors to gather and evaluate facts and to prepare and properly prosecute a criminal case assuring even-handed treatment to the accused. There is also a lack of trained personnel to staff prosecutors' offices at the provincial and district levels. Improvement in this field, Afghan officials feel, is likewise needed to increase public confidence in the new institutions.

Basically similar training is needed with regard to the Solictor General's Office, which handles the government's civil cases, and the Office of Petitions which provides extraordinary relief. The Solictor General has stressed the need for increased competence in the preparation

briefing and presentation of government cases, drawing upon the available legal resources, both traditional and modern. Moreover, the government lawyers need more exposure to various substantive law areas removed from their present experience such as government contracting procedures and international commercial agreements.

In the Office of Petitions the lawyers again need more ability in the gathering and evaluation of facts, in preparing the necessary files and documents and in making decisions on the basis of the facts presented to them. This requires a training in procedures, but also an understanding of the essential function which extraordinary relief (an old Islamic institution) can play in a modern setting to prevent abuses and in many ways fulfill the function which administrative tribunals or courts of claims fulfill in the West.

(2) The Judiciary. The 1964 Constitution created an independent judiciary with the Supreme Court administering the court system.* The Supreme Court has established a program of practical training for judges because the preparation they received in the law faculties was considered inadequate. Among the shortcomings has been a lack of any practical training which generally is not provided by the Islamic or continental-European type law faculties. Even though this training program is in existence, the Chief Justice and other members of the Supreme Court have stressed the need for foreign training for judges. The need here is for an upgrading of the decision-making capability of the judges in order to separate relevant from irrelevant evidence, to conduct judicial proceedings efficiently, and to forumulate appropriate legal conclusions on the basis of the essential

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* See chart attached as Annex B.

facts of the case. Also, the ability to do legal research has not been developed. In fact, recent efforts to begin the publication of court decisions, essential for the development of a unified legal and judicial system, have been hampered because some judges felt that their decisions were not reasoned or written well enough for publication.

Islamic law, as well as continental-European law, gives the judge a central role in the interrogation of witnesses and parties. This role is likely to continue. The Afghan judges, therefore, need the skills for proper interrogation which they now largely lack and which neither Islamic nor continential-European type training has given them because of its largely theoretical approach. Also, interpretation of recent statutory materials is an area where judges, like other Afghan lawyers, need further training.

Finally, in the field of judicial administration which comprises the establishment of an orderly system of conducting the general business of the court, including such matters as establishing a calendar, summoning parties and witnesses, and various other related matters, assistance is needed according to the Afghan officials.

In sum, the Afghan judiciary looks to the U.S. for legal training which will improve its ability to cope with the practical business of dispensing legal decisions and building a unified and well-functioning court system.

(3) Islamic Law Faculty. Together with the Faculty of Law and Political Science, the Islamic Law Faculty provides the training for the bulk of Afghan lawyers. As set forth above, the main shortcomings of the teaching process is its lack of relationship to practical needs. The

faculty itself is acutely aware of this shortcoming and is intensely interested in U.S. legal training which, it hopes, will enable its members to serve better the needs of its students. For example, the faculty has expressed great interest in the improvement of teaching and research methodology. Moreover, the faculty shares the interest of the Ministry and Judiciary in problems of the administration of criminal justice from the pre-trial stage to decision. With respect to U.S. legal training the faculty would want to see the use of a comparative approach, enabling the trainees to compare the principles, and approaches to solutions, of Islamic law with those of other systems.

(4) The Faculty of Law and Political Science. Although this faculty was recently out of session because of a student strike, private conversations with the former Dean have revealed needs similar to those of the Islamic Law Faculty and the strong interest of the faculty members in the possibility of receiving training in the U.S.

In all these institutions there are persons who will be able to profit from the training program, are eager to improve their skills and will function as a trained nucleus after their return.

II Project Description

This PROP is an amendment to the National Development Training PROP for Afghanistan (Project No. 306-11-780-123) and is intended to complement, and coincide with, the broader development purposes of that PROP.* As reported by the A.I.D. Mission in Afghanistan (USAID/A) and confirmed by A.I.D./Washington (AID/W) on site evaluation, the RGA urgently needs more and better trained legal personnel to: (i) staff and administer its

*A major program goal of the U.S. Government assistance efforts in Afghanistan is to encourage and assist the mobilization, wise investment and efficient management of public and private resources directed toward achieving a sharply increased rate of economic and social growth", National Development Training PROP, Page 1.

legal institutions and (ii) assist in the evolution and adaptation of Afghan substantive and procedural law that is necessary to meet the demands of development.

Accordingly, this proposal provides for the training of selected Afghan lawyers at an American law school through a course of study designed specifically to meet the needs of the Afghan legal system. The proposal contemplates the training of eight to ten Afghan lawyers for a period of 12-18 months in an initial pilot or experimental project. Upon satisfactory evaluation of the experience and performance of the first group of trainees the project would be continued over an initial period of about five years with successive groups of trainees being trained for similar time periods. It is contemplated that the initial group, and possibly the second group, will be programmed for an 18 month training period. The experience of the first group of trainees would be used, however, to determine the actual duration of training for succeeding groups.

III RGA Commitment

Extensive discussions by USAID and representatives of AID/W with RGA officials including those in the Ministry, Supreme Court members, and professors at the Faculty of Islamic Law and the Faculty of Law & Political Science disclose a deep and widely felt desire for U.S. legal training. As expressed by RGA officials, U.S. training is seen as desirable to improve the overall levels of performance of the legal machinery and to enable Afghan substantive and procedural law to accommodate the demands of economic growth, social change and democratic ideals of justice.

In sum, there exists a genuine RGA commitment to the purposes set forth herein.

IV Alternative Strategies

A. Benefits of American Legal Training

American legal training provides an emphasis on practical procedures and solutions as a supplement to the more theoretical approach of Islamic law and continental-European law. This emphasis coincides with the area of greatest need of Afghan lawyers.

It would be insufficient to attempt an in-country training program. It is highly unlikely that any U.S. law school would agree to divert to Afghanistan the necessary resources for the time period contemplated to provide an adequate program. The provision of the needed library resources would be a practical impossibility. Moreover, the trainees need exposure to U.S. legal institutions and courtroom practices and procedures. U.S. training would also remove the trainees from any distractions through their daily work routine in Afghanistan.

B. Foreign Legal Training

As noted, the Afghans have expressed a specific desire for American legal training. This request stems, in part, from their generally unsatisfactory experience with continental-European type law training provided through a 10-year contract between the Faculty of Law and Political Science and the Sorbonne. This contract which brought French law professors to Afghanistan to lecture has recently been allowed to expire. Limited training assistance provided by Egypt in Kabul and Cairo has likewise been largely phased out. The project, however, is intended to supplement rather than replace other training sources.

V Project Goals

The approach to the training of Afghan legal personnel will have to be largely tailored to specific Afghan needs. The guiding thought should be the development of needed skills and the provision of substantive information supportive of the development of these skills.

According to Afghan desires, the areas of primary concentration should be:

A. Criminal law and procedure, stressing the essential and distinguishing elements of individual offenses, methods of fact gathering, of separating relevant from irrelevant facts, evaluation of evidence, presentation of applicable substantive law, methods of questioning witnesses (keeping in mind that the Afghan system is essentially inquisitorial rather than adversary), benefits of orderly court procedures, duties of the defense attorney, and relationships between judge, prosecuting attorney, and defense attorney.

