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CHEMONICS INTERNATIONAL INC

CENTRAL ASIAN REPUBLICS RULE OF LAW

FINAL REPORT

Contract # CCN-0007-C-00-4004-00

Submitted to·
U S Agency for International Development
Washington, D C.

Submitted by:
Chemonics International Inc

1 December 1997

CENTRAL ASIAN REPUBLICS RULE OF LAW

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Chemonics International Inc

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EXECUTIVE SUMMARY

Contract award. On November 30, 1993, Chemonics International Inc (Chemonics) was awarded the three-year USAID-funded Central Asian Republics Rule of Law contract The contract called for work in three strategic objectives· (1) *framing the legal substance* (legislative drafting and advice), (2) *strengthening legal (governmental) institutions,* and (3) *strengthening civil society* through the development of nongovernmental organizations (NGOs) devoted to legal and policy change The contractor was also tasked with managing a small grants program in the amount of $1.1 million to nurture the growth of key NGOs The contract covered the five republics of former Soviet Central Asia Kazakstan, Kyrgyzstan, Uzbekistan, Tajikistan, and Turkmenistan.

Ultimate civil society thrust of project. The contract's technical scope was broad and open-ended, reflecting the speed with which this and other rule of law contracts for the Newly Independent States (NIS) were procured by USAID and the lack of U.S. experience in the region Some of the programming uncertainty stemmed from turbulent political developments in the region Instability in Tajikistan, entrenched authoritarianism in Uzbekistan and Turkmenistan, and encroaching authoritarianism in Kyrgyzstan and Kazakstan all contributed to a narrowing of program objectives by the middle of 1995. Ultimately, the project, operating as the American Legal Consortium (ALC), adopted a civil society orientation, and focused almost exclusively on NGO development and legal information development

NGO development component. For the NGO development component, ALC combined a small grants program with technical assistance in the areas of legal analysis and research, coalition-building, financial management, technical conferences and seminars, and legislative drafting and advocacy. In all, 56 grants were awarded to 54 grantees spread across all five countries in the region, with excellent financial and technical compliance with all grant terms

ALC-assisted NGO achievements. The achievements of the NGO recipients of ALC's assistance were noteworthy, as recounted in ALC's 80-page publication titled "Innovations and Impacts Successes Stories of Central Asian NGOs " In the areas of law and public policy reform, legal services, access to legal and policy information, and support to other NGOs, ALC's NGO counterparts were at the forefront of forging more progressive and pluralistic societies in the region

NGO achievements in law reform/coalition-building The achievements of ALC-supported NGOs in advocacy and policy reform through sustained dialogue with their respective governments were especially remarkable in light of the authoritarian political environment in the region Some of the most hopeful signs of future civil society development have issued from the national coalition-building activities directly facilitated by ALC in Kyrgyzstan, Uzbekistan, Kazakstan, and Tajikistan. National coalition-building proved especially successful in Kazakstan, where in October 1996 the Association of Non-Commercial, Nongovernmental Organizations of Kazakstan adopted a charter and advocacy mission on behalf of 80 Kazakstani NGOs Law reform activities—resulting in significant changes to the legal framework governing NGOs— bore fruit in Kyrgyzstan and Uzbekistan

Legal information resources development. ALC helped create two sustainable Legal Information Systems in Kazakstan and Tajikistan that have enhanced public access to legal information across the region. The systems consist of two partnerships of respected libraries and legal institutes to provide legal practitioners, NGOs, government officials, and the general public with improved access to law books and periodicals as well as a host of legal databases Post-project sustainability has been enhanced through training, publicity, and careful fundraising with local and foreign sources.

Legislative analysis and drafting. ALC drew heavily on the services of several short-term legal specialists to assist government officials with a variety of legislative drafting and advisory tasks, including work on commercial laws in Turkmenistan, Kazakstan constitutional issues, the Tajik mass media law, the Tajik citizenship law, and the Kazakstan petroleum law (including international legal standards for hard minerals extraction agreements with foreign investors).

Judicial development activities. In the area of judicial development, where work was truncated by political developments in Kazakstan and Kyrgyzstan, ALC sought to lay the groundwork for a judicial reform program that would embrace both a new legislative foundation for judicial independence and the establishment of training institutes that would inculcate new skills and values in the judiciaries of those two countries. To that end, ALC undertook a number of initiatives in the first year and one-half of the project, including assisting the Supreme and Constitutional Courts of Kazakstan and Kyrgyzstan in formulating new draft laws on the judiciary and the status of judges; drafting a baseline study on the compliance of selected Kazakstani courts with new constitutional principles, and holding a series of training seminars for 300 Kyrgyzstani judges on issues of the interplay between constitutional law and criminal procedure This work came to an abrupt end with the adoption of an authoritarian constitution in Kazakstan in mid-1995 and the resignation of several key high court judges

Parliamentary development activities Parliamentary development was initially undertaken in Kazakstan, where the March 1994 elections produced a reasonably talented and independent-minded parliamentary leadership ALC worked in 1994 and early 1995 to develop a long-term plan for institutional development of the new body's constitutional powers, including development of its oversight and policymaking functions, strengthening of its internal organization, and development of ethical rules Although this plan of assistance was approved by the parliamentary leadership in early 1995, ALC assistance was cut short by President Nazarbaev's summary dissolution of Parliament in March 1995

Overall impact. ALC was generally acknowledged by both USAID/Almaty and the local legal and NGO communities as having achieved the greatest impact of any civil society program in the region and having undertaken such work with the greatest cultural sensitivity. Through the sustainable NGOs, legal information systems, and NGO coalitions developed through this project, the prospects for continued, if modest, growth of pluralistic civil societies in many parts of the region have been immeasurably improved In the future, smaller USAID expenditures in this area necessitate greater donor coordination with the World Bank, the United Nations Development Program (UNDP), and the Soros Foundation to maintain the momentum established with key counterparts

CHEMONICS INTERNATIONAL
NIS/RULE OF LAW
FINAL FINANCIAL REPORT

	BUDGET	EXPENDITURES THROUGH 10/31/97
Salaries, Long-Term	$912,167 00	$821,823 04
Salaries, Short-Term	$219,929 00	$213,737 07
Salaries, Home Office	$73,237 00	$70,855 11
Salaries, Home Office (non W2)	$0 00	$2,195.92
Salaries, Local LT Prof	$14,580.00	$14,998.00
Salaries, Local ST Prof	$465 00	$400.00
Salaries, Local Support	$200,976 00	$195,898 08
TOTAL SALARIES	**$1,421,354.00**	**$1,319,907.22**
Fringe Benefits, Expat LT	$352,560 00	$308,403 13
Fringe Benefits, Expat ST	$0 00	($3,410 30)
Fringe Benefits, Expat ST (W2)	$0 00	$3,410 30
Fringe Benefits, Home Office	$31,823 00	$26,619 63
Fringe Benefits, Local LT	$888 00	$29 99
Fringe Benefits, Local ST	$74 00	$2 04
Fringe Benefits, Loc. Supp, In-Count	$0 00	$2,431 00
TOTAL FRINGE BENEFITS	**$385,345.00**	**$337,485.79**
Overhead, Expat LT	$843,419 00	$715,417 05
Overhead, Expat ST	$141,541 00	$123,733.87
Overhead, Expat ST (W2)	$0 00	$8,093 12
Overhead, Home Office	$107,322 00	$75,895 86
Overhead, Home Office (non W2)	$0 00	$1,891 88
Overhead, Local LT	$8,834.00	$9,617 90
Overhead, Local ST	$1,403 00	$298 64
TOTAL OVERHEAD	**$1,102,519.00**	**$934,948.32**
Travel and Transportation	$819,323 00	$422,970 17
Allowances	$519,512 00	$629,598 06
Other Direct Costs	$923,988 00	$711,338 15
Equipment, Vehicles, and Freight	$364,000 00	$343,358 58
Training	$114,000 00	$139,706 82
Subcontracts and Consultants	$440,880 00	$553,798 54
Grants	$1,150,000 00	$1,077,009 16
SUBTOTAL	**$7,240,921.00**	**$6,470,120.81**
GENERAL and ADMINISTRATIVE	**$238,226.00**	**$202,065.90**
FIXED FEE	**$298,961.00**	**$298,961.00**
TOTAL	**$7,778,108.00**	**$6,971,147.71**

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SECTION I

INTRODUCTION

SECTION I
INTRODUCTION

The Central Asian Republics Rule of Law (CAR ROL) project was conceived by USAID in 1993 as a technical assistance instrument to facilitate democratic and market transition in the five countries of Central Asia The three-year contract, awarded in November to Chemonics International Inc. (Chemonics), a leading U.S. consulting firm with 21 years' experience in international development, called for work in three strategic objectives. (1) framing the legal substance, (2) strengthening legal (governmental) institutions, and (3) strengthening civil society through the development of nongovernmental organizations (NGOs) devoted to legal and policy change This broad mandate was based on the need for rapid response and programmatic flexibility

The need to concentrate resources to achieve demonstrable results and the authoritarian nature of most governments in the region ultimately necessitated a focus on the nongovernmental sector Operating under the name American Legal Consortium (ALC), the project helped legal institutions and citizen groups in the republics of Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan develop the capacity to create the conditions necessary for democratic governance. Based in Almaty, Kazakstan, Chemonics' ALC team combined technical assistance with a grants program to foster civil society. Assisting NGOs (and, more specifically, civil advocacy organizations (CAOs)[1]) and creating legal information networks yielded highly positive results, in particular, the project established a sustainable basis for further legal development in these areas through both self-funded and donor-funded activities.

The project's history is defined by its shift from broad, ambitious USAID objectives for attaining regional democracy and governance to a more focused, pragmatic program emphasizing nongovernmental initiatives as a precursor to deeper institutional reform As this report demonstrates, the project nurtured a substantial expansion of NGO capabilities and influence in the region and facilitated the beginning of a critical dialogue between these organizations and various governmental actors The development of this discourse between government and civil society has fostered a nascent pluralism in the region that can, over time, flourish in an otherwise inhospitable environment

This report traces the evolution of the project and its adoption of a successful civil society orientation This section includes a chronology of project milestones Section II describes the program's initial goals and start-up Section III surveys the project's major activities and accomplishments in each major component Section IV provides a summary of key lessons learned during the project

[1] The terms NGO and CAO denote subtle but important distinctions between organizations supported by this project While NGO loosely defines any organization, usually nonprofit, in the nongovernmental sector, including CAOs, the term CAO refers to NGOs that influence public policy through advocacy, lobbying, and education Although the American Legal Consortium (ALC) program mandate emphasized assistance to CAOs, some ALC beneficiaries included groups whose missions largely involved membership services and, only tangentially, lobbying and policy formation work For this reason, this report uses the term NGO to refer to the full range of organizations aided by the project

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CENTRAL ASIAN REPUBLICS RULE OF LAW PROJECT
AMERICAN LEGAL CONSORTIUM (ALC) MILESTONES

1993

November	Contract awarded to Chemonics International

1994

January	ALC field team arrives in Almaty, Kazakstan
February	ALC field office opens in Almaty
March	ALC field team members assist with monitoring Kazakstan elections
June	ALC completes first studies of Kazakstan Parliament and judiciary
July	MetaMetrics drafts plan for legal information resources development
August	ALC conducts first judicial training seminar in Kazakstan
September	ALC conducts series of seminars for 300 Kyrgyzstan judges
November	ALC distributes Standard NGO Charter Packages and grant applications
December	First NGO grantee awards made

1995

January	First grantee training workshops held
April	ALC parliamentary assistance program suspended due to political developments in Kazakstan and Kyrgyzstan
May	ALC produces multiple analyses, reports on Kazakstan constitutional crisis
June	Kyrgyz and Kazakstani judges attend Estonia seminar
July	ALC makes 25th NGO grant award
August	Tashkent office for western part of region opens, final work plan approved
September	ALC assists Tajikistan with drafting of new election law
October	ALC sponsors landmark five-republic conference, NGOs and the Law, at Lake Issyk-kul, Kyrgyzstan, several NGO coalitions formed
November	ALC judicial reform component closes due to doubts about efficacy of further work in an authoritarian political climate
December	ALC conducts law library management workshop in Almaty

1996

January	USAID approves Legal Information Systems assistance plan for Tajikistan and Kazakstan
February	Kazakstan Academy of Sciences Library donates space for the Kazakstan Legal Information System "hub"
March	Formal ALC NGO grants monitoring plan goes into effect
April	Legal Information Systems formed in Tajikistan and Kazakstan
May	Procurement of equipment completed for both Legal Information Systems
June	U S Ambassador Elizabeth Jones dedicates Kazakstan Legal Information System center in Almaty
September	"Innovations and Impacts" published and distributed, NGO Assembly held in Almaty to share skills and experiences in NGO development
October	Seventy-two Kazakstani NGOs form the Association of Non-commercial, Nongovernmental Organizations of Kazakstan
November	Project concludes

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SECTION II
PROJECT DESIGN AND START-UP

In 1992-1993, as the Clinton Administration prepared a major foreign policy initiative to provide technical assistance to the former Soviet republics, USAID conceived a broad program of democracy and governance aid to the four major politico-geographic regions of the Newly Independent States (NIS) [1] Four Rule of Law (ROL) projects were designed, each emphasizing three areas· helping create new constitutions and laws to support open societies, assisting the development of major legal institutions, and nurturing civil society.

A. Major Program Goals and Features

The speed with which these projects were designed and put out for procurement allowed little opportunity for consulting host-country beneficiaries and experts in regional sociology, politics, and law In lieu of drafting specific scopes of work or expected outcomes, USAID's requests for proposals (RFPs)[2] listed sample menus of possible activities or initiatives USAID officials acknowledged that work planning would have to occur on a rolling basis throughout the contract's early months and possibly beyond In addition, the projects were required to carry out unspecified "rapid response" or "priority start-up" activities within 60 days of contract award

In general, the NIS Rule of Law contracts were viewed as having the potential to merge significantly USAID's rule of law and civil society strengthening activities in the service of an overall democratization initiative Contractors were asked to coordinate closely with other grantees and contractors working on legal reform and NGO development projects to avoid duplication of activities In lofty and expansive language, the Rule of Law contract for Central Asia declared on page 15 that its mission was to "provide assistance to support the transformation of political and legal frameworks from authoritarian foundations to ones based upon the rule of law, with emphasis on the rights and responsibilities of individuals within a democracy, popular participation in political and economic decision-making, open competition among interest groups, governmental accountability, transparency of political and legal processes, and predictability in social and economic relations "

Chemonics was awarded the ROL contract for Central Asia in late November 1993 The contract called for 36 continuous months of technical assistance, commencing in December 1993

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[1] The four regions, each of which is served by a USAID mission, are Russia, the Western NIS (Belarus, Moldova, and Ukraine), Central Asia, and the Transcaucasus (Georgia, Armenia, and Azerbaijan)

[2] Examples of activities listed under Framing the Legal Substance included "advice or comments on specific legislation or regulatory structures or procedures" and the provision of "policy analysis in support of legislative options" (contract, p 17)

Examples of activities listed under Strengthening Legal (Governmental) Institutions included "technical assistance for judicial reorganization", "advising on the role of oversight organizations in executive bureaucracies", and "aiding in the revision of curricula of legal, judicial, and paraprofessional training programs" (contract, p 18)

Examples of activities listed under Strengthening Civil Society included "aiding in the formation of professional and trade associations ", "aiding in the preparation of test cases and litigation", and providing "human rights education and information" (contract, p 19)

and concluding in November 1996, and included an optional two-year extension period The contract contained three strategic objectives

- *Framing the legal substance*—largely short-term legal and constitutional analysis and advice as well as legislative drafting assistance USAID's stated objective for this program area was to ensure that "[r]eforms will be well under way in target Central Asian Republics in the priority [legal] areas jointly identified by U S and Central Asian Republic governments "

- *Strengthening legal (governmental) institutions*—long-term institution-building technical assistance and training to parliaments, the judiciary, and possible other legal institutions, such as the procuracy Here, USAID's objective consisted of achieving "[t]angible evidence of reform in priority institutions—identified jointly by U S and Central Asian Republic governments—which formulate, implement, adjudicate, and enforce the law "

- *Strengthening civil society*—assistance to develop indigenous, law-related NGOs, promote legal association development, reform legal education, and promote dissemination of legal information to the legal profession and general public USAID hoped these activities would lead to an "[i]ncreased role and effectiveness of non-state actors . in the political and economic life of Central Asia "

The contract also established a grants program to be administered by the contractor to fund new and existing NGOs involved in law and public policy