B. Legislative drafting, in the context of specific Afghan problems, concentrating on the structure of statutes, the relationship of various statutes to each other, precision and uniformity of definitions, as well as clarity and simplicity of language.

C. Legal research, concentrating on critical utilization of research materials, preparation of oral reports and written papers. The problems to be dealt with should have a direct relationship to Afghan needs.

D. General familiarization with the principles of the American legal system, practical experience in courts, prosecutors' offices and government departments as relevant to the needs of the trainees.

E. In all instances the work will be pursued through seminars and lectures, permitting an exchange of ideas between trainees, lecturers and American students. The aim should be the development of critical approaches to the problem at hand and of analytical faculties.

F. The program is designed as a continuing one, comprising approximately four to five groups of trainees over an initial period of about five years with eight to ten trainees in each group being assigned for twelve to eighteen months of instruction. The groups may overlap one semester

VI Course of Action

A. Scope of the Program

We would expect the group to all be programmed to begin U.S. training at the same time, with the training period left flexible in order to adequately cover the needs of the group. Qualified Afghan legal personnel in the initial as well as succeeding groups would be nominated by the Ministry of Justice, the Judiciary, and the two Law Faculties, on the basis of approximately equal selections from each. Final selections would be made from the nominees by the committee chaired by the Minister without Portfolio (Administration) Madame Ziayee, in the office of the Prime Minister, selection to be made in adequate time for USAID/A to provide for the basic English language training as necessary. The technical legal terminology will be provided in the early weeks of the program by the Law School staff. Furthermore, the three groups of trainees -- that is -- from the Ministry, the Judiciary, and the Law Faculties could be expected to begin a program of basics common to all three, and then be separated for individualized training more applicable to each group, including work with judges, teachers, prosecutors, or legislative draftsmen, as appropriate. The training experience and the performance of the initial group of trainees would be closely monitored and reported progressively to USAID/A and to AID/W.

Upon satisfactory evaluation by USAID/A and AID/W of this initial experience, the second and subsequent groups of similar trainees would be brought to the U.S. for periods of training, with further reviews at appropriate intervals. American law degrees are not the primary objective, but a Master's degree is not precluded if the requirements established by the law school are fulfilled by the trainee and if it can be done without impairing primary object of meeting Afghan special legal needs. As noted, the project would extend over an initial period of five years.

B. Selection of Candidates

The principal criteria for selection would be ability, past performance, and promise of superior future performance. Indicators of outstanding ability are: (1) a good university record with the possession of university law (BA) degree; (2) a good record on the job which would be evidenced by work performance and promotions; (3) judgement of senior people that the person under consideration has strong growth potential; and (4) a sufficient experience actually on the job to demonstrate ability. The intention is to select mature people who already have demonstrated performance based on ability and a capacity to rise in the Government service on the basis of merit or maintain positions of responsibility on the Law Faculties.

Selection will be by the committee established as an intergal part of the National Development Training PROP and subsequent Agreement, located in the Office of the Prime Minister and chaired by the Minister without Portolio (Administration) as noted above under A. Afghan representatives from the Judiciary (Chief Justice or the General Administrator for the Courts), the Ministry of Justice (Minister or Deputy Minister) and the Deans of the two Law Faculties, would have considerable influence

with the committee on the annual selection from the nominees offered to it. The USAID Training Officer and the Chief Public Administration Advisor as well as the ILC Fellow to Afghanistan will be available to the committee to advise and assist in the selection. It would be highly beneficial if the host university program coordinator for this training could participate informally in the nomination and selection process. He could offer advice about selections, review the background and interview possible nominees, and explain in depth the training experience to be engaged in to those senior Afghan officials who will be making the nominations.

Therefore, USAID/A proposes that once a host university is selected to conduct the legal training envisaged that the university program coordinator make an annual visit to Afghanistan for the purpose of participating informally in the nomination process -- a period of probably up to one month each year, preceeding the expected arrival date of the trainees by approximately eight or nine months.

The participants in the legal element of the project will be special students (although in some instances the awarding of degree may be appropriate). The U.S. legal institution performing the training must understand and accept this stipulation. We are confident that the persons selected for training will be among the best Afghanistan has, simply because of the felt needs and their importance.

C. Course of Study

This is to be an individualized course of study, constructed for the specific needs of Afghan legal personnel and tailored to accomplish the goals set forth under Section V. University training would be supervised by a program coordinator. The coordinator would be a law school teacher who would be able to devote substantially full time to the project, and whose background would equip him to conduct courses

and provide tutorial instruction focused on the particular needs of Afghan participants as described herein. Ideally, the coordinator would have familiarity with comparative law, Islamic law, problems of law and development and the modernization of legal systems, and could provide access to the legal institutions and outside expertise deemed necessary to supplement classroom instruction. Some exposure to the Islamic culture and society, with particular reference to Afghanistan, would be highly desirable.

In addition to the coordinator, the project should have a portion of the teaching time of one to two additional faculty members who would conduct seminars and tutorial work in the substantive areas described herein. Finally, one to two graduate level or third-year law students or like assistants should be made available to work part time on a near daily basis with the trainees; they would guide the trainees in tutorial and research activities. The student assistants, as we will call them, should have training in one or more of the fields of primary concern to the trainees in order to be of maximum assistance to the participant group.

The curriculum of law studies should be provided to the fullest extent possible through specialized seminars and individualized tutorial instruction. Initially, basic instruction common to the group and the provision of legal terminology would probably be feasible, but thereafter specialized instructions would be required to meet the individual needs. Off campus legal seminars of special interest, bar association seminars of short-time study on specialized problems and other like legal experiences should be included to the extent feasible and profitable. Attendance at a state or federal bar association conference may be useful.

In no case should the students simply be placed in the standard law school course of studies for the American law student. We repeat, the object is to meet specialized legal needs of Afghanistan and not to create American lawyers for Afghanistan.

D. Funding:

This program is proposed as a continuing activity. We are hesitant about predicting the annual cost in view of the strictness of the criteria established, the inherent program flexibility required, and apparent rapid changes in cost of education in the United States. We wish to specifically note that the initial program beginning is viewed as a pilot activity. The funding is based on an annual input of 9 trainees a year with a duration of 12-18 months training (probably leaning in the main to 18 months). Before the end of the training for the first group an evaluation made then will determine whether to continue it for succeeding years. (The second group will be in training when the first group finishes).

We will fund each participant fully at start of training. Funding includes a contract with a U.S. Law School to conduct the training, with a full-time law professor, one or two part-time instructional staff, two graduate or third-year student part-time assistants; an annual visit to Afghanistan by the campus program coordinator; an annual input of 9 trainees for a maximum of 18 months training each; a small increment for reference text and training materials and reproduction of legal materials.

In spite of the above uncertainties, we estimate a selection program and consequent funding requirements for the next five years for the legal element of Project 123 (an addition to the funding provided by the PROP Approval of February 3, 1972) as follows:

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[illegible]

Fiscal Years	AP	I/G	Total	Cont. 1/	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]								
[illegible]								
[illegible]	TA	G	[illegible]	[illegible]	33.5	122.5		
B + 1 FY [illegible]	TA	G	197.0	70.0	70.0	127.0		
B + 2 FY [illegible]	TA	G	195.0	52.5	73.5	121.5		
B + 3 FY [illegible]	TA	G	203.0	78.0	78.0	125.0		
All other (FY 77)	TA	G	210.5	80.5	80.0	130.5		
Total [illegible]			970.5 *	330.0	372.0	597.5		

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[illegible] Fiscal Year [illegible] Payroll Schedule - Legal Elements

Bargaining Group	Key	Schedules	Total	Legal Minimum Salaries	Total Payroll Cost
[illegible] Group Jan. 78 (GE 7[illegible])	9*		9	9 @ [illegible] per 13 months ea.	[illegible]
[illegible] Group Jan. 78 (GE 7[illegible])	9		9	9 @ [illegible] per 13 months ea.	[illegible]
[illegible] Group Jan. 78 (GE 7[illegible])	9		9	9 @ [illegible] per 13 months ea.	[illegible]
[illegible] Group Jan. 78 (GE 7[illegible])	9		9	9 @ [illegible] per 13 months ea.	[illegible]
[illegible] Group Jan. 78 (GE 7[illegible])	9		9	9 @ [illegible] per 13 months ea.	[illegible]
				Total	[illegible]

All non-degree special students.

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Table 1
Page
(Other [illegible] Appropriations

MONETARY PROGRAM FOR THE COMMONWEALTH (In $000)

Project Title: [illegible] Development Building (Island)

PROP DATE [illegible]
Completed [illegible]
Serial No. [illegible]
Project [illegible]

Fiscal Years	AP	L/C	Total	Cont. 1/	Personnel Svcs. Mil Pers. Cont	Participating Gov. Agencies	Commitment Other Gov't Agencies	Other U.S. Agencies
Prior Through Act. FY 73								
Oper. FY 74			80			80		
Budget FY 75	TA	G	200			200		
B + 1 FY 76	TA	G.	200			200		
B + 2 FY 77	TA	G	300			300		
B + 3 FY 78	TA	G	300			300		
Cont. Prior (FY 77)	TA	G	-			-		
Total LOP			1,160			1,160		

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C O N T R A C T

[illegible]

1.	1 Professor [illegible] time	25,000	
2.	1 or 2 part time Washington Staff	15,000	
3.	1 or 2 part time Student Assistants	3,000	43,000
4.	Annual trip of University Program Coordinator to Afghanistan for one month		2,000
5.	Reference, text and reproduction of legal materials		1,500
			46,500
	Overhead on items 1 & 2 @ 50% (Est.)		20,[illegible]
	[illegible]	Total:	[illegible]

[illegible] rate used @ approximately 50% [illegible]

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

[illegible]

	Salaries	Costs	Total
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]

[illegible]

[illegible]

Project No. [illegible]
Area Project No. [illegible]

(In [illegible] Thousand)

Fiscal Year	AID-Authorized Local Currency U.S. Counterpart	Other Donor Contributions Counterpart Deposits 1/	Other Donor Funds (Equivalent)	Host Country Funds (000)	GOC Value & Freight (000)	World Market Price (000)
Prior Years						
Through June 30, FY 71						
Quarter FY 72						
Budget FY 73		4.0				
B + 1 FY 74		4.5				
B + 2 FY 75		5.0				
B + 3 FY 76		5.0				
All Subs. (FY 77)		5.0				
Total LOP		23.5				

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[illegible]

[illegible]

[illegible]

[illegible]	AP	L/G	Total	Cash 1/	[illegible]	[illegible] U.S. Agencies	[illegible] U.S. Agencies	[illegible] U.S. Agencies
[illegible]								
[illegible]								
[illegible]								
[illegible]								
[illegible]	TA	G	88.0			---	88.0	
[illegible]								
[illegible]	TA	G	373.0	66.5		66.5	312.5	
[illegible]								
[illegible]	TA	G	457.0	79.0		79.0	397.0	
[illegible]								
[illegible]	TA	G	571.0	99.5		99.5	471.5	
[illegible]								
[illegible]	TA	G	602.0	76.0		76.0	526.0	
All other (FY 77)	TA	G	210.5	80.0		80.0	130.5	
Total [illegible]			2,333.5	398.0		398.0	1,937.5	

1/ [illegible] (non-AP) [illegible]

Table 1 (cont'd)
Page [illegible]

[illegible] Project No. [illegible]
(Continued)

Project No. [illegible]
Schedule No. 1

Fiscal Years	AID Controlled Local Currency U.S. Grantee/Borrower	Other Donor Contributions Designated Country 2/	Other Donor Funds (U Equiv.)	Matching Term (CCD)	CCD Value & Weight (CCD)	World Market Price (CCD)
Prior Through Act. FY 74						
Operating FY 75		5				
Budget FY 76		10				
B + 1 FY 77		10				
B + 2 FY 78		15				
B + 3 FY 79		15				
All subs. (FY 77)		-				
Total Life		55				

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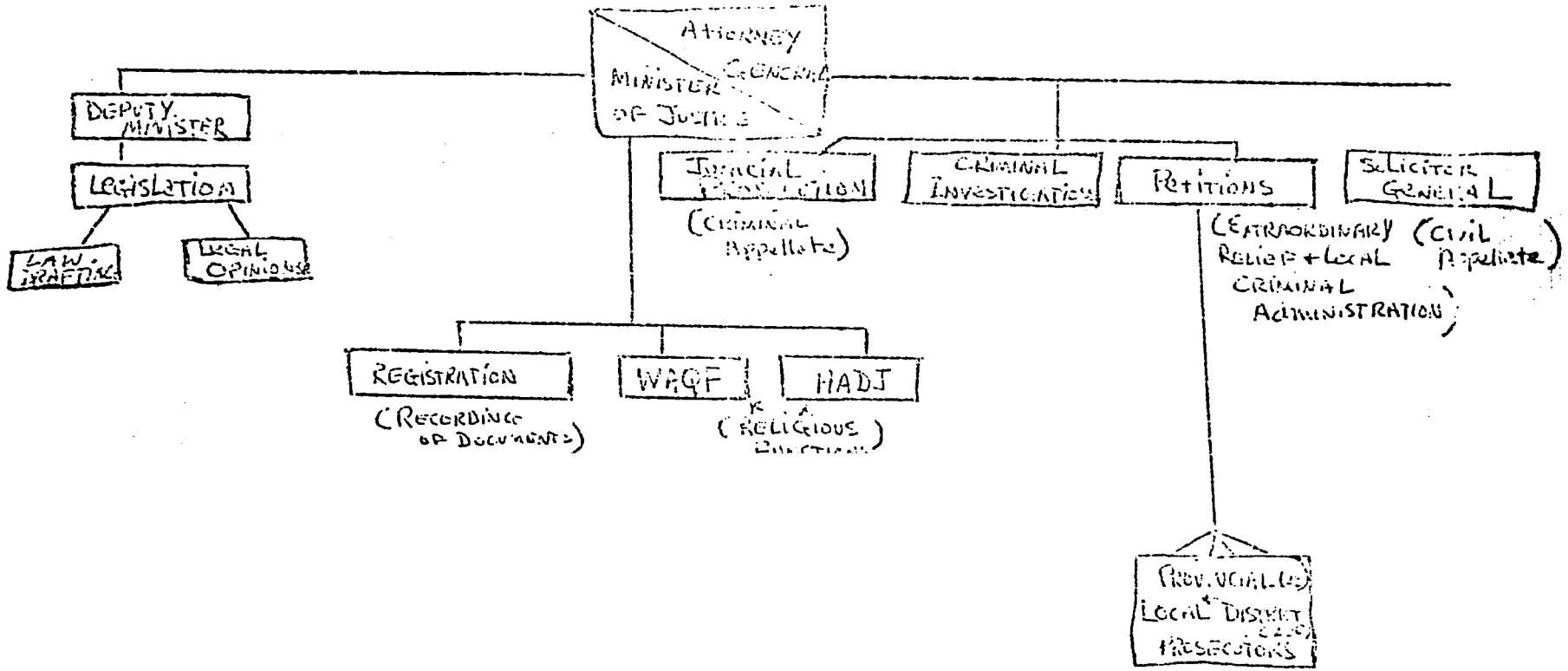
2/ As of preparation date