As will be demonstrated below, only the third objective could be substantially achieved in Central Asia during the life of the project This outcome was due to an enormous variety of political and economic pressures beyond the contractor's control that stemmed from a common regional trend toward new post-Soviet forms of authoritarianism Also, contrary to the explicit aims of the contract, there was little if no U S government leadership in identifying "priority" areas of legal reform or institutional reform "jointly with" Central Asian Republic governments Not only was the U S government unsure of the direction of potential programming, but its insistence that the contractor undertake time-consuming rapid response activities early in the project made it exceedingly difficult for the contractor to chart methodically a long-term program direction on its own, even through separate meetings with host-government counterparts

The contract set the project budget at $7 78 million for the three-year base period, plus an additional $4 72 million that could be authorized for the optional two-year extension The budget was, however, subject to incremental funding based on changes in congressional funding and USAID/ENI budget priorities Ultimately, $6 95 million was obligated, a reduction of $830,000, or 9 4 percent, from the original base-period contract total

The contract originally envisioned deployment of a four-person long-term field team, consisting of a "Director/Political Institution Specialist, a Legal Reform Specialist, a Grants/Information Specialist, and an Institution-Building Specialist " During contract negotiations, USAID and Chemonics agreed to reconfigure positions for the long-term team [3] A three-person home office project management team, headed by a project supervisor, was to

[3] Among other things, the grants/information specialist position was transformed into a position of grants manager and deputy director of the project for finance and administration

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provide policy guidance and backstopping support from Washington, D C[4] The contractor was also required to establish a field office in Almaty, Kazakstan, site of the regional USAID mission, within 30 days of contract award

Chemonics was joined on the contract by five subcontractors, each chosen for its specific expertise and ability to access specialized assistance potentially required for project implementation The **Center for Legislative Development** of the State University of New York at Albany featured an extensive track record in the institutional strengthening of parliamentary bodies around the world, including highly regarded work in Hungary The **Center for Democracy** was brought on the team to plan and execute high-level conferences on law and public policy and provide judicial and legislative institutional strengthening, as it had previously done in Latin America The **International Law Institute,** well-known for legal education activities conducted at its U.S headquarters and overseas, was envisioned as a major legal training provider **MetaMetrics, Inc.**, a small, disadvantaged firm, was included on the team for legal information resource development and judicial administration The **Federal Bar Association,** a voluntary association of federal government attorneys, was tasked with providing expert legal advice on bar association development and government restructuring [5]

B. Project Start-Up

As required by the contract, Chemonics mobilized quickly in December 1993 to orient its field team members and prepare them for deployment to Kazakstan[5] Extensive meetings were held with the field team, subcontractors, and outside experts knowledgeable about Central Asia Additional meetings took place with USAID/ENI Bureau officials and State Department personnel In one of the most important actions of the project's first month, Chemonics decided to operate in Central Asia under the name of American Legal Consortium (ALC), both to avoid publicizing its own role in the project and to situate the project in the context of broader U.S regional assistance ALC adopted an attractive locally designed logo based on regional designs and colors for its stationery and other public communications (An example of the ALC logo is in Section I)

In early January 1994, the Chemonics team arrived in Almaty and began to secure office space and hire local staff The office, within two blocks of the USAID mission, was functioning by the end of the month In early February, the team held a series of intensive meetings with USAID officials, including the Washington-based project officer and the contracting officer's technical representative (COTR) These meetings attempted to reach consensus on rapid response activities and the overall thrust of project programming for the near future

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[4]Elizabeth Bassan was the original project supervisor She was succeeded in August 1994 by Malcolm Russell-Einhorn

[5] The Federal Bar Association's services were not used because bar association development and government restructuring work in did not materialize on the scale anticipated by the contract USAID determined the American Bar Association's Central and East European Law Initiative (ABA/CEELI) to be the sole vehicle for any work in the delivery of bar association development assistance in the region that was undertaken

[5]The field team included Gregory Gleason, team leader and political institution specialist, James Gershin, deputy director for finance and administration, Dorothy Lawrence, legal specialist, and Lowry Wyman, institutional specialist

One contentious issue discussed during these meetings was how to approach the contractual requirement to develop country action plans. To begin with, it was objectively impossible for the contractor to complete action plans by February 1, a date 60 days after contract award Chemonics took the position that, while preliminary action plans could be drafted shortly thereafter, thoughtful long-range work plans would probably take until May 1 to complete, especially in light of competing time demands to undertake rapid response activities Chemonics was especially interested in combining a focused needs assessment in the form of a political economy review, as Chemonics had proposed prior to contract award and as was required by the contract (see p 21) Chemonics envisioned this review would include consultancies by a number of experts on Central Asia and on legal development However, USAID officials in Almaty believed that fast-moving political developments in the region—including upcoming parliamentary elections in Kazakstan in March—would not allow time for a comprehensive review or needs assessment USAID officials also believed, erroneously, that among its four members the ALC field team had all the expertise it needed to do proper long-range work planning. No outside experts were permitted to join the team in work-planning tasks, although they were allowed to participated in quick-response activities Accordingly, in place of more cautious and deliberate planning, USAID requested the team to focus on rapid response activities. The team was expected to build assessments of future project directions into and around those activities

As a result of these decisions, the team was solely responsible for weighing the prospects for political change in the region and identifying the most advantageous institutional and civil society targets for technical assistance and training. Moreover, the team was responsible for attempting to compress such judgments into brief action plans that were never given clear parameters in terms of depth, breadth, or timing [6] This was a considerable task in a five-country region spanning 2,000 miles and undergoing rapid political developments The uncertainty and open-endedness of this approach often led to U S foreign policy-directed short-term ALC interventions that obscured slower-moving work on achieving longer-term development objectives [7]

These decisions also eliminated the opportunity for early, in-depth consensus-building and work planning with USAID and the possibility of engaging local counterparts in a sustained dialogue about sharing responsibility for the project's legal development program. As a result, USAID did not receive one or more comprehensive foundation documents permitting considered judgments on the major thrust of project programming and on personnel and resources tradeoffs required to make such programming choices Project programming consequently assumed an ad hoc character until well into the second year Intensive dialogue with host-country counterparts was also deferred in many instances, delaying local participation in the legal development program

[6]The structure and purpose of the action plans were never clearly defined The contract as silent about the shape and content of the plans, and the USAID mission vacillated as to whether the action plans were to serve as work-planning documents for merely an initial six-month period or for a longer period, including the duration of the three-year contract

[7] To be sure, USAID officials had just completed setting up fully operational offices and programs in a new region of the world Fulfilling this responsibility while subject to considerable congressional and State Department pressure to show quick results made quick-response activities a higher immediate priority than long-range planning

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C. Rapid Response Activities

ALC undertook a number of rapid response or "priority start-up" activities during the first two quarters of the project. Some activities continued the short-term assistance to the region begun under earlier assistance instruments Other activities were launched in new areas requested by USAID or the U.S. embassies in the region These rapid response activities are described below.

Kazakstan Judicial Restructuring Assistance. In April and May, Robert Utter, a former Supreme Court justice in the state of Washington, traveled to Almaty to consult with the Ministry of Justice and representatives from the supreme and constitutional courts on recommended changes to a draft law on the judiciary that was to be introduced in parliament. Justice Utter urged that the courts have maximum independence from Ministry of Justice oversight and resource control. Justice Utter was well-suited for the assignment, having worked in Central Asia under ABA/CEELI auspices on two occasions, during which he had developed personal relationships with several Kazakstani high court members

Turkmenistan Judicial Reform Assessment. At the request of the Turkmen minister of justice and the U.S embassy in Turkmenistan, relayed through USAID, an NIS legal expert, Christopher Osakwe, visited Turkmenistan in spring 1994 to assess the country's prospects for judicial reform. Professor Osakwe, an authority on the Soviet legal system, described the limited opportunities for near-term judicial change and set forth a detailed plan for assistance should ALC and USAID wish to consider such programming

Kazakstan Petroleum Law Drafting Assistance. Charles Lipton, an authority on natural resource concessions law, was sent to Kazakstan in February 1994 to continue assistance to the Ministries of Justice, Energy, and Geology to draft a petroleum law and standard-form concession agreements Mr Lipton also advised the Kazakstan government on international legal standards for hard mineral extraction agreements with foreign investors [8]

Kazakstan Parliamentary Election Monitoring. Given the stakes in the March 1994 parliamentary election in Kazakstan and shortage of international personnel to monitor the elections, it was not surprising that both USAID and the U S embassy in Kazakstan requested ALC's help in monitoring the elections ALC long-term staff served directly as election monitors and analyzed the conduct of the elections within the country's constitutional and legal framework In addition, two short-term specialists, Reef Altoma and Barnabas Johnson, assisted the U S. embassy and fellow USAID contractor International Foundation for Electoral Systems (IFES) in analyzing the election's conformity to Kazakstan's recently enacted elections law

[8] Mr Lipton's assignment, which involved a specialized area of commercial regulatory law, shows how fluid the legal technical assistance environment was in 1994 for USAID programming Outside of a quick-response framework, Mr Lipton's commercial law work had little direct relationship to the democracy and governance thrust of the CAR ROL contract

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D. Preliminary Work Planning and Clarification of Program Scope

Alongside the rapid response activities described above, ALC long-term staff began developing country action plans at USAID's request for the first six months of the project [9] Although the contract mandated that USAID would designate which of the five republics would receive initial assistance in a staggered plan, in fact all the countries of the region were by default incorporated into the preliminary assistance efforts, resulting in a lack of focus

Provisional plans were completed quickly for Kyrgyzstan and Uzbekistan, despite the fluid political situation in both countries Difficulties in assessing the political and legal situation in Tajikistan and Turkmenistan delayed the development of similar country action plans until the end of summer 1994 Meanwhile, ongoing consultations with USAID and U S. Embassy personnel in Kazakstan extended the initial work planning process for that country well into fall 1994 An unfortunate result of USAID's emphasis on interim country action plans was a relative lack of focus on longer-term cross-regional activities at the beginning of the project. However, regionally focused technical assistance and training was developed by the end of the project, greatly increasing project beneficiary information-sharing and political clout.

With the arrival of a new COTR in the USAID Central Asia mission in late summer of 1994, work planning entered a different phase, with country action plans largely discarded in favor of succinct—and less informative—planning "matrices "[10] These matrices, also covering six months, served as provisional guidance documents until a formal five-country work plan was approved by the regional mission in August 1995 [11] In the meantime, in October 1994, USAID/Washington and the regional mission approved the policies and procedures developed by ALC for its NGO small grants program

By the beginning of 1995, the project had attained a degree of operational stability in terms of infrastructure, staffing, and direction The project was now housed in new, expansive quarters near the Presidential Palace in Almaty A project library was begun and visitors from the NGO community were invited for discussions on the small grants program and other aspects of the project in the project conference room In addition to the main office in Almaty, ALC opened branch offices in Bishkek, Kyrgyzstan, and Tashkent, Uzbekistan [12] The branch offices were

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[9] In fact, although the work plans were six months in scope, because of the delay in writing them—they were to be completed in summer 1994—they covered the first year of the project (i e , through December 1994)

[10] USAID believed that the fluid political situation in the region made detailed work plans less useful than they would otherwise be, hence the shift to simpler "matrices" that briefly described the programming to be undertaken and the expected results However, utility of the matrices was limited by the lack of background information on political developments and dynamics that would have been contained in the normal work plan A detailed needs assessment, more in-depth work planning with USAID, consensus-building discussions with local counterparts, and detailed country action plans would have provided greater strategic stability in a fluid environment

[11] The significant management costs incurred as the direct result of this approval delay are addressed in Section IV of this report

[12] Although ALC closed its Bishkek office at the end of 1995, the Tashkent office became the hub for ALC activities in the western portion of the Central Asian region and was the base of operations for much of the NGO support work that required travel to more isolated parts of the region, including Tajikistan

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helpful in providing ALC staff with administrative and logistical support, since project staff traveled to one or more of the five countries virtually every month over the three-year period

After Chief of Party Gregory Gleason returned to an academic teaching post at the end of the first year, Russell Sunshine, a 15-year veteran of international legal development work, was named director [13] In addition, local staffing expanded to handle the increased work volume caused by the project's diverse and geographically far-flung programming, particularly the small grants program By mid-1995, the local staff totaled 16 persons, including a grants manager, 2 grants officers, 2 legal information development specialists, 2 NGO development liaisons, 3 administrative assistants, 1 accountant, 2 interpreters, 1 office manager, and 3 drivers

With respect to programming, the provisional planning matrices allowed ALC to identify by spring 1995 five project components within the three strategic objectives·

- *Framing the legal substance*
  (1) Short-term legislative and constitutional analysis and advice (all five republics)

- *Strengthening legal (governmental) institutions*
  (2) Parliamentary development (Kazakstan)
  (3) Judicial restructuring and training ((Kazakstan and Kyrgyzstan)

- *Strengthening civil society*
  (4) NGO development, including the distribution of $1 1 million in small grants to qualifying NGOs
  (5) Legal information resource development

All but parliamentary reform figured prominently in the August 1995 work plan that guided the project for the duration of the contract

In addition to providing analytical, advisory, and drafting services in each of the five components, ALC conducted technical training, organized conferences, produced, translated and distributed law-related publications, awarded NGO grants; and procured legal information materials and supporting equipment As discussed below, these five components were energetically supported in 1995 until political developments in Kazakstan and, to a lesser degree, Kyrgyzstan forced a termination of parliamentary development and judicial restructuring work in July and November, respectively As a result of the narrowed project scope, fewer short-term expatriate consultants were needed than originally foreseen by USAID or Chemonics' early budget projections Most work in NGO development and legal information resource development was executed by the ALC field team, with consequent savings (e g , travel and per diem) to the project budget.

[13] Later, in spring 1995, the project received a contract modification and added a fifth long-term expatriate team member, David Stubbs, who operated out of the Tashkent office and served as the project's NGO development specialist In fall 1995, Mr Gershin left the project and was succeeded by Hugh Orozco as deputy director for finance and administration A local employee, Ivan Apanasevich, was named grants manager

SECTION III

NGO DEVELOPMENT ACTIVITIES

SECTION III
NGO DEVELOPMENT ACTIVITIES

This section discusses in detail the activities and accomplishments of the CAR ROL project by each of the five major program components The description starts with NGO development and legal resource development, which produced the most significant results against the backdrop of a difficult authoritarian political environment

A. NGO Development

ALC's NGO development work was the project's most visible and successful component. A small but talented and influential group of NGOs was energized and stimulated to make significant societal achievements through training activities, regional conferences, coalition-building support, publicity, and law reform. ALC tracked the collective impact of these NGOs in several reports and publications, which were widely distributed in the region

The centerpiece of ALC's NGO development activities was the $1 million small grants program, designed to give indigenous organizations the financial and procurement support they required to secure key aspects of their national, regional, or community-based operations This program became the largest of its kind in Central Asia Fifty-six grants were awarded to 54 grantees in all five republics Aggregate awards totaled $1 1 million [1] The principal recipients were NGOs conducting law- and policy-related activities Funded activities included legal analysis and research, conferences and seminars, information centers, in-school and non-formal education about legal issues, legislative drafting and advocacy, public opinion polling, and publications and videos Recipients' areas of activity included civic education, consumer rights, entrepreneur rights, environmental protection, farmer rights, human rights, law reform and legal development, and institutional support for fellow NGOs

A1. NGO Development Program

From the beginning, ALC viewed its NGO support activities as essential to the project's success The program's integrated approach to NGO sustainability focused on helping NGOs develop the financial, organizational, and public relations tools necessary to attract funding and membership after the ALC project ended.

The critical elements of this approach, which underscored the importance of proper NGO development to the overall emergence of civil society in the region, included the following·

- **Adequate project staffing to handle grant-making, training, monitoring, and troubleshooting functions.** Because ALC conceived of the NGO program scope as much broader than grant-making and monitoring, it hired and maintained a staff commensurate with the programming and geographic demands of the initiative Personnel included the NGO expatriate financial administrator, a local grants manager, two local grants officers, two part-time local liaisons based in the central Almaty office (to cover Kazakstan and Kyrgyzstan as well as overall program requirements), and three

[1] The increase from $1 million was the result of additional funding provided by USAID in an early 1996 incremental obligation

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NGO development personnel (one expatriate and two locals) based in the Tashkent office (to cover grantees in Uzbekistan, Turkmenistan, and Tajikistan)

- **Personal contact with and mentoring of NGOs.** ALC's NGO development personnel took a personalized, nurturing approach to their work Grantees understood that ALC staff were continuously available in person or by phone or email to answer questions and respond to problems. ALC personnel also regularly "rode the circuit" of grantees—even in places as remote as Nukus, in far western Uzbekistan—to monitor and be responsive to program beneficiaries The overall objective was to foster self-confidence and program solidarity as well as diverse skills to support sustainability following the end of the grants program.