3/ International Travel costs: Kabul/London/Kabul in CCD equivalent.

BEST AVAILABLE COPY

ANNEX A

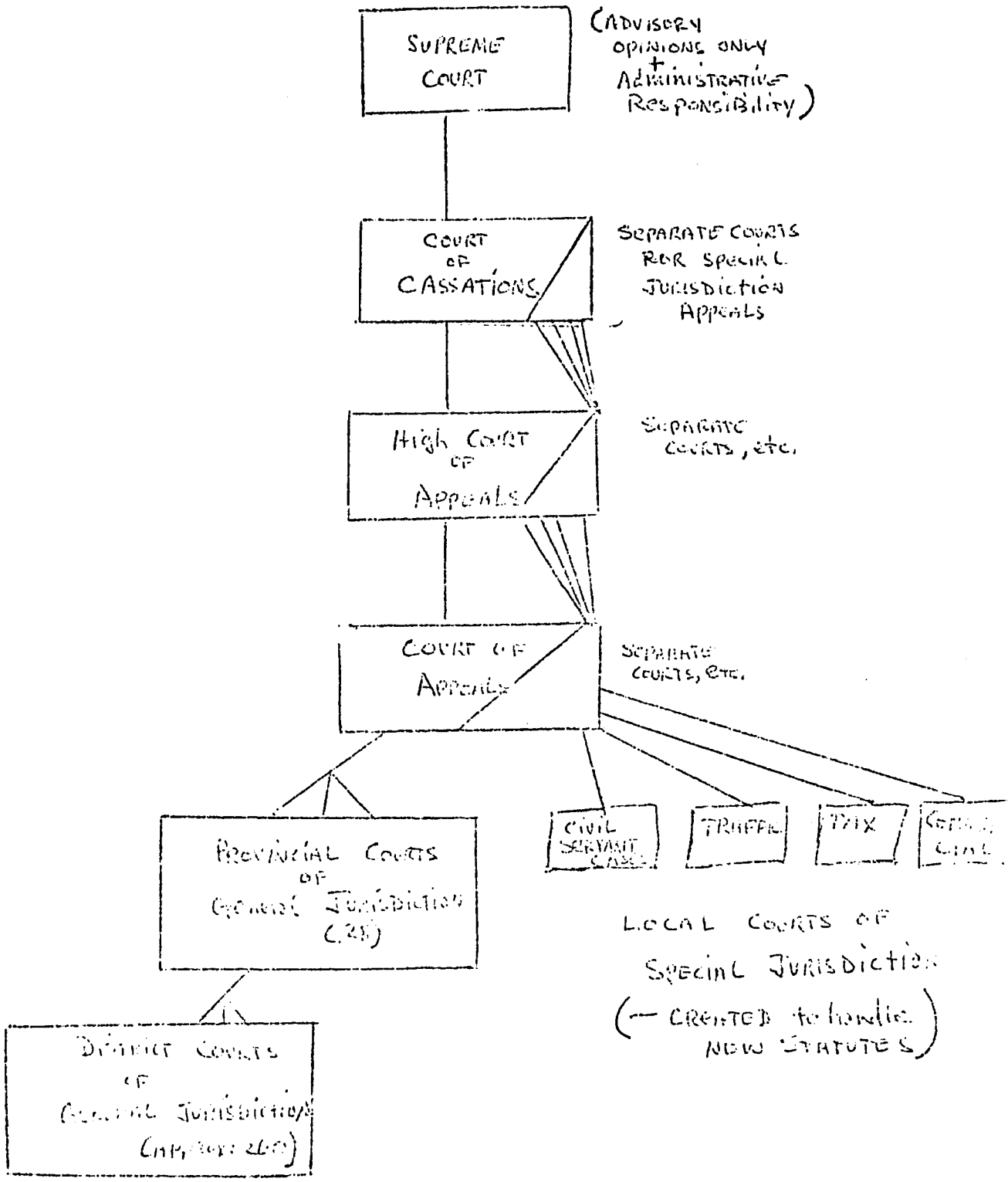
AFGHANISTAN MINISTRY OF JUSTICE



BEST AVAILABLE COPY

ANNEX B

AFGHANISTAN JUDICIAL SYSTEM



M. HURLEY

ACTION MEMORANDUM FOR THE ASSISTANT ADMINISTRATOR, NE August 31, 1976

FROM : Jerry Knoll, NE/NENA

Rev. 2

SUBJECT: National Development Training, Project No. 306-11-790-123

Problem: It is proposed that special action placement in U.S. or third-country institutions of displaced Afghan students from American University Beirut (AUB) be included in the National Development Training project. The increase in the total cost of this project does not exceed 25 percent of the presently approved PP level of $2,101,000. In accordance with Handbook 3, AID C466, your approval is requested to amend the PP.

Discussion: The National Development Training project presently provides training for Afghan participants in the areas of management and economic analysis, and legal and judicial management.

It is proposed that the project be revised to include placement in U.S. or third-country institutions of 32 Afghan students (principally upper classmen) whose studies at American University Beirut (AUB) have been disrupted as a result of continuing civil conflict in Beirut. The students are engaged in a number of degree programs, varying in length, that are consistent with the project purpose.

The $250,000 in the TQ will provide for special action placement this fall of up to 22 displaced Afghan students. It will cover their transportation, tuition, and living expenses for the 76/77 academic year. Students selected for special placement will be those who have demonstrated high academic capabilities, and for whom program disruptions would be most serious if placement were delayed until the spring semester. The balance of the 32 students would be placed in January, 1977.

The amended National Development Training project would obligate an additional $250,000 in the TQ and $247,000 in FY 77 to cover costs of placing these students in U.S. and third-country institutions. This additional funding would increase total life of project cost by $497,000--from $2,101,000 to $2,598,000. Funds are available within the NE Bureau's Transition Quarter OYB to cover these costs. An advice to Congress is required to cover TQ funding.

This amendment does not extend the life of the project, currently projected to end in FY 77. Students who have not completed their

training programs by the end of the summer term, 1978, would be incorporated into the new Development Support Training project proposed for initial funding in FY 78.