- **Treatment of grantees as partners.** Although many donors treat NGOs paternalistically and assume that civil society's potential in the region is weak, ALC developed a partnership approach that acknowledged the talents and maturity of local NGOs. ALC identified more than 100 NGOs that were considered strong performers in a region otherwise inhospitable to civil society and was able to support many of the 54 grantees in establishing and meeting ambitious and sophisticated programming objectives. All line ALC NGO development staff were fluent in local languages and had prior experience in the region, which facilitated communication and a sense of equality and partnership in the grantor-grantee relationship.

- **Diverse skills transfer.** ALC viewed its NGO development program as furthering the transfer of diverse skills to grantees—significant value added beyond the provision of grant funds ALC training and development components included individual and group instruction in grant application and administration, public relations and public outreach, fundraising, constituency-building, conference planning, lobbying and law reform, and coalition-building.

- **Administrative simplicity.** Although ALC had rigorous program and financial management standards, processing grant applications and financial and program reports was simple and speedy ALC grantees consistently praised the administration of the grants program The grants program also greatly benefited from USAID's agreement with Chemonics not to require local grantees to partner with U S NGOs, an arrangement that would have been difficult to implement and, in most instances, unnecessarily patronizing to local grantees

The ultimate success of the NGO program—which included strengthening individual NGOs as well as significant progress in coalition-building and lobbying on behalf of NGOs at large —testified to ALC's multi-factored approach to civil society Major components of the NGO program are discussed below

A2. Components of the NGO Program

A2a. Grants Program

The grants program was launched by Mr Gershin and Mr Gleason in mid-1994 with a baseline diagnostic survey of NGO priority funding needs and a preliminary analysis of prevailing NGO legislation in the region A draft policy manual and grants application package was

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forwarded to USAID in Almaty and the contracting officer in Washington, and by early October 1994, the grants documentation was approved

In fall 1994, Mr. Gleason traveled throughout the region eliciting interest among NGOs in the grants program and identifying questions that the grants team would need to address in explaining the grants program to interested NGOs In response to widespread publicity about the new program, 125 NGOs submitted applications The first five grants were approved by the end of 1994.

In January 1995, ALC refined its application and policy materials with the help of Alison Pena, a short-term consultant and veteran of many other USAID-funded grants programs Ms Pena and Mr. Gershin held a week-long seminar to acquaint new grantees and applicants with major policies and procedures governing the grants program and basic financial management requirements for grants. (A copy of the grantee handbook, grants instrument, and application materials are included as Annexes A, B, and C, respectively.)

The program strengthened grantee accountability by requiring program and financial accounting reports before additional tranches of money were disbursed, generally on a quarterly basis. Problems identified by either the grantee or the ALC grants management staff were addressed immediately to minimize the potential disruption to programs

As documented in Annex D, the grants program operated at full strength throughout 1995, with the full $1 million in funds authorized for allocation by the end of that year, one calendar quarter ahead of schedule. All recipients were required to attend ALC's intensive, one-week Grants Management Workshop before receiving their initial disbursements In this forum, ALC and USAID procurement and reporting requirements, procedures, and documentation were introduced and mastered The management workshops were held at regular intervals, usually at least three times per year

By early 1996, ALC's grants-monitoring campaign had been designed and implemented Structured for both advisory support and informal auditing, the campaign took ALC staff members to site visits at every grantee's facilities, in addition to reviewing grantees' regular program and financial reports As the expiration of the grants program approached during the third quarter of 1996, in compliance with USAID regulations, external audits of ALC's six grants over $25,000 were conducted by an independent accountant

The grants-monitoring campaign was only one facet of ALC's field-oriented technical assistance to NGO grantees Grants administrator Ivan Apanasevich and grants officers Vladimir Fomin and Aziza Ahmetova, operating out of the project's Almaty headquarters, and NGO development manager David Stubbs and his assistant, Alisher Kasymov, operating out of the Tashkent branch office, were continuously on call to grantees to assist them with managerial, programmatic, and administrative inquiries and problems

A2b. Training and Information Dissemination

Training. The NGO development program contained a number of training components and opportunities for information-dissemination to NGO grantees The most basic training, as described above, was the one-week Grants Management Workshop required of each grantee before receiving its initial tranche disbursement (An overview of the content of the standard grantee workshop is included as Annex E)

Other ALC-sponsored NGO training opportunities included an April 1995 management workshop for Tajikistan NGO leaders and an October 1995 grantee-organized conference on legal aspects of privatization, also in Tajikistan All ALC conferences received positive coverage by independent and state television stations

Larger-scale training programs, designed to reach a regional audience and allow for broad information-sharing by a large and diverse group of participants, were built into several conferences held during the project The first, incorporated into the landmark October-November 1995 Conference on NGOs and the Law in Central Asia, at Lake Issyk-Kul, Kyrgyzstan, co-sponsored by ALC and Counterpart Consortium, brought together more than 100 representatives to participate in panel discussions on subjects such as constituency relations, communications and public relations, fundraising, advocacy, and coalition-building. A 253-page book in Russian and English, *NGOs and the Law in Central Asia*, comprising the conference proceedings, was produced and widely distributed throughout the region. (A summary of the major results of the conference and a video of the conference highlights are also available)

The Issyk-Kul conference sessions featured an open exchange of information among NGOs with compatible programs, which led to the creation of coalitions that promise to endure Government officials at the conference pledged to support associational activity by passing legislative conducive to the growth of the NGO sector Notable conference achievements include the following

- Seventy-four out of 75 invited NGOs participated in the conference.
- The Kyrgzstan minister of justice, in her keynote address, signaled her support for NGO activity in the region and her government's receptivity to reforming legislation affecting the operation of NGOs
- Government representatives from all five Central Asian countries signed the "Issyk-Kul Declaration," to be submitted to the respective presidents and parliaments, committing the governments to support NGO independence, simplified registration procedures, and tax-exempt status.
- The plenary session endorsed the formation of a five-republic NGO coalition, charged with developing model formative documents designed to produce a new legal regime for associational life int the region
- Twenty NGOs signed a resolution creating a coalition to cooperate on children's and youth issues
- Uzbek government officials endorsed a progressive plan for NGO law reform in its totality

Nearly one year later in September 1996, more than 100 NGO leaders from ALC's 54 grant-supported organizations gathered for a special three-day NGO Assembly held just outside Almaty Through a series of panel discussions and open forums, participants developed their communications skills and learned from each other's experiences managing and sustaining their organizations ALC's 80-page booklet, "Innovations and Impacts Success Stories of Central Asian NGOs," (see below) served as a useful educational tool in disseminating grant recipients'

successes. (A report summarizing the results of this assembly is included as Annex F. A video of the assembly is also available)

Other training opportunities and conferences took place through the activities of ALC grantees, including Center InterBilim in Kyrgyzstan, the Bureau for Technical Support in Kazakstan, and Fund UKUK in Kyrgyzstan (see discussion of NGO Sector Support Activities below).

Publications and communications. ALC spurred the development of NGOs with distribution of Standard Charter Packages, compilations of information by country detailing local legislation and regulations governing NGO registration and operations These information packets served as resources on NGO roles and activities in pluralist and democratic societies The purpose of the packages was threefold (1) to better publicize the existing legal framework governing NGOs and stimulate efforts at law reform, (2) to spur the creation of NGOs in the region, whether or not they chose to register formally,[2] and (3) to elicit interest in the ALC grants program ALC distributed hundreds of Standard Charter Packages throughout the region. Many NGO representatives acknowledged that the publications were among the most influential documents persuading them and others to press for NGO law reform (Excerpted materials from Standard Charter Packages are included as Annex G.)

ALC produced and distributed two bilingual publications in addition to the Kyrgyzstan conference proceedings to disseminate positive information about the rapidly accelerating activism of the Central Asian NGOs NGO leaders, host-government representatives, the mass media, and potential donor organizations received the publications. One publication, the June 1996 eight-page bulletin "Central Asian NGO News," featured a commentary on the role of NGOs in building a civil society, an update on Issyk-Kul conference follow-up activities, advice on tested techniques for NGO revenue-generation, and a variety of additional news stories. The other publication, "Innovations and Impacts,"analyzed success stories of outstanding Central Asian NGOs (The Russian- and English-language cover pages of these two important publications are included for reference as Annexes H and I, respectively) For this project, ALC's NGO development team, guided by Nancy Swing, the publication's lead writer and editor, identified common factors of outstanding organizations Ten "keys to success" were presented for consideration by NGO leaders, governments, and donors in formulating strategies for strengthening and evaluating NGOs One thousand copies of this ground-breaking book were distributed free of charge in all republics in fall 1996

A number of other publications flourished through the dedicated efforts of ALC grantees, including both electronic publications and newspapers and newsletters (For an overview of these publications, see the discussion of Access to Legal and Policy Information below)

A2c. Grantee Activities and Achievements

Due in no small measure to the financial and other support provided by ALC, the 54 grantees registered a number of striking accomplishments during the two years of the grants program The following summary gives a snapshot of these achievements by type of work and organization

[2] Many NGOs decided to commence registration procedures, but with the understanding that the authorities would probably not register them for political and/or bureaucratic reasons or that it was not ultimately in their financial or political interest to be formally registered under the existing legal framework

A2c(1). Law and Policy Reform

In all five countries, ALC grantees have helped shape legislation and policy Among the more impressive accomplishments are the following.

- The **Kazakstan-American Bureau of Human Rights and the Rule of Law** contributed to the passage of the national law on amnesty and improved the government's program on the protection of human rights It also influenced the incorporation of international human rights standards on treatment of prisoners into Kazakstan's criminal code and the reduction of the range of offenses punishable by death according to national law

- The **Kyrgyzstan-American Bureau of Human Rights and the Rule of Law** conducted a letter-writing campaign that blocked the president's attempt to extend his term in office through 2001

- The **Tashkent City Collegium of Advocates** helped bring about a 23 percent reduction in the rate of social security taxes paid by NGOs in Uzbekistan based on their nonprofit status

- **Legal Development of Kazakstan** proposed national standards for the improvement and protection of human rights that were incorporated into national law

- **Consumer's Advocate Public Center** participated in drafting sections of the Kazakstan Supreme Court's instructions to lower courts on the protection of consumers' rights

(A comprehensive summary of ALC grantee recipients' impacts on law and policy change in the region is included as Annex J)

A2c(2). Legal Services and Public Interest Activities

ALC grantees have provided legal consultations, dispute resolution, and legal defense The list of beneficiaries of this assistance include 600 unemployed workers in Tajikistan, journalists in Kyrgyzstan, independent media in Kazakstan, and more than 360 private farmers in Taldy-Korgan, Almaty, Akmola, and Karaganda, Kazakstan

Grantees have also offered services benefiting the general public Kazakstan's Consumer's Advocate Public Center and Turkmenistan's Dashkovuz Ecology Club conducted water, food, and other product safety tests, with the results made available to the public in monthly bulletins

A2c(3). Access to Legal and Policy Information

ALC grant recipients have made a significant contribution to furthering democratization in Central Asia by fostering open access to legal information Informational activities include the following

- **Information centers.** In an exciting parallel to ALC's support for legal information systems in Kazakstan and Tajikistan, many grant recipients have set up legal information centers, libraries, and reading centers serving their constituencies The AGRO Private Farmers' Association (AGRO) of Taldy-Korgan, Kazakstan, the Dashkovuz Ecology

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Club of Turkmenistan, the East Kazakstan Green Party, and Turkmenistan's Ashgabat Ecology Club have each established widely used information centers

- **Public forums and educational activities.** ALC grants have supported a large number of informational events, including Fund UKUK's conferences and roundtables on NGO law, the criminal code, and election law in Kyrgyzstan, the Kazakstan- and Kyrgyzstan-American Bureaus of Human Rights and Rule of Law and their November 1995 conference on human rights in Central Asia, held in Almaty, the Tajikistan Young Lawyers' Association forums for lawyers and policymakers on privatization and commercial law in Tajikistan, and the highly regarded civic and environmental education programs in primary and secondary schools run by the Coordinating Child Center for International Development (CCCID) in Tajikistan, the Tashkent Public Education Center (TPEC) in Uzbekistan, the Russian Cultural Center in Uzbekistan, and the Dashkovuz Ecology Club in Turkmenistan

- **Print and audiovisual materials.** ALC grant recipients have produced many innovative resources to serve their constituencies, including print and audiovisual materials These include a handbook on Tajikistan's labor legislation for the newly unemployed (ASTI), a bimonthly bulletin on human rights and legal development in Kazakstan (Legal Development of Kazakstan), books and bulletins on consumers' rights in Kazakstan (Consumers' Advocate and Legal Initiative Consumers' Rights Protection Society), pamphlets and newsletters on human rights in Kazakstan and Kyrgyzstan (Kazakstan- and Kyrgyzstan-American Bureaus of Human Rights and the Rule of Law and Almaty Helsinki Committee), and civic education materials for children in Tajikistan and Uzbekistan (CCCID and TPEC)

- **Electronic resources.** ALC grantees have produced multiple databases, including one utilized by city unemployment offices to better serve the unemployed in Tajikistan (ASTI), compilations of laws on human rights (Legal Development of Kazakstan), consumer protection legislation in Kazakstan (Legal Initiative Consumers' Rights Protection Society); and environmental law in Turkmenistan (Dashkovuz Ecology Club)

- **News articles and broadcasts.** These include televised public information messages on legal and legislative issues in Kazakstan and across Central Asia (Legal Development of Kazakstan, Association of Independent Mass Media of Central Asia), radio and television programs on farmers' legal issues (AGRO), interviews and broadcasts on national television concerning human rights (Kazakstan-American Bureau of Human Rights and the Rule of Law), and educational programs on parliamentary systems of government for national television in Uzbekistan (SHOD Creative Association)

A2c(4). NGO Sector Support Activities

Perhaps the greatest tribute to ALC's success in NGO development is the fact that a number of its grantees are now "cross-pollinating" other NGOs—transferring their skills in fundraising and financial self-sustainability, proposal writing, and management to other groups and individuals in the region These forward-thinking NGOs—including Kazakstan's Green Party and Bureau for Technical Support, Kyrgyzstan's Center InterBilim, Tajikistan's Fund for Support of Citizens' Initiatives, Turkmenistan's Ashgabat Ecology Club, and Uzbekistan's Public Research Center—have provided assistance in NGO registration, fundraising strategies, low-cost

email and publications assistance, legal services, information acquisition, and coalition-building A few of their numerous achievements are mentioned below

- **Center InterBilim** supports NGOs in Kyrgyzstan and region-wide in a number of innovative ways It has helped register more than 36 local and national NGOs and conducted multiple seminars for NGOs throughout Central Asia. In addition, the center has been instrumental in establishing Kyrgyzstan's NGO coalition, the Forum

- The **Bureau for Technical Support** in Kazakstan serves as a low-cost printing press to Central Asian NGOs It has published books and bulletins for the Dashkovuz Ecology Club, the Fund for Support of Environmental Education, and the Almaty Helsinki Committee. In doing so, it also earned revenues needed to sustain its other activities, including a computer training seminar for NGO representatives.

- **Ashgabat Ecology Club** in Turkmenistan has utilized funds from ALC, ISAR, and the National Endowment for Democracy to provide Turkmenistan's NGOs with low-cost email services, electronic conferences on a variety of topics, and a free public-access library of foreign periodicals In addition, the club has helped more than 100 NGOs apply for donor funds, drawing on its database of application forms and handbook of donor organizations.

- The **Fund for Support of Citizens' Initiatives** has helped Tajikistan's NGOs register, apply for grants, and better manage their organizations through training sessions and individual consultations. Its monthly bulletin, distributed to Tajikistani NGOs and international organizations, is a valuable resource for NGO news and events in the region

A2d. NGO Coalition-Building

ALC sponsored formal opportunities for NGOs to work together on issues of vital importance to the growth of the nongovernmental sector These coalition-building and law revision activities have provided NGOs with unprecedented public visibility, political power, and access to government officials

At the ALC-Counterpart Consortium conference, NGOs and the Law in Central Asia, at Lake Issyk-Kul, more than 100 participants from NGOs, host-government ministries, and donor agencies compared ideas and experiences and received foreign experts' perspectives on practical law-related challenges The conference emphasized the need for NGOs and governments to cooperate on legal and legislative issues of mutual interest Among the substantive materials prepared by ALC for this historic meeting were the printed results of a systematic survey of NGO legislation in the five republics, including texts, implementation, key weaknesses, and proposals for reform More than 1,000 copies of the conference proceedings were distributed, with the initial print run exhausted within four weeks of publication

At the conference, the open exchange of information among NGOs with compatible programs led to the creation of national and regional coalitions, including the Northern Kazakstan Consumer Coalition (six consumer protection NGOs based in Northern Kazakstan), a Tajikistan alliance of five NGOs in the city of Hudzhand devoted to English language competence and computer literacy, and national NGO coordinating councils in Kyrgyzstan, Kazakstan, and Uzbekistan (see below) Government officials in attendance pledged to support associational

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activity by passing legislation fostering the growth of the NGO sector They formalized this commitment in the "Issyk-Kul Declaration " The three-day NGO Assembly held just outside Almaty in September 1996 further strengthened NGO coalitions

Surprisingly, however, in light of the diversity of Kazakstan's NGO population and the geographical expanse of that republic, Kazakstan NGOs were the first to carry coalition-building to its logical conclusion In a series of ALC-supported leaders' gatherings in the spring and summer of 1996, an ever-broadening circle of NGOs pooled ideas and energies to build momentum toward formalization of national ties. A June roundtable in Almaty was a significant milestone in this direction Kyrgyzstan NGOs moved most rapidly, with ALC grantee Center InterBilim taking the lead in forging a consensus for a national NGO union

The culmination of the process came in late October at the inaugural convention of a Kazakstan national NGO coalition, which adopted the name Association of Non-Commercial, Nongovernmental Organizations of Kazakstan Seventy-two NGOs adopted a charter and elected a management board to lead their new national association With a fundamental rationale of rendering service to member NGOs, the association decided to focus on information exchange and dissemination; skill-building training for NGO leaders, members, and constituents, and advocacy for NGO goals through legal consultations, lobbying, and other interactions with government This charter now serves as a prototype for similar NGO coalition constitutions under consideration across the region ALC contributions to this historic event included technical assistance with charter-drafting, informal consultations on convention activities and procedures, and financial support for convention expenses.

By the end of November 1996, just a year after the conference, parallel coalition-building initiatives were well underway at the national levels in Kyrgyzstan and Uzbekistan and at the local level in Dushanbe and Hojand, Tajikistan, all spearheaded by ALC grantees ALC, with USAID approval, helped launch these associations by donating its office equipment and furniture to them after the project concluded

A2e. NGO Law Reform

The Issyk-Kul conference launched several important efforts to revise the laws on association in the region Legislation inherited at independence from the Soviet Union severely restricted NGOs' freedom to organize, obtain official registration and status as a legal entity, and earn revenues By fall 1996, less than a year after the Issyk-Kul conference, key NGO leaders had established working groups on law reform and were working constructively with government counterparts to liberalize the legal regimes governing taxation, registration, and governance of the nonprofit sector.

In Kazakstan and Kyrgyzstan, ALC and the International Center for Not-for-Profit Law played a key role in assisting NGO leaders in submitting cogent draft laws on association to government officials revising decades-old laws In Kyrgyzstan, ALC grantee Fund UKUK organized 45 NGOs to formulate an alternative NGO law modeled on international standards After making several revisions with the assistance of ALC, the NGOs submitted their draft to the minister of justice (the keynote speaker at Issyk-Kul) and key parliamentary leaders, who are currently considering it as a basis for legislative reform

In late October 1996, with support from ALC and United Nations Development Programme (UNDP), the Organizing Committee of Uzbekistan NGOs also finalized a draft national NGO

law A governmental committee led by the minister of justice adopted this document as the sole working text for a final draft to be submitted to Parliament in January 1997 Both NGO representatives on the new government/NGO drafting team were ALC grantees Two ALC grantees were the sole NGO participants on the technical revision team By invitation, ALC offered technical advice on the draft text and informal counseling on the NGOs' most effective strategy for collaboration with government

B. Legal Information Systems

ALC's program of legal information dissemination also proved to be enormously successful insofar as it led to the creation of two national Legal Information Systems that are sustainable partnerships of public and private institutions These systems, through sharing resources and personnel, offer local legal communities and the general public far more information than previously available, both at local centers and by computer Moreover, by learning to offer commercial legal information to Western organizations for a fee, the Kazakstan network had positioned itself to achieve a modicum of financial self-sustainability by the end of the project (A summary of the structure and concept of the two Legal Information Systems is included as Annex K.)

B1. Program Origins

ALC launched its program to promote the free flow of legal and legislative information in Central Asia in July 1994 Chemonics subcontractor MetaMetrics, Inc , sent two short-term specialists, Leo Surla, MetaMetrics president, and Kent McKeever, chief librarian at Columbia University Law School in New York, to design a proposed law and democracy resource center for Almaty and ancillary legal information facilities in Kazakstan. Their draft plan was rejected by USAID's COTR as too costly, but this opening dialogue laid a foundation for subsequent developments

Throughout 1994, ALC continued to acquire Russian- and English-language materials for ALC's own field office library and to assess the local and foreign legal communities' priority legal information needs The project's legal information resources development concept had by this time matured into a plan for establishing two legal information networks in Almaty and Dushanbe, each with a demonstration public-access law library at its center and a constellation of partner institutions integrally linked by ALC training and email services

In the first quarter of 1995, MetaMetrics sent Joseph Luke as a long-term lawyer/law librarian, with lead responsibility for materials acquisition, on-line cataloguing, and training of local librarians for the two planned legal information systems He and Ms Lawrence, ALC's legal specialist, concentrated on legal community outreach, made the first of nearly 20 working trips to Dushanbe to begin organizing the Tajikistan system for start-up That system, comprised of the Firdowsi National Library, the Institute of Philosophy and Law of the Tajikistan Academy of Sciences, and the Tajikistan State University Law Faculty,[3] was formally inaugurated in late May by the U S. ambassador Librarian training began immediately The system was fully operating by the year's third quarter

[3] Later, a fourth local member, the Independent Association of Judges of Tajikistan, was added to broaden system membership and provide a financially sophisticated, reliable legal entity

In Almaty, the system start-up was slower and more problematic. After considerable discussion to allay fears of losing administrative control and prestige to a new multi-member entity, several institutions decided to join the new partnership They included Adilet Higher School of Law (the sole private-sector member), the Institute of State and Law, the Kazakstan State Juridical Institut, and the Library of the Ministry of Science-Academy of Sciences [4] ALC reached agreement with the National Academy of Sciences Library to serve as the system's hub and to host a collection of 3,500 English-language volumes on American politics and culture that was being donated by the United States Information Service (USIS) ALC negotiations also began with the USAID-funded IRIS Commercial Law Project, which resulted in that project supplying $5,000 in bilingual commercial law materials to the system.

In Kazakstan, start-up of the system was delayed for six months by a debate about procedure The USAID COTR required that a detailed sustainability plan, with guaranteed sources of non-USAID revenues for a full year of post-ALC operations, be in place before the system was established. In ALC's professional judgment, this requirement was impractical and disempowering to the local counterparts. In mid-August, the mission director intervened to approve a cumulative work plan for the entire project Implementation of the legal information resources development component of the plan did not begin until the mission finally approved the ALC System Sustainability Action Plan in late November That compromise action plan released ALC from any obligation to guarantee financial sustainability in advance of system start-up but did commit the contractor to planning from start-up for post-project sustainability

B2. ALC Technical Assistance

ALC began an intensive nine-month period of technical assistance to the Kazakstan and Tajikistan systems in early 1996, consisting of the development of managerial and professional capabilities and material holdings and detailed preparations for full local control of the institutions The cut-off date for technical assistance fluctuated from March to November 1996 In the end, the program closed on August 31

Mr Sunshine and short-term specialists Kent McKeever and Joan Lowell, assisted by local staff including assistant librarians and interpreter/translators, joined Mr Luke and Ms Lawrence in providing these services Mr Sunshine focused on management consulting to the systems' local boards, drafting inputs to the systems' baseline partnership agreements, and planning support for the systems' fundraising campaigns Mr McKeever conducted a law library management workshop in Almaty in December 1995 for managers and librarians Ms. Lowell, a Peace Corps volunteer and NGO development specialist, advised the systems boards on strategic planning

Both systems developed rapidly and grew in visibility and confidence Books, legal periodicals, legislative databases, and supporting equipment were procured and installed in the four Kazakstan partner institutions and the three Tajikistan counterparts The management boards met every two weeks on the average, to establish common ground rules and procedures and practice collaborative planning Local librarians received computer training every week. System resources and capabilities were actively publicized and on-site demonstrations conducted for key potential constituencies including host-government officials, parliamentarians and their staffs,

[4] The Kazakstan system later added the Kazakstan Parliamentary Information Service to its institutional members

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judges, lawyers, law firms, law professors and students, and NGOs By the end of ALC's tenure, 300 users were visiting the Kazakstan system center each month, including 150 repeat customers

The recruitment of advisory committees, comprised of prominent community leaders from government, the legal profession, and donor organizations, provided a major boost to the systems' sustainability These volunteer bodies proved their merit immediately by giving the systems' management boards practical advice on publicity, materials acquisition, and fundraising Fundraising for the two systems was rapid and dramatically successful With major contributions from donor organizations including the Soros Foundation, the United Nations High Commissioner for Refugees (UNHCR), and Eurasia Foundation, both systems secured a full year of coverage for recurrent costs ALC recorded the lessons of this institutional sustainability success story in a substantial case study for reference by technical assistance contractors and clients, including USAID and other donor agencies. (A copy of this report is included as Annex L)

C. Legislative Drafting and Analysis

The volume of fundamental governance legislation in the region was modest during the three-year time span of the project, reflecting the reluctance of largely authoritarian governments to provoke debate on basic issues of governmental power and individual freedom The end of constitutional government in Kazakstan and erratic constitutional government in Kyrgyzstan especially discouraged new legislation As a result, ALC downplayed legislative drafting activities [5]

Although ALC drew heavily on short-term specialists in legislative analysis and drafting during most of the first two years of field operations, their advisory role proved less important than anticipated However, for its own analytical and strategic purposes, ALC devoted considerable effort to in-house analysis of key legislation affecting constitutional law and civil society and, in particular, freedom of expression and the practical operation of NGOs ALC also responded to special requests from USAID and the State Department to analyze legislation of interest to the U S. Government.

Legislative drafting and analysis work included the following [6]

- **Petroleum Law/Standard Form Concession Agreement Consultations** (Spring 1994) This assignment is discussed above in the section on rapid response activities

- **Kazakstan Draft Law on the Judiciary** (Spring 1994-Spring 1995) Ongoing commentary and advice on this important draft law was provided by both ALC long-term experts and short-term judicial consultants, including Justice Utter

- **Tajik Draft Election Law** (October 1994) At the request of U S Ambassador to Tajikistan Stanley Escudero, ALC furnished two experts—Professor Richard Boswell of

[5] Economic development and privatization legislation were a different matter Host-country counterparts were willing to consider fairly dramatic changes in the legislative framework governing economic activities—witness, for example, Kazakstan's progressive and simple tax code and its company law—and to engage Western advisers in an extended dialogue about the details of particular provisions

[6] Much of this work overlapped with or was part of ALC's early rapid response activities, the parliamentary and judicial strengthening components of the project, and the project's NGO development work

the University of San Francisco Law School, and Qadir Amiryar, a lecturer at George Washington University—to help Tajik officials and the UNHCR draft an election law that could be used in connection with high-level discussions in Islamabad, Pakistan, between the Tajik government and the Tajik opposition about future parliamentary elections

- **Compilation of and Commentary on Laws and Regulations Governing Associations in Each of the Five Republics** (Winter 1994-Spring 1995) ALC long-term staff compiled legislation and regulations governing the registration and operation of NGOs in the five republics and wrote a brief commentary on the legislation and instructions on how to form and operate NGOs in the region. This information was included in Standard Charter Packages, which were updated throughout the project and became the basis of NGO development training in conjunction with ALC's small grants program

- **NGO Kazakstan Constitutional Crisis Analyses** (Spring-Summer 1995). Mr Sunshine and Barnabas Johnson, a short-term ALC legal specialist, produced several analyses of the Kazakstan constitutional crisis that followed the Constitutional Court's invalidation of the 1994 parliamentary elections and President Nazarbaev's subsequent dissolution of Parliament Some of the analyses were for internal ALC use, and others were directly requested by USAID and the U S Embassy in Kazakstan.

- **Analysis of Kazakstan's Revised/Second Constitution** (Summer 1995) Professor Herman Schwartz of American University's Washington College of Law produced an analysis of key provisions of President Nazarbaev's proposed revised constitution, which was eventually adopted by presidential decree in August 1995 Professor Schwartz' commentary dealt with the constitutional text, comparative perspectives on other constitutional developments in the NIS, and presidential powers

- **Tajikistan Media Law** (Fall 1995) At the request of the U S Embassy in Dushanbe, ALC arranged for Professor Monroe Price of New York University, who had analyzed media legislation in several NIS countries, to produce commentary on the draft Tajikistan Media Law Professor Price's commentary, which criticized the legislation's vagueness and lack of enforceable guarantees of free expression, was translated into Russian and broadly distributed in Tajikistan

- **Turkmenistan Commercial Law Analyses** (Spring 1996) Professor Osakwe conducted a contract and property law lecture series in Ashgabad, co-sponsored by USIS, for Turkmenistan government lawyers, officials, law professors, and graduate students He updated and adapted his 1994 Kazakstan materials.

D. Judicial Restructuring Assistance

Judicial restructuring assistance was expected to be a prominent part of the project ALC carried out a number of important judicial reform activities in Kazakstan and Kyrgyzstan in 1994 and 1995 However, USAID and ALC decided to discontinue assistance at the end of 1995 due to major political changes, including political repression and the dissolution of the Constitutional Court in Kazakstan and disorganization of the Kyrgzystan judicial leadership Kazakstan was the chief focus of judicial development activities, with parallel or joint initiatives often conducted in Kyrgyzstan ALC worked with the leaderships of both courts to encourage sharing information, assistance, and training. The Academy for Educational Development (AED) provided additional

training assistance under the NIS Education and Training Program As a result of Justice Utter's ground-breaking work and ABA/ CEELI's efforts, ALC had good relationships with key leaders of both judiciaries However, major impediments—including schisms within the judicial leadership, interference from both Ministries of Justice, and uncertainty over new judicial legislation—affected reform assistance Additionally, U S aid funds for Central Asia were being sharply reduced.

Assistance in judicial restructuring included the following.

- **Kazakstan Judicial Reform Consultations** (Spring 1994) ALC began its judicial reform assistance work with rapid response activities in Kazakstan Justice Utter advised the Kazakstan Supreme and Constitutional Courts on the draft law on the judiciary and principles of comparative constitutional law related to the draft law and the new constitution

- **Training Seminar for Kazakstan Judges and Lawyers on Contract and Property Law** (July 1994). Under the auspices of the International Law Institute (ILI) of Washington, D.C , a Chemonics subcontractor, two short-term legal specialists, Professor Osakwe and Keith Rosten, conducted a continuing legal education seminar for Kazakstan judges, lawyers, and law professors on comparative principles of contract and property law The training was well-received by the judges, who had virtually no experience with contract and property law issues The mixed audience gave judges and lawyers the rare opportunity to discuss practical questions of law and litigation

- **Kyrgyzstan Judicial Training** (October 1994) After intensive joint planning with the Kyrgyzstan Supreme and Constitutional Courts, ALC and Chemonics subcontractor Center for Democracy organized a series of judicial seminars throughout Kyrgyzstan for approximately 300 judges, prosecutors, and other government officials It was the first time since the Soviet period that virtually all judges in this remote and mountainous country came together The seminars used case studies as the basis for discussions and role-playing about civil liberties and judicial ethics Individual judges and the court leadership commented on the enormous impact of these training sessions on judicial solidarity

- **OSCE Judicial Reform Symposium Facilitation** (Fall 1994) ALC's long-term judicial reform advisor, Lowry Wyman, provided on-site facilitation for 20 judges from Kazakstan, Kyrgyzstan, Tajikistan, and Turkmenistan at a 10-day intensive judicial symposium on legal reform in Warsaw hosted by the Organization for Security and Cooperation in Europe (OSCE) The symposium highlighted judicial reform trends in the post-Soviet world, addressed judicial reform strategies and objectives supporting eventual Council of Europe membership, and helped ALC and Kazakstan and Kyrgyzstan court leaderships better define the assistance to be provided over the course of the CAR ROL project

- **Kazakstan Judicial Reform Analyses** (Winter 1994-Spring 1995) ALC provided three important judicial reform analysis in Kazakstan in the winter and spring of 1994-1995 on the proposed draft laws on the judiciary and status of judges. In January 1995, ALC transmitted to the Kazakstan Constitutional Court three expert opinions by American judges that the court had requested The opinions dealt with a historic separation-of-powers case being considered by the court regarding Parliament's claimed right to

oversee the High Arbitrazh (Commercial) Court ALC facilitated judicial reform discussions in appropriate committees of the Kazakstan Parliament, in which Justice Minister Shaikenov participated

One of ALC's most valuable analytical products was a detailed baseline study on key decisions of the Kazakstan Constitutional Court, Supreme Court, Almaty Oblast Court, Almaty City Court, and selected district courts This pioneering research, focusing on court compliance with Kazakstan constitutional requirements and international human rights standards, was designed to lay a strong foundation for identifying judicial training needs and developing locally appropriate criteria for evaluating judicial independence The author of the study, local attorney and human rights advocate Maria Pullman, worked with ALC throughout the winter of 1994-1995 to produce the study

- **Kyrgyzstan Judicial Reform Commentary** (Winter 1995) In Kyrgyzstan, ALC conducted follow-up assessments of the October 1994 training sessions and incorporated them into a revised analysis of judicial development prospects in light of disturbing presidential initiatives to weaken the judiciary Commentary was provided to the Constitutional Court on draft legislation affecting the Kyrgyz judiciary, including a draft ethics code and a draft law on an ethics commission.