In addition to the 32 participants identified above, 13 Afghan students are still attending classes at AUB. If it is later determined to continue their training elsewhere, FY 77 costs will have to be revised upward. This could result in an amended project cost exceeding 25 percent.

Recommendation: That you approve amending this project to include training costs for displaced Afghan AUB students and that you sign the attached PP project paper facesheet.

APPROVED _____

DISAPPROVED _____

DATE 9-2-76

Attachments: (2)
1. PP Facesheet
2. Project Paper

NE/NENA:TPaul:lz
August 31, 1976

Clearances:
NE/DP:BLangmaid
NE/NENA:GFrazier (draft)
NE/DP:DBernius (draft)
PPC/RC:MJHeyl (draft)
GC/NE:CCostello (draft)
NE/TECH:DSteinberg/MHurley (INFO)
NE/ME:WNance(info)

AGENCY FOR INTERNATIONAL DEVELOPMENT

PROJECT PAPER FACESHEET

TO BE COMPLETED BY ORIGINATING OFFICE

1. TRANSACTION CODE ("X" appropriate box)
☐ Original ☒ Change
☐ Add ☐ Delete

PP

DOCUMENT CODE 3

2. COUNTRY/ENTITY
AFGHANIST'

3. DOCUMENT REVISION NUMBER
2

4. PROJECT NUMBER
306-11-790-123

5. BUREAU
a. Symbol NE
b. Code 03

6. ESTIMATED FY OF PROJECT COMPLETION
FY 78

7. PROJECT TITLE - SHORT (stay within brackets)
National Development Training

8. ESTIMATED FY OF AUTHORIZATION/OBLIGATION
a. INITIAL mo. yr. 6 72
b. FINAL FY 77

9. ESTIMATED TOTAL COST ($000 or equivalent, $1 =)

a. FUNDING SOURCE	FIRST YEAR FY 72 b. FX	c. L/C	d. Total	ALL YEARS e. FX	f. L/C	g. Total
AID APPROPRIATED TOTAL	108		108	2,598		2,598
(Grant)	(108)	( )	(108)	(2,598)	( )	(2,598)
(Loan)	( )	( )	( )	( )	( )	( )
Other U.S. 1.						
Other U.S. 2.						
HOST GOVERNMENT		6	6		70	70
OTHER DONOR(S)						
TOTALS	108	6	114	2,598	70	2,668

10. ESTIMATED COSTS/AID APPROPRIATED FUNDS ($000)

a. Appropriation (Alpha Code)	b. Primary Purpose Code	c. Primary Tech. Code	FY 72 d. Grant	e. Loan	FY 73 f. Grant	g. Loan	FY 74 h. Grant	i. Loan	ALL YEARS j. Grant	k. Loan
EH	669B	710	108		360		609		2,598	
TOTALS			108		360		609		2,598	
11. ESTIMATED EXPENDITURES			-		58		333			

12. PROJECT PURPOSE(S) (stay within brackets) ☐ Check if different from PID/PRP

The purpose of this project is to provide training for Afghan participants in two specific areas: (1) Management and Economic Analysis, and (2) Legal and Judicial Management. This project is being amended as set forth in the attached PP facesheet supplement.

13. WERE CHANGES MADE IN BLOCKS 12, 13, 14, or 15 OF THE PID FACESHEET? IF YES, ATTACH CHANGED PID FACESHEET.
☐ Yes ☒ No

14. ORIGINATING OFFICE CLEARANCE

Signature: Gladys M. Frazier
Title: International Cooperation Specialist
Date Signed: mo. AUG day 24 yr. 76

15. Date Received in AID/W, or For AID/W Documents, Date of Distribution
mo. day yr.

AID 1330-4 (7-75)

APPROVED: [signature]

DATE: 9-2-76

NATIONAL DEVELOPMENT TRAINING

PROJECT PAPER AMENDMENT

This amendment provides for the transfer to this project of the 32 Afghan students displaced from AUB due to the continued civil war in Lebanon. Formerly, these students were sponsored at AUB by AID under the regional training project. Under this amended project they will now be placed in U.S. and third country institutions to complete their original study programs.

Two hundred fifty thousand dollars ($250,000) will be obligated in the T.Q. for special action placement of up to 22 of these students this fall, which will cover their transportation, tuition, and living expenses for the full 76/77 academic year (estimated at 11,050 per student per year plus contingency of $6,900. The students selected for special placement will be those who have demonstrated high scholastic aptitude, and for whom disruptions would be most serious if placement were delayed until the spring semester.

The balance of 10 students will be considered for placement in January 1977. An additional $247,000 will be obligated in FY 77 to support 18 students for six months and 14 students for 12 months. Any students who have not completed their study programs by the end of the spring term, 1978, will be incorporated into the new Development Support Training project now scheduled for initial funding in FY 78.

The study programs of these students are consistent with the project purpose, and, therefore, this amendment does not constitute a major revision in the project. Also, this amendment does not constitute an extension of the life of the project, currently scheduled to terminate in FY 77.

FINANCIAL CALCULATIONS

TQ Funding

22 students @ $11,050 per year (includes transportation, tuition, and living expenses)	$243,100
Contingencies	6,900
	$250,000

FY 1977 Funding

18 students @ $5,100/6 months (includes transportation, tuition, and living expenses) plus contingencies	$ 92,300
14 students @ $11,050 per year (includes transportation, tuition, and living expenses)	154,700
	$247,000

TOTAL = 497

F 77 537
247

784

TQ 250

1,034,250

AGENCY FOR INTERNATIONAL DEVELOPMENT

Advice of Program Change

COUNTRY	:	AFGHANISTAN
PROJECT TITLE	:	NATIONAL DEVELOPMENT TRAINING
PROJECT NUMBER	:	306-11-790-123
APPROPRIATION CATEGORY	:	EDUCATION AND HUMAN RESOURCES
INTENDED OBLIGATION	:	$250,000

This is to advise of our intent to obligate funds in the T.Q. to cover the costs of special action placement in U.S. or third country institutions of Afghan students displaced from the American University Beirut (AUB). Thirty-two Afghans who were studying at AUB under a regional project and who have returned to Afghanistan are affected. This action is necessitated by the continuing civil conflict in Beirut.

The $250,000 will provide funds for up to 22 of these students to continue their studies in the U.S. this fall under this project. Students selected for this immediate placement will be those who have demonstrated high scholastic abilities, and for whom a prolonged hiatus in their education is judged to be especially detrimental. The $250,000 will cover transportation, tuition and living expenses for the full 76/77 academic year, and is based on an estimated per student cost of $11,050 per year. Additional funds will be programmed in FY 1977 in order that the remaining 10 students may resume their studies in the U.S. or other, third countries in January 1977.

Country:

GRANT ACTIVITY DATA

TITLE	FUNDS	PROPOSED OBLIGATION ($000)
National Development Training	Education and Human Resources Development	FY 76 270 / 5th Q. 250
NUMBER 306-11-790-123	PRIOR REFERENCE: FY 1976 NESA Programs, p. 34	INITIAL OBLIGATION FY: 1972 / SCHEDULED FINAL OBLIGA. FY: 77

Project Target and Course of Action: The purpose of this project has been to assist the Government of Afghanistan to meet its requirements for executive level management manpower and to increase the sophistication of its legal systems. It emphasizes (1) mobilization, investment and efficient management of Afghan public and private resources for development; and (2) modernization of Afghan legal institutions in areas related to development.