- **Joint Kazakstan-Kyrgyzstan Institution-Building Assistance** (1995) Based on discussions with the judicial leadership of Kazakstan and Kyrgyzstan, Mr Wyman invited key high court members to an intensive judicial institution-building seminar at the Estonian National Law Center in Tartu Estonia was chosen due to its judiciary's outstanding progress in establishing its independence from the Ministry of Justice and forming an independent judicial training institute under Supreme Court control

  Sixteen Kazakstani and Kyrgyz judges attended the pre-seminar preparatory workshops in Almaty and Bishkek and the June seminar, which addressed substantive and procedural law topics and institution-building subjects ranging from budgets to training methods. The Central Asian delegation was especially impressed by site visits to local courts and in-depth discussions with officials responsible for judicial training The impact of the seminar was reinforced by the participation of other ALC judicial nominees in an AED-sponsored NIS Education and Training study tour to the United States during the summer of 1995

  Kazakstani judges said the seminar encouraged them to speak out in the public debate on the new draft constitution Several articles by judges appeared in Kazakstani newspapers taking issue with the authoritarian character of the proposed constitution and the potential demise of a genuine pluralistic political system The success of the Estonian seminar led the judges, their Estonian hosts, and USAID's regional mission leadership to support an ALC action plan for launching a Kazakstan judicial training institute and an independent association of judges during the remaining months of 1995

  Regrettably, the adoption of an authoritarian constitution in August 1995 effectively destroyed near-term prospects for judicial independence in Kazakstan The resulting presidential dissolution of the Constitutional Court, emigration of several progressive ethnic Russian high court justices, and executive branch pressures on remaining independent high court judges made continuing ALC assistance to the Kazakstan judiciary impractical and counterproductive In addition, inaction and internal

organizational confusion in the Kyrgyz judiciary made prospects for continued judicial assistance to that country bleak These developments, combined with increasing USAID budget cutbacks, prompted the regional mission to request ALC to terminate its judicial assistance program at the end of 1995

E. Parliamentary Development

ALC's parliamentary development work focused primarily on Kazakstan and, to a lesser extent, Turkmenistan. The promise of an emerging, pluralistic system in Kazakstan following the March 1994 parliamentary elections—the first independent parliamentary elections in the country—led USAID and ALC to focus on concerted assistance to the new leadership When Parliament was summarily dissolved by President Nazarbaev in spring of 1995, assistance was put on hold. Further constitutional changes drawn up by President Nazarbaev in the summer of 1995 effectively gutted the independence of the legislative branch and confirmed the decision to suspend assistance While ALC did offer small amounts of technical assistance to the parliaments of Kyrgyzstan and Turkmenistan, the project did not undertake genuine institution-building efforts in those two countries given the limited potential for demonstrable results

E1. Kazakstan

ALC's first parliamentary-related work came early in the project, with the monitoring and analysis of the first independent parliamentary elections in Kazakstan Reef Altoma's analysis of election results laid the groundwork for her substantive baseline analysis, conducted in the summer of 1994 and published in both English and Russian, of the new parliament's leadership, committee, and secretariat structure, its principal legislative and oversight functions, its leading personalities, political alliance formation, and anticipated legislative trends Ms Altoma updated this benchmark study by monitoring plenary parliamentary sessions and holding diagnostic interviews with key parliamentary leaders and members through the end of 1994

Benefiting from this on-site momentum, Chemonics subcontractor Center for Legislative Development of the State University of New York at Albany (CLD/SUNY) next conducted a series of field visits to Almaty at the end of 1994 and beginning of 1995 to develop a detailed program for parliamentary institution-building in Kazakstan Working in close collaboration with Ms Altoma, CLD won the enthusiastic support of the parliamentary leadership, including the deputy speaker, for a joint program that featured the following elements

- A training workshop for parliament members and senior staff on parliamentary oversight of the executive branch
- A U S study tour of state and national legislatures and legislative support institutions
- A year-long program of technical assistance by long- and short-term advisors within the parliament

The program was a holistic approach to institution-building for a legislative body seeking to create a new identity and mission Drawing on experience in Latin America, Egypt, and Hungary, CLD mapped out a broad sequence of institution-building support to.

- Create a new institutional identity and communicate its functions to members and the public

- Review parliamentary functions and consider structural changes to accommodate changes in the institution's role
- Conduct training in parliamentary oversight duties, in particular budget oversight
- Develop a new approach to constituent relations and public information in cooperation with the National Democratic Institute for International Affairs

(A summary of CLD's proposed assistance plan is included as Annex M.)

The integrated action plan was approved by parliamentary leadership but later abandoned when Parliament was dissolved by the president on March 11, 1995 However, ALC had carried out significant work prior to this termination, including advising the chairman of the Oversight Committee on the new draft oversight law, translating and submitting to the parliamentary leadership sample U.S legislation on legislative ethics, providing requested advice to AED on a curriculum and candidates for a planned NIS Education and Training legislative leaders' course in the United States, and continuously monitoring parliamentary plenary sessions.

E2. Turkmenistan

In the spring of 1995, Professor Osakwe began a series of working visits to the Turkmenistan Parliament, which continued intermittently through the summer of 1996 A Soviet law specialist who had studied at the graduate level in Moscow in the 1960s, Professor Osakwe was a personal acquaintance of several Turkmenistan government leaders. He traveled to Ashgabad in January 1995 to assist that parliament's leadership in designing a short- and medium-term program of institution-building technical assistance. At the speaker's request, this program included legislative drafting assistance, advice on committee structuring and procedural rules, and research and training support for parliamentarians and senior staffs In a subsequent visit, Professor Osakwe provided advice on drafting Turkmenistan's new Civil Code and mortgage law

E3. Kyrgyzstan

Ms Altoma made a brief trip to Bishkek in the spring of 1995 to assess the feasibility of providing ALC technical assistance to support that parliament's institutional development ALC and USAID considered engaging ABA/CEELI's Kyrgyzstan liaison, Howard Ockman, to head up ALC's Bishkek branch office and advise on parliament activities among other tasks, including continuing his work establishing a voluntary association of Kyrgyz lawyers

Despite the potential impact of modest American assistance, changing USAID priorities and uncertainty about roles and responsibilities within the Kyrgyz parliamentary leadership led ALC and USAID to discontinue assistance to the Kyrgyz Parliament. Parliamentary leadership did, however, benefit from a NIS Education and Training study tour organized by AED in the summer of 1995

SECTION IV

ACHIEVEMENTS AND LESSONS LEARNED

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The project's achievements, as reviewed in Section A, have made a contribution to USAID's objective of advancing democracy in a difficult post-Soviet environment. Section B examines principal lessons learned in the management of the project Based on these lessons, Section C briefly discusses recommendations for next steps in programming by USAID in the region

A. Main Achievements

While the project's initial aims were quite broad, political developments in Central Asia, including the emergence of a Central Asian brand of post-Communist authoritarianism, helped steer the project in a focused and unified direction in support of civil society development With this orientation fully formed by the mid-point of the project in the summer of 1995, the project was able to have significant impact in the areas of NGO strengthening and the development of Legal Information Systems in Kazakstan and Tajikistan

USAID, more than any other donor agency, took the early lead in working to facilitate democratic transition and legal institution-building in Central Asia Three years after USAID's pioneering investment, the European Community, bilateral European aid agencies, the World Bank, and several United National organizations are mobilizing in a second generation of support In the specific case of ALC's Legal Information Systems, for example, UNHCR, UNDP, EU/TACIS, the Soros Foundation, the World Bank, and other donors are accepting responsibility for contributing to these local institutions' sustainability In doing so, these donors gladly acknowledge that it was USAID's and ALC's early leadership and achievements that convinced them to become involved. Also with NGO development, USAID and ALC together gave a crucial boost to coalition-building and law reform, achievements that may well be recognized in the coming years as historically significant

A1. NGO Development

In a period of wrenching political, economic, and social transition in Central Asia, often characterized by reactionary, authoritarian, and arbitrary governments Central Asian NGOs are the best hope for near-term progress toward a civil society in the region Through civic education, legal advocacy, and social services to relieve overstretched governmental agencies, NGOs have quietly but deliberately take the lead in building new organs and channels to replace and supplant Soviet legacies. ALC was early to grasp this development potential and pour concentrated resources and energies into strengthening this "Third Sector "

The project's NGO grants program provided timely seed-money support and hands-on technical assistance to 54 outstanding grassroots organizations in five republics, chosen in a competition from five times as many applicants These inputs helped new organizations get established and helped established organizations consolidate and expand These NGOs were at the forefront of social change in the region and were able to engage in truly constrictive dialogue with local, regional, and national government bodies

Grantees used their awards to organize conferences and workshops, produce publications and mass media programs, advocate and draft legislation, and defend legal interests (As documented in the proceedings of ALC's September 1996 Grantee Assembly, at least 18

legislative interventions by grantees produced concrete positive results this same year) All of these groups were active and successfully generating fee-for-service revenues and/or attracting additional grant funding to sustain their operations when their ALC grants expired Outstanding grantee achievements and influence have been captured and analyzed in ALC's widely disseminated bilingual publication, "Innovations and Impacts "

ALC was also highly successful in forging NGO coalitions that magnified the political strength of NGOs at the regional and national level and that greatly advanced their collective sustainability These service unions are now established at the national level in Kazakstan and informally in Kyrgyzstan, Uzbekistan, and Hojand and Dushanbe, in Tajikistan ALC-supported NGO efforts to modernize restrictive public-associations legislation are progressing in Uzbekistan and Krygyzstan

In addition to direct assistance to the NGO community, ALC helped create awareness about the importance and effectiveness of NGO assistance by informing host governments and donor agencies about NGO contributions The ALC chief of party's NET speaking tour to Uzbekistan and Turkmenistan in November 1996 was a prominent formal vehicle for information dissemination Ongoing reports to and discussions with USAID and other donors in the region have helped prepare the ground for the long-term survival and success of NGOs.

A2. Legal Information Resources Development

The two Legal Information Systems inspired by ALC technical assistance and training were fully operational and expanding six months after active ALC involvement ended. This achievement marked an impressive pooling of resources and talent by diverse public and private organizations willing to forsake mutual suspicions and individual agendas

Both systems have taken in new institutional members and have attracted sufficient funding to cover their recurrent costs for the coming year, as well as discrete prospects for much more substantial grant support to sustain operations over the medium (three- to five-year) term Both are serving rapidly increasing and diversified user populations, including affluent foreign commercial users willing and able to pay significantly higher fees for service Both stand poised to acquire legislative translation services that can enhance their republics' foreign investment climates, spur publication of invaluable legislative gazettes, and generate significant fee-for-service revenues

The ALC systems have directly stimulated the creation of second-generation spin-off legal information institutions in Bishkek and Tashkent ALC's analytical case study of system sustainability can provide further ideas and impetus for other local institutions and potential donor supporters

A3. Parliamentary Development and Judicial Reform

Both parliamentary development and judicial reform figured prominently in Kazakstan and, to a lesser extent, Kyrgyzstan work plans for 1994 and 1995 While they lasted, both program components were exemplary institution-building technical assistance initiatives As such, they were well-respected by local legal professionals, host-government leaders, donors, and contractors Regrettably, these promising beginnings were overtaken by the deteriorating political environment, always a possibility in unpredictable, unsteady transition polities and economies

Official U.S. attitudes toward the modest achievements in these two areas might have been more positive if USAID objectives for the region had not been expansive and ambitious.

In the end, despite the shift of the program away from institution-building toward civil society support, ALC identified superior host-country counterpart officials with whom to work, provided them with fresh, relevant ideas, and charted assistance plans with locally appropriate institutional improvements This work will not be forgotten when conditions improve to permit real implementation of such plans

A4. Short-Term Legislative Analysis and Advising

The project sponsored numerous positive short-term interventions at the request of host-country governments and/or USAID Mr Lipton's mineral sector legal and legislative advice to the Kazakstan Government, Professor Osakwe's periodic assistance to the Turkmenistan Parliament, and Professor Price's expert analysis of the draft Tajikistan media law are memorable examples These and other field visits by highly qualified experts were timely in a double sense the services were delivered precisely when needed, and they were rapidly delivered by specialists who already knew their subjects without requiring extensive and expensive preparation

The efficacy of such legislative assistance relative to its social and political impact was properly questioned by ALC on several occasions and was later scrutinized critically by USAID itself, leading to a decision to minimize such work except as it directly supported ALC's civil society thrust This decision was wise, especially given the lack of a strategic reference point for legislative drafting assistance in the realm of changing regional democracy and governance objectives (as contrasted with, for example, the economic growth objectives that made commercial law drafting assistance more defensible relative to U.S government objectives in the region) Nevertheless, ALC's modest initial assistance in this area with USAID's blessing was noteworthy not only for the high quality job performed but also for the intelligence gathered for USAID and other donors about the quality and commitment of various government officials and legal experts in the countries being assisted This proved to be of great help later when decisions needed to be made about judicial and legislative assistance to particular countries and the legal information resources development component of the project

A5. Effective Technical Assistance Management

During the project's second and third years of operations, ALC acquired a regional reputation for outstanding technical assistance management The ALC-organized Issyk-Kul conference was rigorously studied by USAID contractor IFES as the best prototype it could identify for planning its own assemblies NGO leaders repeatedly singled out ALC's grants program, in public forums and in print, as the most respectful, least intrusive program of its kind in the region The newly elected chairperson of the Kazakstan NGO Coalition publicly acknowledged ALC as the godparent of this historic child The boards and lead donors of both Legal Information Systems frankly stated that ALC's sustained technical assistance investment had inspired their own significant commitments of time and resources All major ALC publications were rapidly sold out, several had to be reprinted All of these accolades and indices are testimony to ALC's and Chemonics' professionalism and reputation among clients, counterparts, and peers

ALC's and Chemonics' budgetary performance is another project achievement The project concluded 36 months of services with no cost overruns, even with programming continuing up to

within two weeks of project end Frequent, sometimes drastic, changes in budgetary signals from USAID interfered with routine planning, required continuous revision of budget tables (at one point in 1995, for example, a possible $200,000 budgetary increase was replaced by a $600,000 reduction within two weeks), and threatened staff morale The ALC financial managers, Mr Gershin and Mr Orozco, handled this situation smoothly, and in addition, supervised and monitored an NGO grants program that disbursed $1 1 million with no instance of grantee financial mismanagement

B. Key Technical Assistance Management Lessons

When AID first commissioned the Central Asian Republics Rule of Law Project in late 1993, the geographical territory was new for the Agency and for most AID contractors, including Chemonics These parties also were relatively inexperienced in facilitating democratic transition through legal technical assistance to former republics of the Soviet Union In terms of both the area and the counterpart institutions, then, this was largely unfamiliar terrain

Faced with these challenges, including the difficult logistics of getting projects and USAID contracting relationships established in the field, both USAID and Chemonics can take a great deal of credit for very positive results generated in the NGO and legal information spheres In terms of overall project management, USAID's regional mission directors and COTR frequently and publicly expressed strong support for ALC's activities and achievements, especially in the NGO development sphere The directors remained directly accessible to ALC's chief of party and periodically intervened at critical junctures, most notably to break the impasse over implementation of ALC's proposed legal information programming by approving the project work plan and subsequent sustainability action plan

As noted above, Chemonics also won well-deserved plaudits for its grassroots, partnership-oriented grants program and coalition-building work as well as its painstaking nurturing of what evolved into sustainable legal information resources systems Throughout, ALC was viewed as having a truly committed, sensitive, and knowledgeable staff with the resources necessary to do its job well The successful recruiting of what came to be widely regarded as the most outstanding *local* professional staff of any development assistance project in Central Asia was an important management achievement Intelligent, well-educated, bilingual and bicultural, dedicated and disciplined, this team performed at exemplary levels for the duration of the project and brought great credit to themselves, their employer, and its client

One of the central positive lessons learned is that program focus is essential to program success When ALC attempted to handle the full spectrum of program objectives set forth in the USAID contract, it was subject to a variety of time and resource conflicts, false starts, and unrealistic expectations When programming was more centrally focused on civil society development, the synergies of a unified program were brought fully to bear on included activities even when spread across an enormous geographic expanse

B1. Specific Problems Encountered and Management Lessons Learned

Although ALC and USAID were operating in a very new and different development environment, prudent program design should have been more closely followed In fact, there were numerous project design omissions due to the rapid preparation of the ENI Rule of Law contracts and the implementation pressures that attended the USAID mission getting its bearings in the region and assuming a huge portfolio of new work

Some of the more important project management problems encountered and lessons learned during the course of the contract were the following

B1a. Unrealistic Work Planning and Contract Objectives

While the RFP and contract were perhaps unavoidably broad in their scope and ambition (perhaps befitting an entirely new region for USAID), USAID should have given the contractor greater freedom to design and manage the work-planning process. Instead, USAID paradoxically insisted on closely supervising the preparation of work plans for each of the five republics and frequently changing the format of what it desired The lack of specifications for the work plans resulted in their being constantly revised or discarded as circumstances changed during the first half of the project.

The client's ambitious program-design scope, set out in the RFP and consolidated in the binding contract, spanned five major program tracks and contained no explicit recognition of the need for flexible implementation, demonstration, and prototype initiatives, inevitable false starts, and the like As a direct result, when political events curtailed some major activity clusters (the project's parliamentary development and judicial development initiatives in Kazakstan), USAID and Chemonics regarded these as implementation failures rather than as normal, short-term detours in a larger democratization program with a healthy civil society component.

A more flexible series of initial work plans would have permitted the presentation of an array of realistic and *possible* program initiatives and activity clusters, while expressly acknowledging that some options might prove infeasible, some might start and finish before others, some might only work in selected venues, etc This array effectively emerged over the course of the project's first 18 months, and it was only after this amount of time that a more detailed and fixed work plan could be adopted

In the meantime, the client issued changing signals about detailed work plan formats that required almost continuously revising documents Within the first six months of the project alone, USAID required ALC to produce six-month program implementation plans, then asked for three-year country action plans, and then wanted six-month activities "matrices" for each republic Ultimately, mission approvals of these instruments were issued tentatively or not at all By the end of the first year, provisional matrices for only two republics had been approved A stable written work plan for all five republics was approved in August 1995, 20 months into program implementation

B1b. Insufficient Appreciation of the Dangers to Long-Term Project Success of Multiple Ad Hoc Interventions, Often at USAID or State Department Request

The project faced competing demands that disrupted its programs The contractor was forced to balance its main responsibility to sustain selected assistance relationships with quick-response, ad hoc initiatives requested by the client or major counterpart institutions relayed through the U S government ALC was at a profound implementation disadvantage, lacking firm guidance and a clear contractual basis for undertaking ad hoc requests from the mission and U S ambassadors across the region The mission's tendency to treat the ALC lawyers as house counsel also interfered with development objectives and relationships with host-government counterparts.

B1c. Undue Emphasis on Short-Term Results vs. Long-Term Impact

There was also a tendency to ignore the necessary balance between the client's acknowledged need to demonstrate early, high-profile progress and the fact that the democratic transition in Central Asia will take decades of sustained effort and false starts USAID or the relevant U S embassies in the region often sought high-profile interaction with local counterparts (often as a means of demonstrating "results" to various Washington audiences), which frequently resulted in ad hoc interventions that did not necessarily even meet short-term U S expectations and interfered with building longer-term relationships.

B1d. Unbalanced Personnel Composition on the Initial Field Team

The technical and management needs of this five-country, three-year project in a new politically sensitive domain were seriously underestimated at the start The project could have benefited from a long-term technical assistance team with greater institution-building knowledge and skills The emphasis on technical legal and language skills and area familiarity desired by USAID resulted in a field team that, at least in the early stages of the project, was unaccustomed to methodically developing institution-building initiatives with full local buy-in

The failure of the RFP and contract to provide for a full-time project manager/chief of party with few technical implementation responsibilities was a related problem In fact, the contract required the team leader to assume major institution-building and political analysis roles, which encouraged USAID and Chemonics to recruit a technical specialist who was necessarily overwhelmed by the project's heavy managerial demands One year into implementation, Chemonics added a project manager experienced with large, complex development projects

B1e. Insufficient Attention to Proper Project Launch

Because of the mission's concern about quickly starting so-called rapid response activities, one or more project-launch workshops were not held The absence of these important consensus-building activities had continuing repercussions The role of local counterparts as partners in the project was severely diminished Chemonics was unable to field its normal field-office start-up support group and there was a significant lack of consensus between client and contractor (and even within the mission) on many of the fundamental project design issues, including program purposes and priorities and management roles Disagreements delayed implementation and inhibited cooperation for much of the project's duration Moreover, in the absence of a work plan, the project was especially vulnerable to continuous revisions and cutbacks in the contract budget ALC's management team was forced to devote a considerable portion of its weekly energies to budget revisions, with the detriment of project implementation responsibilities

B1f. Conclusions

Many of the project's problems were the direct result of the new development environment and foreign policy context in 1994 The Agency and the mission were under close scrutiny from Washington, much of it hypercritical Demands on the contractor for visible, immediate impacts were particularly unrealistic in the first uneasy years of independence for Central Asian Republics To complicate this scenario, bilateral relations between the U S and Central Asian Republics were often sensitive, with direct consequences for ALC's work on highly politicized constitutional reform and human rights issues

Even considering these difficult conditions, it took much longer than necessary for the project to secure formal, overall mission approval to move forward with all relevant program components By this time, fully half way through the project, the project's scope had substantially narrowed due to political developments, which voided some of the false starts However, the NGO development and legal information systems work that ultimately anchored the project could have been more efficiently developed with proper planning and deeper staffing

C. Next Steps: Recommendations for the Client

Chemonics' recommendations for future related programming in the region reflect our judgment that the Rule of Law project's civil society thrust was appropriate in 1994-1996. Political circumstances in the region, including the response of strong presidents toward the growth of civil society, and the impact of increased economic growth in some countries may soon create broad changes and openings for democratic development in Kyrgyzstan, possibly Kazakstan, and elsewhere

For the imminent future, however, rule of law programming should remain focused on NGO and civil advocacy organization development, the broad dissemination of legal information, and reform-minded law school and lawyers' associations. The immediate implications of this thrust are as follows·

C1. NGO Development

While further support to the NGO community is quite important, USAID and its contractors would do well to diminish NGO financing and training for the time being and allow other donors to bring fresh perspectives to the region Many NGOs are already generating self-sustaining fee-for-service revenues Other bilateral and multilateral donors can and should provide start-up support to national and regional coalitions Several, like UNDP in Kazakstan, stand ready to commit substantial resources USAID contractor Counterpart Consortium has already offered basic training to most active NGO leaders Leaders who have moved beyond the elementary level can seek advanced skill-building training from other agencies USAID can strategically fill in gaps that emerge from this collective program of support

C2. Legal Information Resources Development

USAID was the funding pioneer in this sector Now a half-dozen other donors are stepping forward and pledging unprecedented levels of new resources The Kazakstan, Tajikistan, and new Uzbekistan systems will all benefit from diversified donor portfolios The one remaining area where USAID has appropriately decided to make a concrete continuing contribution in this sector —the IRIS Commercial Law Project's sizeable donation of materials to the Kazakstan system— should be cemented as soon as possible, together with the temporary services of a specialized commercial law librarian

C3. Parliamentary Assistance

With strong encouragement from the U S Ambassador, USAID is again providing technical assistance to the new Kazakstan Parliament This is worth doing, although Parliament has extremely limited powers and independence under the new constitution Modest institution-building support to parliaments in Kyrgyzstan and Turkmenistan could continue, but this is not

imperative given other potential uses of USAID funding and the immature state of pluralistic government in the region

C4. Judicial Development

The legacy of socialist justice and dominance of the judiciary by ministries of justice and presidential fiat hamper the development of an independent judicial branch This is true even in the commercial law realm, where USAID seeks to provide a better enabling environment for commercial dispute resolution and domestic and foreign investment Even in Kazakstan, with perhaps the best human resources for a concerted judicial reform program, the constitution so drastically narrows judicial independence that impartial dispute resolution still appears remote The other republics are less advanced, although Kyrgyzstan's judicial leadership appears prepared to move in a more reformist direction For all of these reasons, USAID-sponsored judicial training by ABA/CEELI and the IRIS Project in Kyrgyzstan and Kazakstan is a modest but justifiable investment

C5. Donor Coordination

This is an optimal time for intensified donor coordination This is a topic deserving increased attention by USAID's Regional Mission. By briefing other donors on its ground-breaking democratization initiatives, USAID can enhance prospects for sustainability of those initiatives without committing additional scarce U S resources This is a development management opportunity that should not be missed

Although broad contributions to Central Asia's democratic transition process cannot be made in just three years, tangible contributions in human resource development and the dissemination of vital information supportive of democratization have been made by USAID, Chemonics International, ALC, local clients, and counterparts This working partnership has achieved meaningful results The Central Asian Republics Rule of Law project should be remembered as a job worth doing and one well done

ANNEX A

GRANTEE HANDBOOK

American Legal Consortium
Rule of Law Project

GRANTEE HANDBOOK

Chemonics International, Inc., Washington DC
American Legal Consortium, Almaty, Kazakhstan

Funded By
The United States Agency For International Development
Contract number CCN-0004-C-00-4004-00

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Grantee name. _____

Grantee address· _____

Grantee telephone/fax· _____

Grantee's authorized representative. _____

ALC address 187, Furnanov Street, 3 floor, Almaty, Kazakhstan, 480013

ALC telephone: 7-3273-50-76-63

ALC tel/fax: 7-3272-50-76-62

ALC's authorized representatives· James Gershin, Grants Manager;
Russell B Sunshine, Chief of Party

ALC contract number from USAID CCN-0004-C-00-4004-00

ALC Liaison for this Grant: _____

Grant title _____

Grant reference number: _____

Grant start date and end date: _____

Total project budget _____

ALC portion of budget _____

Match portion of budget _____

Reporting schedule. **First report due** _____

Second report due _____

Third report due. _____

Fourth report due. _____

Final report due _____

AMERICAN LEGAL CONSORTIUM
GRANTEE HANDBOOK

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AMERICAN LEGAL CONSORTIUM GRANTEE HANDBOOK

I. RULE OF LAW PROJECT SMALL GRANTS PROGRAM

Achieving national sovereignty represents a profound advance for the societies of Central Asia While the transition to national sovereignty offers great opportunities, it also presents challenges as these countries work to define their role as new members of the international community.

The Small Grants Program is an essential component of the US Agency for International Development "Rule of Law" (ROL) Project in Central Asia. This project is carried out by Chemonics International, Inc. under the name "American Legal Consortium" (ALC) The Small Grants Program is intended to provide focused support to the overall objective of the ROL Project, which is·

- to assist Central Asian countries in establishing a political, legal, and regulatory environment that supports democratic governance and respect for human rights.

This handbook has been prepared to introduce recipients of these grants to the administrative requirements implicit in receiving US Government grant funds It has been prepared for use by administrative and managerial staff of grantee organizations in Central Asia.

Every effort will be made by ALC to ensure that each grantee understands the requirements included in this handbook A mandatory week-long grantee workshop will be presented for all new grantees, and must be attended by at least one officer of the organization in order for any grant funds to be advanced to the project In addition, the staff of ALC is available during regular business hours, and at other times by appointment, to answer any questions of an administrative or programmatic nature that may come up ALC is committed to working with each grantee to ensure a successful project.

Because the source of the funds is the US Government, there are strict requirements attached to the management of the funds While it is understood that the funds will be used by an organization to further its own aims, as long as those aims are supported by ALC and USAID, the approved scope of work and the budget are immutable without prior written approval from ALC

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Each grantee must comply with the provisions included in this handbook, and in the grantee workshop. During the course of the grant, ALC may verify the grantee's compliance through written questionnaires, site visits, independent audits, or other means. Grantees who do not comply with these provisions may have their grants terminated and be required to return any grant funds found to be disallowable.

As a grant recipient under this program, your first point of contact is the ALC-appointed Liaison. Please contact your Liaison if you need technical support of any kind, if you need guidance on a programmatic aspect of your grant, or simply if you need to discuss a concern related to this grant

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II. DEFINITIONS FOR TERMS USED IN THIS HANDBOOK

Allowable Cost	Any project-related expenses that may be charged to the ALC grant
Applicant	An organization applying to ALC for a grant
Benefits	Benefits may include vacation leave, sick leave, health insurance, or other benefits other than salary that are customarily given to the employees of a grantee's organization
Close-out	The process by which ALC determines that all applicable administrative actions and all required work have been completed by the grantee and by ALC, usually subsequent to the ending date of the grant
Consultant	A specialist or expert hired by a grantee for a specific purpose for a specified period of time
Contract	A contract may be either cost-reimbursable or fixed price, and may be used when a grantee is purchasing a service when the cost of the service is more than $250, or when contracting with a consultant
Costsharing/co-funding	Internal costsharing and external co-funding represent that portion of a grantee's project costs not paid by ALC
Disallowance	Costs which are not considered by ALC to be project-related expenses, and which may not be charged to the ALC grant

Encumbrance

In traditional accounting, an encumbrance represents a decision by management to set aside funds for a specific budgetary purpose A purchase order, a travel authorization, contracts, leases, and payroll sheets are all examples of encumbrances.

Equipment

Equipment is defined for the purposes of this grant as property which is complete in itself, does not lose its identity or become a component part of another article when put into use, is durable with an expected service life of two years or more, and which has a unit cost of more than $250.

Expenditure

Expenditures represent the grantee's cash outlay, including the outlay of money contributed to the grantee by non-ALC third parties. For financial records on a cash basis, expenditures are the sum of actual cash paid out for direct charges for goods and services, the amount of indirect expense charged, and the value of in-kind contributions

Grant

A grant, as discussed in this handbook, is a financial contribution to a non-profit non-governmental organization from ALC, using funds from the US Agency for International Development, which is an agency of the US Government.

Grantee

An organization which has been awarded a grant by ALC

In-kind contributions

In-kind contributions represent the value of non-cash contributions provided by the grantee and other donors In-kind contributions may be in the form of charges for real estate and equipment,

and the value of goods and services directly benefiting and specifically identifiable to the project.

Obligations — Obligations are the amounts of orders placed, goods and services contracted for, services received, and similar transactions by a grantee during a given period that will require payment by the grantee during the same or a future period

Outlays — Outlays represent charges made to the project, reported on a cash or accrual basis For reports prepared on a cash basis, outlays are the sum of actual cash paid out for direct charges for goods and services, the amount of indirect expense charged, the value of in-kind contributions, and the amount of cash advances and payments made to the grantees

Per Diem — Per diem is the cost to a grantee of lodging, meals and incidental expenses while on project-supported travel In general, per diem costs include lodging; and Meals & Incidental Expenses

Project — Activities undertaken by the grantee using funds contributed by ALC. A project typically has start and end dates, and has achievable and quantifiable goals

Project Duration — The project duration is the time between the start date of a project and the ending date of a project, as indicated in a grant agreement or any subsequent grant modifications signed by ALC

Project costs — Project costs include the allowable costs, as set forth in this handbook, incurred by a grantee and the value of the in-kind contributions made by the

	grantee or other donors in accomplishing the objectives of the project during the term of the grant
Salaries or Wages	Remuneration paid to any employee of the grantee's organization.
Supplies or Materials	Pens, paper, calculators, or other small items with a unit cost of less than $250 purchased by the grantee
Taxes	For the purposes of this handbook, taxes include any national or local government taxes, duties, or other fees imposed on the grantee in connection with this grant
Travel	Air, train, bus, use of a private car, or car rental costs paid by the grantee for grant-related work

III. GRANT ADMINISTRATION

When your organization is awarded a grant by ALC, it assumes a great responsibility: namely, effective and proper administration of grant funds Your organization must accurately account for all moneys received according to stringent guidelines established by USAID, which is the ultimate source of these grant funds If your organization fails to competently execute this responsibility, ALC could terminate the grant award and your organization could be denied further funding from ALC In such an event, your organization could injure its reputation and endanger its chances of receiving assistance from other donor organizations.