Afghan personnel who have demonstrated potential in management analysis, economic development or policy formulation are sent to the United States or other countries for non-degree programs of six to twelve months. All candidates are drawn from the permanent staff of those Afghan ministries most directly connected with economic and technical assistance. This project is being revised to include special action placement for a total of 32 Afghans formerly training at American University Beirut (AUB) in Agriculture, Health, and Education who were displaced due to civil unrest in Lebanon.

Progress to Date: Thirty-two participants trained in management have returned and are in responsible executive level positions in the Government. Sixteen, currently in training, will return during 1976. Eight new management participants will depart for training in CY 1976--seven for a 12-month course and one for five months. Twenty-seven participants have completed legal training. The fourth group of ten legal participants began training in June 1976.

FY 1976 Program: Funds have been provided for training in the U.S. for six non-contract management participants, ($75,000). Funds will be provided for a one-year extension through March 31, 1977, of the George Washington University Contract ($195,000).

TQ Program: A total of $250,000 is proposed to cover one year's training costs for up to 22 Afghans formerly training at AUB. The funds will enable selected students to continue their education in the United States and will cover their transportation, tuition, and living expenses for the 76/77 academic year.

U.S. DOLLAR COST (In Thousands)

	Obligations	Expenditures	Unliquidated
rough 6/30/74	1,077	391	686
timated FY 75	217	483	
timated rough 6/30/75	1,294	874	420
posed FY 76	270	Future Year Obligations	Estimated Total Cost
posed 5th uarter	250	784	2,598

Cost Components	OBLIGATIONS								
	Estimated FY 1975			Proposed FY 76			Proposed 5th Q.		
	Direct AID	Contract/ Other Agency	Total	Direct AID	Contract/ Other Agency	Total	Direct AID	Contract/ Other Agency	Total
U.S. Technicians	–	90	90	–	126	126	–	–	–
Participants	2	160	162	75	69	144	250	–	250
Commodities	–	–	–	–	–	–	–	–	–
Other Costs	1	–	1	–	–	–	–	–	–
Total Obligations	3	250	253	75	195	270	250	–	250

PRINCIPAL CONTRACTOR AGENCIES

George Washingt University

[illegible] DEVELOPMENT

[illegible] PAPER FACESHEET

[illegible] AFGHANISTAN

[illegible] 123

[illegible] PROJECT COMPLETION

FY 8 1

1. TRANSACTION CODE: C (A ADD, C CHANGE, D DELETE)

PP

2. DOCUMENT CODE: 3

4. DOCUMENT REVISION NUMBER: 3

6. BUREAU/OFFICE: A. SYMBOL NE; B. CODE 03

7. PROJECT TITLE (Maximum 40 characters): National Development Training

9. ESTIMATED DATE OF OBLIGATION: A. INITIAL FY 72; B. QUARTER 1 (Enter 1, 2, 3, or 4); C. FINAL FY 77

10. ESTIMATED COSTS ($000 OR EQUIVALENT $1 =)

[illegible]	FIRST FY 72 B. FX	C. L/C	D. TOTAL	LIFE OF PROJECT E. FX	F. L/C	G. TOTAL
[illegible] TOTAL	108		108	2,841		2,841
[illegible]	(108)	( )	(108)	(2,841)	( )	(2,841)
[illegible]	( )	( )	( )	( )	( )	( )
[illegible]						
[illegible]						
[illegible]		6	6		73	73
[illegible]						
TOTALS	108	6	114	2,841	73	2,914

11. PROPOSED BUDGET APPROPRIATED FUNDS ($000)

[illegible]	D. PRIMARY PURPOSE CODE	PRIMARY TECH. CODE C. GRANT	D. LOAN	E. 1ST FY 72 F. GRANT	G. LOAN	H. 2ND FY 73 I. GRANT	J. LOAN	K. 3RD FY 74 L. GRANT	M. LOAN
[illegible]	669 B	710		108		360		609	
[illegible]									
[illegible]									
[illegible]									
[illegible]	TOTALS								

[illegible]	N. 4TH FY 75 O. GRANT	P. LOAN	Q. 5TH FY 76 R. GRANT	S. LOAN	LIFE OF PROJECT T. GRANT	U. LOAN
[illegible]	217		270		2,841	
[illegible]						
[illegible]						
[illegible]						
[illegible] TOTALS	217		270		2,841	

12. IN-DEPTH EVALUATION SCHEDULED: MM 0 6 YY 7 7

[illegible] ARE CHANGES MADE IN THE PID FACESHEET DATA, BLOCKS 12, 13, 14, OR 15 OR IN PRP [illegible] IF YES, ATTACH CHANGED PID FACESHEET.

1 (1 = NO, 2 = YES)

[illegible] ORIGINATING OFFICE CLEARANCE

[illegible] Robert D. Brandt

TITLE: Development Training Officer

DATE SIGNED: MM N O DD V 0 9 YY 7 6

15. DATE DOCUMENT RECEIVED IN AID/W, OR FOR AID/W DOCUMENTS, DATE OF DISTRIBUTION: MM DD YY

[illegible] 1330-13 (6)

FINANCIAL CALCULATIONS
for
AUB PARTICIPANTS

Transition Quarter Funding

10 Students @ $11,050/12 months	$110,500
1 Student @ $10,300/12 months	10,300
8 Students @ $16,150/18 months	129,200
Amount authorized per Revision No. 2 to PP	$250,000

FY 1977 Funding (Revised)

6 Students @ $16,150/18 months	96,900
* 7 Students @ $21,250/24 months	148,750
7 Students @ $22,800/24 months (Extensions)	159,600
**3 Students @ $11,050/12 months	33,150
Contingency: Possible extensions and unidentified displaced students --	
10 Students @ $5,100/6 months	51,000
	$489,400
Less amount authorized for revision No. 2	247,000
Additional Requirement	242,400 or $243,000

250
247
497 AVG

Life of Project Costs thru Revision No. 2 --	$2,598,000
Additional Funding Requirement	243,000
Total life of Project Costs	$2,841,000

* Four Year Programs
** Per Kabul - 6931

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File

March 31, 1977

ACTION MEMORANDUM FOR THE ACTING ASSISTANT ADMINISTRATOR, NE

FROM : NE/TECH, David I. Steinberg

Rev. 3

SUBJECT: National Development Training Project Paper Revision and Congressional Notification, Afghanistan

Problem: The total estimated life of project budget for the National Development Training project in Afghanistan needs to be increased from $2,598,000 to $2,916,000. Since this additional funding required in FY 1977 will not exceed the previous total estimate of project by 25% or $1 million, you may approve the Revision No. 3 of the Project Paper.

Discussion: Your approval of this request will (1) provide additional funds to pay the higher non-academic per diem rate for 14 on-the-job management participants currently in the U.S. and for 5 new FY 1977 on-the-job management participants who are scheduled to begin one year U.S. training programs during calendar year 1977 (these participants originally were assigned erroneously to the lower-cost academic rate); (2) provide funding to accommodate the 16 ex-AUB participants who are authorized to complete their academic training in the U.S.; and (3) provide for extension of the legal training contract with George Washington University.