ALC is prepared to provide your organization with the resources and the opportunity to learn how to effectively manage your grant funds ALC will offer a mandatory grantee workshop, with training on grant compliance for your staff The mandatory grantee workshop and this handbook are efforts that ALC is making to ensure that you understand the serious responsibilities inherent in accepting ALC grant funds

Following are the key requirements that must be adhered to in your management of these funds

AMERICAN LEGAL CONSORTIUM GRANTEE HANDBOOK

PROCUREMENT

You are expected to establish and maintain a procurement system which is simple and efficient, and which complies with the policies of the US Agency for International Development. The following is a basic outline of the policies which govern procurement using ALC grant funds. In particular, your system should avoid and eliminate the purchase of unnecessary or duplicative items, and should follow a procedure to ensure that purchases are not made without the approval of at least one person other than the individual who has identified the need or is making the purchase We recommend that you establish a purchasing procedure whereby any purchase over $100 requires a purchase order. A sample purchase order form which you may choose to copy is attached as Appendix 3.

Procurement plan

Prior to activating your grant you must submit to ALC a written list of the goods and services you plan to purchase with grant funds This list is known as a procurement plan In compiling this list, you will need to include

- the criteria you will be using in making your selection of goods or services,
- the brand or model that would be preferred (if known),
- the source or origin of the goods or service (if known), and
- the approximate price you expect to pay

ALC will review your procurement plan, either approve it or recommend changes, and, in some cases, offer to make your purchase for you either from a vendor outside the Central Asia region, or as a bulk purchase in order to obtain a more attractive price For your convenience, a sample procurement plan is attached as Appendix 4

Competition

Every time you purchase something with ALC grant funds, you should use an appropriate level of cost comparison and analysis Each time you request an oral or written bid from two or more vendors, you must provide each vendor with identical information regarding the specification of the goods or services you are procuring. A sample form to keep track of your oral and written bids is attached to this handbook as Appendix 5

- When purchasing any good with a unit cost of less than $250, price quotes are preferred but not required If possible, three oral quotes should be obtained. Selections should be made on the grounds of price, quality, dependability, timeliness, and other business considerations.

- When purchasing a good with a unit price greater than or equal to $250, but less than $5,000, three quotes must be sought. Oral quotes are acceptable but must be documented Written quotes are preferred Selection should be made based on the factors of price, assured timely deliveries, proven ability to deliver a quality product, reputation of vendor, and other criteria fitting to the specific procurement

- When purchasing a good with a unit cost greater than or equal to $5,000, bids in writing **must** be obtained from at least three vendors, and you must receive prior written approval of the ALC Grants Manager **prior to making your purchase** Selection should be made based on the factors of price, assured timely deliveries, proven ability to deliver a quality product, reputation of vendor, and other criteria fitting to the specific procurement

Purchases via ALC

There may be times when, for reason of convenience or price, ALC may be able to assist you with a major purchase, and make direct payment to the vendors from your grant funds In some instances ALC will contact you to require such a procedure in making a purchase If you anticipate that you may be able to make a purchase via ALC, please contact your ALC Liaison to discuss

Equipment purchases

You may only purchase with funds from ALC equipment that has been included in your procurement plan, or in a ratified grant modification If you have any questions about your intended purchase, you are encouraged to contact your ALC Liaison prior to making the purchase, to avoid any possible disallowance.

Taxes

The cost of installation, transportation, taxes, duty or protective in-transit insurance may be included or excluded from the cost of your purchases in accordance with your regular accounting practices.

Inventory Records

Once you have purchased the equipment, you must establish and maintain equipment inventory records which include the following points. If you do not presently have a form to record this information, you may choose to use the equipment inventory form included as Appendix 6.

- A description of the equipment,
- Manufacturer's serial number,
- Model number,
- Organizational assigned inventory number,
- Source of the equipment, including your grant reference number,
- Where title vests (your organization, unless you are advised otherwise),
- Acquisition date,
- Location of the equipment,
- Current use of the equipment,
- Condition of the equipment,
- The date the information was reported, and
- Unit acquisition cost

Title

It is a condition of this grant that the grantee will own and hold title to any equipment purchased with grant funds. The equipment acquired with ALC funds under this grant may only be used for the purposes of the original project under which it was purchased. In the event that equipment purchased under this

grant no longer continues to be used for the same purpose as those of the grant, even if that happens after the termination of the grant, the grantee must immediately notify ALC and request instructions regarding disposition of the equipment ALC reserves the right for 12 months after receipt of final reports on this grant to require the grantee to transfer title to equipment purchased thereunder to ALC or to a third party named by ALC

Physical Inventory

At least once a year but preferably every six months, you must perform a physical inventory of all equipment purchased with ALC funds by visually identifying each piece, and updating your equipment inventory record These physical inventories should continue, as a policy of your organization, after the termination date of the ALC grant

Control System

Loss from fire or theft, or irreparable damage to the equipment, are unfortunate possibilities. You should anticipate the possibility and obtain insurance where possible. The cost of this insurance is not an allowable cost under this grant, however You should also protect your office space where the equipment is housed. This protection may include, but is not limited to, the installation of adequate locks on the doors or windows, and an electronic security system

Maintenance

In addition to your control system, you must have in place adequate maintenance procedures to ensure your equipment and facilities are kept in maximum operating efficiency These procedures may include having your equipment serviced and repaired regularly, and protecting it from extreme temperatures.

Services

Purchase of professional services, such as translating, legal, or accounting services, follows the same guidelines as the purchase of equipment The requirement to ensure competition remains the same. A sample service agreement is attached to this handbook as Appendix 2

AUDITS

Depending on the size of your grant from ALC, together with any grants from other US Government-funded agencies, it is possible that your project or your organization will be audited The audit may be interim, also known as a limited scope audit review, a final project audit, or an organizational audit **An audit may take place at any time up to three years after the submission of your final reports.** Under the terms of your grant, you are obligated to maintain all project records for at least that length of time, in such a way that they may be easily accessible to USAID or ALC representatives, or any auditors commissioned for the purpose of examining those records The purpose of an audit is to confirm that you are in substantial compliance with the terms of the grant agreement with ALC

Interim Audits

The limited scope review, or interim audit, is a modestly scaled audit conducted to verify that the grantee has systems and procedures in place to properly process and record financial transactions, to ensure that the terms and conditions of the grant are met, and to detect any improper use of grant funds This audit may properly be viewed as offering substantive technical assistance to your organization, to help you to function in the most efficient and effective way possible

Final Audits

A final audit may be performed at the end of the project term This may be routine, or may be performed specifically to address issues of noncompliance that may have been noted during the course of an interim review, as well as any additional issues as determined by ALC

A-133 Audits

In some cases ALC may commission a final organizational audit, also known as an 'A-133' audit The purpose and procedure of this audit is similar to that for a final audit, but is more comprehensive

TRAVEL

In some cases, travel may have been approved in your initial grant budget Only travel specified in that budget or that is subsequently approved in a ratified grant modification may be allowed as a grant project expenditure Following are the specific regulations of the US Agency for International Development that must be followed before travel costs will be approved. If you have any questions on these rules, be sure to discuss those concerns with your ALC Liaison prior to incurring any travel costs

Travel within NIS only — Only travel within the NIS countries will be considered as an allowable project expenditure

Travel Authorization — A cash advance request form signed by an officer of your organization other than the traveler should be completed prior to any travel under this project See Appendix 7 for a sample cash advance request form that you may use if you do not now have such a procedure in place

Per Diem — Daily travel expenses are limited to the per diem rates stipulated in your travel policy and project budget Costs for lodging, meals and certain incidental expenses while in travel status may not exceed the maximum daily allowance listed in the project budget The per diem is divided into two parts· Lodging, and Meals & Incidental Expenses (sometimes called M&IE). The following expenses are included within the maximum daily rates.

- Lodging
  - Lodging costs must be supported by receipts, and may not exceed the maximum amount allowed
  - Lodging costs include applicable taxes and service charges.

- Meals & Incidental Expenses.

  - Meals, including applicable taxes (alcoholic beverages and entertainment are not allowable);
  - Laundry, pressing, and dry cleaning of clothes during travel,
  - Ground transportation to and from terminals in origin, destination, and stopover cities, and local transportation costs for official purposes, and
  - Transportation of baggage up to the number of pieces or the weight normally carried free on economy-class service

No lodging costs will be approved for alternate expenses in lieu of lodging, such as the cost of gifts or meals for friends with whom the traveler may lodge

Telephone, facsimile, telex, cable and other communication costs for official business, passport and visa fees, currency conversion commissions, and inoculations required for international travel (with appropriate documentation) may be considered to be allowable costs, but are not considered part of your per diem expenses.

Receipts — Receipts are required for all expenditures, with the exception of local taxis costing less than $15 or the equivalent

Class of Travel — Only less than business class travel may be used for travel to be charged to this grant

US Carriers — All international transportation must be on US carriers when such service is available Such service is considered unavailable only when

- No US carrier service provides regularly scheduled flights to the intended destination;
- The traveler, while en route, is detained six hours or more to transfer to a US carrier in order to proceed to the intended destination;
- Any flight by a US carrier is interrupted by a stop anticipated to be six hours or more for refueling, reloading, repairs, etc., and no other flight by a US carrier is available within the six hour period;
- Travel from the airport of origin to the destination airport is twelve hours or more longer on a US carrier than on a foreign carrier,
- When traveling between two points outside of the US, travel by foreign air carrier would eliminate two or more aircraft changes en route, or
- When travel is not part of a trip to or from the US, if the trip on a US air carrier would extend the time in travel status by at least six hours more than travel by foreign air carrier (including delay at origin, delay en route and accelerated arrival at destination)

If other than a US air carrier is used, the traveler must complete the non US air carrier form reproduced as Appendix 8

Car rental

Rental of vehicles (or where circumstances make it more practical or safe, car and driver) is authorized when public transportation is not practical Travelers proceeding to the same destination should coordinate vehicle rental needs and, to the extent practical, use a single vehicle

Fines and Tickets

Fines or other costs incurred as a result of traffic or parking violations while operating personal or rental vehicles for official

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purposes are the personal responsibility of the traveler and will not be allowed by ALC

Visa denial

You are required to notify ALC if any staff, employee, or potential employee is denied an entry visa to a country in which ALC is required to perform work when ALC believes that the denial was based on the race, religion, sex, or national origin of the employee or potential employee.

Trip reports

A trip report must be completed for any trip taken using ALC funds, in whole or in part Trip reports should be submitted as part of the next regularly scheduled narrative report due to ALC. The following elements must be included in every trip report

- Places visited and dates,
- Executive summary, with purpose of trip,
- Activities and meetings; and
- A critical assessment of accomplishments of the trip

Travel Expenses

It is important that you maintain accurate, detailed records of all expenses incurred during each trip A sample travel expenditures form that you may choose to use is included as Appendix 9

CONSULTANTS

It is sometimes appropriate for a grantee to enter into agreements with individuals with expertise in a field relating to a particular project The choice of consultant must be approved by ALC prior to signing the consultant contract. Please contact your ALC Liaison if you have any questions on this

Agreements

An official agreement must be executed with each consultant which outlines the scope of work to be performed during the contract period, the anticipated number of days, and the daily rate (if the contract is cost-reimbursable) or the fixed price For your use, a sample consultant agreement form is attached to this handbook as Appendix 1

Daily rate

The daily rate paid to a consultant must be no more than 5% more than the rate he or she has earned in the year prior to the signing of the contract under this ALC project The daily rate must be approved by ALC prior to signing the consultant contract Please contact your ALC Liaison if you have any questions on the daily rate to be offered to a consultant

MODIFICATIONS

There are two common reasons that you may decide you need to ask for a modification to your grant agreement

- You may determine that you need to re-structure your budget, moving funds from one line item to another then you would request a budget change, and
- You may determine that the scope of your project is changing for legitimate reasons. then you would request a change in the scope of work.

Budget

It is not uncommon for a grantee to realize, once the project is partly complete, that the original budgeted amounts do not reflect the reality of the project In those cases, if you realize that the changes in any line item will likely be more than 15%, you must submit a written revised budget for ALC's consideration **prior to making the expenditures**

Scope of Work

It is possible that the original scope of work established by the grant agreement will need to be changed during the life of the grant This will sometimes involve changing the budget at the same time If you feel that you will need to change your scope of work, please consult with your ALC Liaison to discuss your situation prior to submitting your request in writing

Additional funds

In some cases you may find that, due to an inflationary economy or other factors, prices for goods or services established in your budget have gone up substantially, to the extent that you are not able to complete the project with the originally granted funds In those cases, you should contact the ALC Grants Manager and discuss your specific situation with him or her On a case-by-case basis, ALC may determine that additional grant funds may be extended to your organization, through a grant modification Although this is a possibility, it is important that you understand this is not normal procedure Prior to signing your grant, you are encouraged to work with ALC to ensure that your budget is

realistic, takes anticipated cost increases into account, and will in all likelihood allow you to complete your project.

All requests for modifications need to be submitted in writing They may be faxed for initial review and consideration, but an original paper copy must be received by ALC before the modification will be officially approved

IV. MONITORING AND REPORTING REQUIREMENTS

Accountability

ALC is committed to working with you to ensure responsible monitoring and reporting on your grant activities It is important that every grantee understand that the organization receiving an ALC grant will be held accountable for the funds received

You are responsible for understanding what your responsibilities are, and for asking your ALC Liaison for guidance when needed. Your organization will be held responsible for the information you receive during the mandatory grantee workshop, and for the information contained in this handbook.

The quarterly and final narrative (program) and financial reports submitted to ALC are the keys to transparency, accountability and responsibility and should create a clear picture and record of your project These reports are the chief management tool used by ALC to monitor your project performance

REPORTING REQUIREMENTS

Timeliness

The importance of prompt narrative and financial reports simply cannot be overemphasized. Failure to submit financial and narrative reports on a timely basis will result in withholding of grant payments

Narrative reports

Prior to signing your grant, you will have collaborated with ALC to establish quantifiable indicators for your project objectives You are encouraged to discuss any concerns about your goals and objectives with your ALC Liaison prior to signing your grant

In completing your narrative reports, you must include the points listed on your narrative report cover sheet, included as Appendix 10 of this handbook These points are

- A comparison of actual accomplishments with the goals and objectives established for the period Particular achievements and obstacles to the success of the project should be reported in specific terms

- An evaluation or analysis of the degree to which the grant activities are achieving the project objectives Reasons why established goals were not met, if appropriate

- Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs

- Two copies of any publication, including books, brochures, newsletters, bulletins, or video cassettes, and single copies of all other products such as newspaper clippings, project announcements, and audited financial statements.

- Please refrain from using elaborate art work, multicolor printing, and expensive paper or binding, unless it is

specifically authorized in the grant budget Whenever possible, pages should be printed on both sides using single spaced type.

- On the first page of your report, please include a summary of the report (approximately 2 paragraphs for each 5 pages of report).

Financial reports — It is extremely important that you submit financial reports indicating in US dollars actual, not anticipated, expenditures on a timely basis, according to the reporting schedule indicated in your grant The form you should use is included as Appendix 11

Trip reports — Trip reports must be completed at the conclusion of each trip using ALC grant funds. These reports should be included in the next scheduled narrative report to be submitted to ALC

Inventory reports — At the close of your grant, or at any point during the term of your grant at ALC's request, you must submit an inventory report detailing all equipment purchased under this grant Details of what must be included in your inventory report are included above under equipment purchasing

FINANCIAL MANAGEMENT

It is critical that you establish financial management procedures that are consistent with generally accepted international accounting principles If you feel you need additional assistance in this matter, you are urged to ask for that assistance It is understood that some grantees will not know how to set up accounting books without assistance. Nevertheless, you will be penalized, possibly by being required to repay money that has been advanced to you, if you mismanage funds. You are encouraged to use the resources that ALC has made or will make available to you to ensure full compliance with all financial management requirements

Controls

Briefly summarized, the financial management system you implement must contain adequate controls, books, and records to ensure the following

- Approved budgets by line-item category are not oversubscribed,
- The receipt and expenditure of ALC funds is properly identified on a cumulative basis (this includes any non-budgetary expenditures such as advances, disallowances, interest, and so forth),
- Property and equipment purchased with ALC funds is properly identified and accounted for,
- Periodic internal reports are prepared showing budgetary expenditures, encumbrances, and balance remaining by category, projected budgetary expenditures, reconciliation of outstanding ALC advances, and cumulative receipts,
- Correct preparation of the request for advance, included as Appendix 12; and

- Correct preparation of periodic financial reports submitted to ALC, which includes comparison of budget to actual expenditures.