Recommendation: That you approve this revision by signing the attached Project Authorization and Request for Allotment of Funds, Part II, and the Advice of Program Change.

Attachments: (3)
1. Project Paper Revision No. 3
2. Project Authorization and Request for Allotment
3. Advice of Program Change

AGENCY FOR INTERNATIONAL DEVELOPMENT

PROJECT PAPER FACESHEET

1. TRANSACTION CODE: C (A ADD, C CHANGE, D DELETE)

PP

2. DOCUMENT CODE: 3

3. COUNTRY ENTITY: AFGHANISTAN

4. DOCUMENT REVISION NUMBER: 3

5. PROJECT NUMBER (7 digits): 306-0123

6. BUREAU/OFFICE: A. SYMBOL: NE; B. CODE: 03

7. PROJECT TITLE (Maximum 40 characters): National Development Training

8. ESTIMATED FY OF PROJECT COMPLETION: FY 79

9. ESTIMATED DATE OF OBLIGATION: A. INITIAL FY 72; B. QUARTER 4 (Enter 1, 2, 3, or 4); C. FINAL FY 77

10. ESTIMATED COSTS ($000 OR EQUIVALENT $1 –)

A. FUNDING SOURCE	FIRST FY B. FX	FIRST FY C. L/C	FIRST FY D. TOTAL	LIFE OF PROJECT E. FX	LIFE OF PROJECT F. L/C	LIFE OF PROJECT G. TOTAL
AID APPROPRIATED TOTAL						
(GRANT)	(108)	( )	(108)	( )	( )	(2,912
(LOAN)	( )	(6)	(6)	( )	( )	(
OTHER U.S. 1.						
OTHER U.S. 2.						
HOST COUNTRY					73	73
OTHER DONOR(S)						
TOTALS	108		114		73	2,985

11. PROPOSED BUDGET APPROPRIATED FUNDS ($000)

A. APPROPRIATION	B. PRIMARY PURPOSE CODE	PRIMARY TECH. CODE C. GRANT	PRIMARY TECH. CODE D. LOAN	E. 1ST FY 74 F. GRANT	E. 1ST FY 74 G. LOAN	H. 2ND FY 75 I. GRANT	H. 2ND FY 75 J. LOAN	K. 3RD FY 76 L. GRANT	K. 3RD FY 76 M. LOAN
(1) EH	669B	710		609		217		264	
(2)									
(3)									
(4)									
TOTALS				609		217		264	

A. APPROPRIATION	N. 4TH FY TQ O. GRANT	N. 4TH FY TQ P. LOAN	Q. 5TH FY 77 R. GRANT	Q. 5TH FY 77 S. LOAN	LIFE OF PROJECT T. GRANT	LIFE OF PROJECT U. LOAN
(1)	250		1,108		2,916	
(2)						
(3)						
(4)						
TOTALS	250		1,108		2,916	

12. IN-DEPTH EVALUATION SCHEDULE: MM 06 YY 77

13. DATA CHANGE INDICATOR WERE CHANGES MADE IN THE PID FACESHEET DATA, BLOCKS 12, 13, 14, OR 15 OR IN PRP FACESHEET DATA, BLOCK 12? IF YES, ATTACH CHANGED PID FACESHEET.

N.B. FY-72 - 108 (L/C 6)
FY-73 - 360

1 (1 = NO, 2 = YES)

14. ORIGINATING OFFICE CLEARANCE

SIGNATURE: MEH
Marvin E. Hurley

TITLE: Education Advisor, NE/TECH

DATE SIGNED: MM DD YY

15. DATE DOCUMENT RECEIVED IN AID/W, OR FOR AID/W DOCUMENTS, DATE OF DISTRIBUTION: MM DD YY

AID 1330-4 (3-76)

ATTACHMENT

Project Paper Facesheet
Revision No. 3

NATIONAL DEVELOPMENT TRAINING

No. 306-0123

Project Paper Amendment

This amendment authorizes an increase of $571,000 to a new total of $1,108,000 for FY 77 and a life of project total of $2,916,000. The additional funds will (1) provide additional funds to pay the higher non-academic per diem rate for 14 on-the-job management participants currently in the U.S. and for 5 new FY 1977 on-the-job management participants who are scheduled to begin one year U.S. training programs during calendar year 1977 (these participants originally were assigned erroneously to the lower-cost academic rate); (2) provide funding to accommodate the 16 ex-AUB participants who are authorized to complete their academic training to the U.S. (the majority of these participants are expected to attend the University of Nebraska at Omaha); (3) provide for extension of the legal training contract with George Washington University.

NE/NENA:March 30, 1977

AGENCY FOR INTERNATIONAL DEVELOPMENT

PROJECT AUTHORIZATION AND REQUEST FOR ALLOTMENT OF FUNDS PART I

1. TRANSACTION CODE: C (A ADD, C CHANGE, D DELETE)

PAF

2. DOCUMENT CODE: 5

3. COUNTRY ENTITY: AFGHANISTAN

4. DOCUMENT REVISION NUMBER: 3

5. PROJECT NUMBER (7 digits): 306-0123

6. BUREAU/OFFICE: A SYMBOL NE; B CODE 03

7. PROJECT TITLE (Maximum 40 characters): National Development Training

8. PROJECT APPROVAL DECISION — ACTION TAKEN: A (A APPROVED, D - DISAPPROVED, DE DEAUTHORIZED)

9. EST. PERIOD OF IMPLEMENTATION: YRS. 06 QTRS. 1

10. APPROVED BUDGET AID APPROPRIATED FUNDS ($000)

A. APPROPRIATION	B. PRIMARY PURPOSE CODE	PRIMARY TECH. CODE C GRANT	PRIMARY TECH. CODE D LOAN	E. 1ST FY 74 F GRANT	E. 1ST FY 74 G LOAN	H. 2ND FY 75 I GRANT	H. 2ND FY 75 J. LOAN	K. 3RD FY 76 L. GRANT	K. 3RD FY 76 M. LOAN
(1) EH	669B	710		609		217		264	
(2)									
(3)									
(4)									
			TOTALS	609		217		264	

A. APPROPRIATION	N. 4TH FY TQ O. GRANT	N. 4TH FY TQ P. LOAN	Q. 5TH FY 77 R. GRANT	Q. 5TH FY 77 S. LOAN	LIFE OF PROJECT T. GRANT	LIFE OF PROJECT U. LOAN
(1)	250		1,108		2,916	
(2)						
(3)						
(4)						
TOTALS	250		1,108		2,916	

11. PROJECT FUNDING AUTHORIZED (ENTER APPROPRIATE CODE(S)) 1 - LIFE OF PROJECT, 2 - INCREMENTAL, LIFE OF PROJECT: A. GRANT 2; B. LOAN

C. PROJECT FUNDING AUTHORIZED THRU FY 77

12. INITIAL PROJECT FUNDING ALLOTMENT REQUESTED ($000)

A. APPROPRIATION	B. ALLOTMENT REQUEST NO. C. GRANT	D. LOAN
(1)		
(2)		
(3)		
(4)		
TOTALS		

13. FUNDS RESERVED FOR ALLOTMENT

TYPED NAME (Chief, SER/FM/FSD)

SIGNATURE

DATE

14. SOURCE/ORIGIN OF GOODS AND SERVICES: [X] 000 [ ] 941 [ ] LOCAL [ ] OTHER _____

15. FOR AMENDMENTS, NATURE OF CHANGE PROPOSED

N.B. FY-72 - 108 (L/C 6)
73 - 360

To increase the life of project funding

FOR PPC/PIAS USE ONLY	16. AUTHORIZING OFFICE SYMBOL	17. ACTION DATE MM DD YY	18. ACTION REFERENCE (Optional)	ACTION REFERENCE DATE MM DD YY

AID 1330-8 (7-76)

DEPARTMENT OF STATE
AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

ASSISTANT
ADMINISTRATOR

PROJECT AUTHORIZATION AND
REQUEST FOR ALLOTMENT OF FUNDS

PART II

Name of Country: Afghanistan Name of Project: National Development Training

Number of Project: 306-0123

Pursuant to Part 1, Chapter 1, Section 103 (National Development Training) of the Foreign Assistance Act of 1961, as amended, I hereby authorize a Grant to Afghanistan the "Cooperating Country" of not to exceed Five Hundred and Seventy-One Thousand United States Dollars ($571,000) the ("Authorized Amount") to help in financing certain foreign exchange costs of goods and services required for the project as described in the following paragraph.

The project consists of participant training to assist the Cooperating Country to meet its requirements for executive level management manpower and to increase the sophistication of its legal system (hereinafter referred to as the "Project").

I approve the total level of A.I.D. appropriated funding planned for this project not to exceed Two Million, Nine Hundred and Sixteen Thousand United States Dollars ($2,916,000) including the funding authorized above, during the period FY 1974 through FY 1977.

I hereby authorize the initiation of negotiation and execution of a Project Agreement by the officer to whom such authority has been delegated in accordance with A.I.D. regulations and Delegations of Authority subject to the following essential terms and covenants and major conditions; together with such other terms and conditions as A.I.D. may deem appropriate:

(a) Source and Origin of Goods and Services

Goods and Services financed by A.I.D. under the project shall have their source and origin in the United States except as A.I.D. may otherwise agree in writing.

/s/ Alfred D. White

Alfred D. White
Acting Assistant Administrator
Bureau for Near East

[redacted]/NE:JMiller:ew:3/16/77--retyped 3/31/77:lz

Clearances
NE/DP:Blangmaid (draft)
NE/NEWA:JKnoll (draft)
NE/TECH:DSteinberg (draft)

AGENCY FOR INTERNATIONAL DEVELOPMENT

ADVICE OF PROGRAM CHANGE

Date:

COUNTRY:	Afghanistan
PROJECT TITLE:	National Development Training
PROJECT NUMBER:	306-0123 (formerly 303-11-790-123)
FY 77 REFERENCE:	FY 1977 Near East Programs, p. 29 (FY 1976 Transition Quarter, Congressional Notification No. 220, dated September 13, 1976)
APPROPRIATION CATEGORY:	Education and Human Resources Development
INTENDED OBLIGATION:	$571,000

This is to advise that we intend to obligate $571,000 more than the $537,000 shown for FY 1977 in the FY 1977 Congressional Presentation for National Development Training Project. This will be the final funding for this project.

The increase is primarily to provide funds for training in the U.S. of 16 Afghan students displaced from the American University of Beirut (AUB) who were previously funded under the regional AUB project. In addition, the increased funds are needed for: higher maintenance costs of 19 management trainees; training for 5 participants in management and 22 in legal programs; and for the extension of the legal training contract with George Washington University.

NE/NEMA:ADarmarell--NE/TECH:KCurley:lz
March 23, 1977

Clearances:
NE/NEMA:JKnoll
NE/TECH:DSteinberg (draft)
GC/LPC:KKammerer (draft)
NE/DP:AReich (draft)
NE/DP:PSeller (draft)
NE/DP:BLangmaid (draft)
AA/NE/ACT /s/ Alfred D. White
/s/ Alfred D. White

Country:

GRANT ACTIVITY DATA

TABLE VI

TITLE	FUNDS	PROPOSED OBLIGATION ($000)	
National Development Training	Education and Human Resources Development	FY 77 1,104	
NUMBER 306-0123 (formerly 306-11-790-123)	PRIOR REFFRENCE Advice of Program Change No. 220, September 13, 1976	INITIAL OBLIGATION FY: 1972	SCHEDULED FINAL OBLIGATION FY: 1977

Project Target and Course of Action: The purpose of this project is to assist the Government of Afghanistan to meet its requirements for executive level management manpower and to increase the sophistication of its legal systems. It emphasizes (1) mobilization, investment and efficient management of Afghan public and private resources for development and (2) modernization of Afghan legal institutions in areas related to development.

Afghan personnel who have demonstrated potential in management analysis, economic development or policy formulation are sent to the United States or other countries for non-degree programs of six to twelve months. All candidates are drawn from the permanent staff of those Afghan ministries most directly connected with economic and technical assistance. The project also provides exposure to internationally accepted legal practices for officials from the judicial and prosecutorial branches of the Ministry of Justice and the Law Faculties of Kabul University. Technical skills will be developed which will facilitate innovative adaptation of these legal practices to the development problems of Afghanistan.

Progress to Date: Forty-five participants trained in management have been placed in executive level positions in the Afghanistan Government. Fourteen are currently in training and will return during 1977; and five new management participants will depart for U.S. training in 1977. Twenty-seven participants have completed legal training and twelve started training in June 1976. The fifth and final group of ten legal participants is in intensive English language training preparatory to departure for the United States in June 1977.

Nineteen students whose training at the American University of Beirut was interrupted by the civil war were funded in the T.Q. to continue their academic study in U.S. universities.

FY 1977 Program: A total of $1,108,000 is requested to cover the cost of academic training in the U.S. for 16 displaced Afghan students formerly training at the American University of Beirut (AUB) ($478,000); non-degree management training in the U.S. for five participants, including an adjustment for higher maintenance costs for 19 management trainees ($138,000) and funds to extend the legal training contract with George Washington University (including participant costs) ($492,000).

U.S. DOLLAR COST (In Thousands)

	Obligations	Expenditures	Unliquidated
Through 6/30/75	1,294	874	420
Estimated FY 76	264	364	
Estimated through 6/30/76	1,558	1,328	230
Estimated Transition Quarter	250	Future Year Obligations	Estimated Total Cost
Proposed FY 77	1,108	–	2,916

Cost Components	OBLIGATIONS								
	Estimated FY 76			Estimated Transition Quarter			Proposed FY 77		
	Direct AID	Contract/ Other Agency	Total	Direct AID	Contract/ Other Agency	Total	Direct AID	Contract/ Other Agency	Total
U.S. Technicians ..	–	31	31	–	–	–	–	23[illegible]	[illegible]
Participants	138	95	233	250	–	250	616	259	875
Commodities	–	–	–	–	–	–	–	–	–
Other Costs	–	–	–	–	–	–	–	–	–
Total Obligations ..	138	126	264	250	–	250	616	492	1,108

PRINCIPAL CONTRACTORS/ AGENCIES

George Washington University