To ensure the effective and accurate bookkeeping of all transactions, a minimum of two people should be trained to keep all financial records. This will generally solve potential problems created when staff are sick, on vacation, or leave the organization

Accrual accounting

It is expected that Grantees will use a cash accounting system If you will be using an accrual accounting system, please contact your ALC Liaison for specific technical assistance

Journal systems

In the event you do not now have financial management systems in place that satisfy the requirements of this grant, this handbook includes sample journals that you may use In addition, technical assistance will be offered during the grantee workshop, if desired, and ALC may arrange for additional assistance for your staff on a case-by-case basis Following are instructions on using an encumbrance journal, and a cash receipts and expenditures journal Sample layouts are included as appendices 13 and 14 of this handbook During the grantee workshop, these journal systems will be presented and discussed If you would like any technical help in setting up your financial system, or in maintaining it once it has been set up, contact your ALC Liaison

Encumbrance

In traditional accounting, an "encumbrance" represents a decision by management to set aside funds for a specific budgetary purpose This decision or authorization is generally evidenced by what are known as "encumbrance documents " A purchase order given to a vendor, a cash advance request, a contract, a lease, and a payroll sheet can all be categorized as encumbrance documents Vendor invoices and petty cash receipts can serve as encumbrance documents in those instances where purchase orders or similar documents are not available for some justifiable reason, such as the minimal value of the expenditure

When you issue a purchase order to a supplier you have, in effect, "encumbered" or obligated a portion of your budget. Consequently, the outstanding balance of available funds is reduced by the amount of the order, even though you have not received an invoice or actually disbursed any funds True budget availability can be accurately reported only if you use encumbrance accounting. Moreover, by taking undisbursed commitments into consideration, encumbrance accounting greatly reduces the risk of exceeding budget line items.

An encumbrance journal can help you to avoid overspending budgetary line items. Each encumbrance is entered in the journal as incurred, and so reduces the available budget accordingly (Small items like petty cash replenishments can be entered as paid) This journal provides a permanent record of the budget by category as well as payments ("liquidations") made against outstanding encumbrances

An encumbrance journal is completed on a transaction basis for each calendar month (see Appendix 13) There should be a separate journal page for each major expenditure category as designated by ALC. These major expenditure categories are

- Salaries or wages,
- Equipment,
- Materials or supplies;
- Travel, and
- Other direct costs

The purpose of this document is.

a) To ensure that the expenditure and receipt of ALC funds is properly identified,

b) To ensure that approved budgets by category are not exceeded,

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c) To verify that all equipment is properly accounted for,

d) To compare actual financial performance to budgeted amounts (also called budget monitoring); and

e) To promote the use of all ALC funds to the maximum benefit

Cash Receipts and Disbursements

The purpose of a cash receipts and disbursements journal is to provide a permanent record of the utilization of funds maintained in a particular bank account. Since USAID regulations require that grantees deposit USAID funds in a separate bank account, and that those funds not be co-mingled with any other funds, this journal will enable you to account for all such funds, whether budgetary or non-budgetary.

If you are able to open an account in a bank, you are required to do so. If, because of your status, you are not able to do so, ALC will waive that requirement until your legal status changes In the event you do not have an account in a bank and must keep your grant funds in cash, you are required to ensure its security by maintaining it in a safe, or under lock and key An officer of the organization other than the custodian of the safe should conduct periodic audits of the cash on hand In addition, every time cash is drawn from this fund it must be recorded through the use of cash draw forms These forms must also be maintained in the safe For your convenience, a sample cash count list is included as Appendix 15

Bank account

If you are able to open a bank account, you must deposit and maintain funds provided under the grant in a separate bank account that contains only grant funds originating from ALC Appendix 16, "Verification of Separate Bank Account," must be completed and returned to ALC before any grant funds will be advanced to you

If an initial deposit must be made to open the required separate bank account, the grantee may use non-grant funds for this purpose, and withdraw the non-grant funds following receipt of

the initial advance of grant funds. To the maximum extent practical, all financial transactions for approved grant expenditures, as shown in the grant budget, should be paid by check drawn on the separate bank account payable directly to the vendor or payee. Grant funds may not be transferred to other bank accounts owned by the grantee that contain funds from other sources

Bank charges

Charges from the bank and currency exchange fees are allowable under the terms of this grant.

Reports to ALC

You must submit all financial reports to ALC in US dollars If you maintain accounts in your own currency, you will need to convert these amounts back to US dollars prior to reporting to ALC. A suggestion is that you do that conversion at the end of each month, using the average exchange rate for the month

Prohibited charges

Under no circumstances shall grant funds be used for the following·

- Advertisements other than for recruitment of personnel and procurement of goods and services,
- Contributions to contingency reserves for unexpected expenses,
- Entertainment including, but not limited to amusements, diversions, social activities, ceremonials and costs related thereto, such as meals, lodging, rentals, transportation and gratuities,
- Interest on borrowed capital,
- Fund-raising activities, exclusive of cost recovery or income generation;
- Investment counsel to enhance income from investments,

- Repayment of loss due to excess of costs over income on any other projects;
- Depreciation or use allowance on equipment or facilities purchased with funds provided from a current or previous contract originating from ALC. However, a depreciation or use allowance may be charged to the grant for equipment owned by the grantee prior to the award of this grant,
- Fines;
- Bad debts,
- Alcoholic beverages;
- Tobacco,
- Purchase of land or buildings;
- Agricultural commodities,
- Motor vehicles,
- Pharmaceuticals,
- Pesticides,
- Rubber compounding & plasticizers,
- Used equipment, and
- Fertilizer.

Prior approval

The following costs are not allowable under the terms of this agreement without prior written approval from ALC, unless they are specifically named in the budget.

- Organization and reorganization costs for establishing or revising the status or operations of an organization,
- Participant costs such as travel, subsistence and registration fees;
- Public information costs such as pamphlets, news releases and other forms of information services, and
- Publication or printing costs.

Grant Payments

Grant funds will be paid to you upon receipt by ALC of a request for advance (attached as Appendix 12) Usually, these requests should be submitted along with your periodic financial and narrative reports to ALC. If you have any questions on how or when you should complete this request, you should contact your ALC Liaison

Signature Authorization

Only the individuals named on the signature authorization form may submit a request for advance A signature authorization form is included as Appendix 17, and must be completed and returned to ALC with your signed grant

Currency Exchange

When you exchange US dollars for a local currency, you are required to record the transaction on a currency exchange form A sample currency exchange form is attached to this handbook as Appendix 18

Conference Expenses

If you will be staging a conference as part of your project, you will need to track the expenses for that conference A sample conference expense form is included for your convenience as Appendix 19

GRANT CLOSE-OUT PROCEDURES

Deliverables

A deliverable is any product that is expected to result from your project, and generally will be named in your grant agreement

The deliverables as specified in your grant agreement are due not later than 30 days after the ending date of your grant, unless prior written approval is received from ALC.

Ending Date

Unless you have received a written grant modification from ALC which specifically extends the closing date of your grant, the closing date of your grant is as specified in your grant agreement

Disallowed costs

Upon receipt of your final financial report, which must be submitted on the form attached to this handbook as Appendix 11, ALC will carefully review all expenditures If any of the costs you are claiming and charging to this grant are questioned, your ALC Liaison will contact you, and discuss it with you In some cases, costs charged to the grant may be disallowed, and the funds repaid to ALC

In addition, in the event your grant is terminated prior to the ending date by you or ALC, some costs may be disallowed

Reports

The reports due at the end of the grant are the final financial report, the final narrative report, and an equipment inventory report

Final audit

In some cases, a final audit will be arranged either by you, at ALC's request, or by ALC This audit may take place at any time during the three-year period following the submission of your final reports.

V. INTERNAL CONTROLS

MANAGEMENT PROCEDURES

Organizational chart

While it is not required, you are encouraged to prepare and keep current an organizational chart specifying titles of the employees of your organization, and their programmatic, administrative, and supervisory responsibilities

Policy & Procedures Manual

While it is not required, you are encouraged to prepare and keep current a written policy and procedures manual A policy and procedures manual is a comprehensive guide for all departments and areas under the direction of an organization's management While a policy and procedures manual is an important tool for the new employee, it is also intended to be a resource for the long-time employee, as a guide to unfamiliar or modified procedures

One objective of this manual is to serve as a resource for employees and other officers of the organization to ensure that they remain informed of current policies, procedures, strategies and other key issues that impact on all personnel Another objective is for all staff to better understand their role and tasks related to report preparation, payment processing, files management, forms management, and records management

Sample topics that you may choose to cover in your policy and procedures manual are organizational history, mission statement and objectives, structure of the organization, criteria for selecting Board of Directors members, brief description of program development and management, general personnel policies (specific policies would be covered by the personnel manual), and brief policies on travel, entertainment, media contact, political activity, fund-raising, and records management

Travel Policies

You must have travel policies prior to ALC approving travel costs in your budget, and prior to your being able to charge any

travel costs to this grant A copy of these travel policies should be submitted to ALC, prior to the beginning of your grant.

Record-keeping

You must keep such records as may be reasonably necessary to fully disclose the amount and the disposition of the funds granted under the terms of this agreement, and such records as will facilitate an effective audit.

Separate statements: You must maintain separate statements of financial condition consistent with internationally accepted accounting principles to show the date, vendor, and purpose of all money expended in the administration of the project

Documentation: You must maintain documentation that will support all payments charged to this project. Any expenditures not adequately supported by proper documentation may be disallowed by ALC.

Record Retention You must maintain all documents relating to this grant for a period of not less than three years after submission of the final report

Equipment Records: If your project includes the purchase of equipment, you must keep careful inventory records These records are described above under the section on purchasing equipment

Communication

Communication expenses that are specifically indicated in your approved grant budget are allowable However, you will need to implement and maintain specific controls to ensure these valuable resources are not misused These should include a record of all non-local calls and faxes, and may also include installing a lock on the long distance phone line, or other means to ensure grant funds are not misused For your convenience, a sample record of non-local calls is attached to this handbook as Appendix 20

PERSONNEL PROCEDURES

Personnel policies

While it is not required, you are encouraged to develop written personnel policies to guide your day-to-day operations These may include policies on hiring, sick leave, leave of absence, dismissal, salary, termination, overtime, pay period, vacation, paid holidays, and benefits.

Salary Records

Costs of salaries charged to this grant must be based on documented payrolls, approved by a responsible official of the organization and may not exceed the project staff's established salaries for other responsibilities within the organization that are not supported by this grant For your convenience, a sample payroll list is attached as Appendix 21

Timesheets

Each employee of your organization whose salaries will be paid in whole or in part by the ALC project is required to complete and sign a timesheet on at least a monthly basis These timesheets must be prepared at least monthly, and must reflect an after-the-fact determination of the actual activity of each employee Estimates determined before the services are performed do not qualify as support for charges to the grant Each report must be signed by the employee and a supervisory official and must be kept on file by the grantee for at least three years after submission of the final report If you do not currently have such a timesheet system in place, you may choose to use one of the two sample timesheets included here as Appendix 22

Taxes

While many grantees will be exempt from national income tax, depending on the status established in registration with government, other grantees may be taxable Even for grantees that are currently exempt from paying taxes, taxes may be required in the future ALC prefers that income taxes not be paid with ALC funds, unless no other funds are available for that purpose If you know in advance that taxes will have to be paid using ALC funds, please contact your ALC Liaison to discuss the situation prior to paying those taxes.

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LIST OF APPENDICES

1 Sample Consultant Agreement
2 Sample Service Agreement
3 Sample Purchase Order
4. Sample Procurement Plan
5 Sample Form to Track Oral and Written Bids
6 Sample Equipment Inventory Form
7. Sample Cash Advance Request Form
8 **Non-US Carrier Form**
9. Sample Transport & Travel Expenditures
10. **Narrative Report Form**
11 **Financial Report Form**
12 **Request for Advance Form**
13 Sample Encumbrance Journal
14 Sample Cash Receipt and Disbursements Journal
15 Sample Cash Count List
16 **Verification of Separate Bank Account**
17 **Signature Authorization Form**
18 Sample Currency Exchange Form
19. Sample Conference Expense Form
20 Sample Record of Non-local Calls and Faxes
21 Sample Payroll List
22 Sample Timesheets

Note Appendices 8, 10, 11, 12, 16, and 17 are required forms The other appendices are included for your information and use, if you so choose

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APPENDIX 1
SAMPLE CONSULTANT AGREEMENT

Name of Consultant
Address of Consultant

Dear (name)

(Organization) is pleased to offer you an official consultant agreement under its grant from the American Legal Consortium number (grant reference number). This grant is funded by US Agency for International Development Contract CCN-0004-C-00-4004-00

PERIOD

The contract will become effective on (Dates contract will start) and end on (date contract will end), unless modified in writing by you and (name of official)

SCOPE OF WORK

(Detailed description of what will be done, and what the deliverables are expected to be)

REPORTING

During the duration of this contract you will report to (Name of organization employee to whom consultant will report), or his successor

BUDGET

Consultant Fee	$? x ? days	$????
(As required include)		
Travel		
Per Diem		
Communication		
Equipment rental		
Other		

TRAVEL

(If travel is included in budget, add this clause and Appendix) Restrictions regarding travel are attached as an Appendix, and are considered to be incorporated to this contract

TERMINATION

This contract may be terminated at any time by (organization) or by the consultant for any reason. Should the consultant be terminated for misconduct, dereliction of duty, or gross failure to perform satisfactorily, or should the consultant voluntarily resign without obtaining prior written consent of (organization), (organization) will not be liable for consultant fees or other related costs beyond the date of employment termination.

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DATA OWNERSHIP

To the extent that ownership of the consultant's reports, research, data, and other work is not covered by the attached contract, ownership of all such materials rests with (organization). All working papers and materials gathered during the assignment must be delivered to (organization) upon the conclusion of the assignment The consultant agrees not to publish or make any other use of such materials without the prior approval in writing of (organization)

CONFLICT OF INTEREST

The consultant may not engage in any business, profession, or occupation while on assignment This includes loans or investments to or in any business, and extends to direct or indirect employment either in the consultant's name or through the agency of another person

LEGAL AGREEMENT

This agreement shall be binding upon the consultant and (organization), and on their respective successors, heirs and assignees This agreement may not assigned by either party without the prior written consent of the other

This agreement shall be interpreted and construed under and in accordance with the laws of (country in which organization is registered) The parties hereby expressly agree and acknowledge that the courts of the (country) shall have sole and exclusive jurisdiction over any dispute arising under or otherwise relating to this agreement The parties agree that any such disputes shall not be brought under any foreign court, administrative agency or other legal body, but shall be under the sole and exclusive jurisdiction of the (country) as stated above The parties agree that, should either party breach this clause by bringing a dispute before a foreign court, administrative agency or other legal body, the non-breaching party shall be entitled to liquidated damages to a sum equal to one (1) month salary of the employee's last wage under this agreement and preceding the breach

ACCEPTANCE OF AGREEMENT

Acceptance of the terms of this agreement shall be indicated by both parties on the lines provided below and by initialing each page of this agreement

Approved

_____ _____

(Consultant) (Representative of Organization)

Date _____ Date _____

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CONSULTANT AGREEMENT APPENDIX
TRAVEL REGULATION

Per Diem

Daily travel expenses are limited to the per diem rates stipulated in the above budget Costs for lodging, meals and certain incidental expenses while in travel status may not exceed maximum daily allowance listed in the project budget The per diem is divided into two parts· Lodging; and Meals & Incidental Expenses (sometimes called M&IE) The following expenses are included within the maximum daily rates.

- Lodging
  - Lodging costs must be supported by receipts, and may not exceed the maximum amount allowed
  - Lodging costs include applicable taxes and service charges
- Meals & Incidental Expenses
  - Meals, including applicable taxes (alcoholic beverages and entertainment are not allowable),
  - Laundry, pressing, and dry cleaning of clothes during travel,
  - Ground transportation to and from terminals in origin, destination, and stopover cities, and local transportation costs for official purposes, and
  - Transportation of baggage up to the number of pieces or the weight normally carried free on economy-class service

No lodging costs will be approved for alternate expenses in lieu of lodging, such as the cost of gifts or meals for friends with whom the traveler may lodge

Telephone, facsimile, telex, cable and other communication costs for official business (with appropriate documentation), passport and visa fees, currency conversion commissions, and inoculations required for international travel (with appropriate documentation) may be considered to be allowable costs, but are not considered part of your per diem expenses

Receipts

Receipts are required for all expenditures, with the exception of local taxis costing less than $15 or the equivalent

Class of Travel

Only less than business class travel may be used for travel to be charged to this grant

US Carriers

All international transportation must be on US carriers when such service is available Such service is considered unavailable only when

- No US carrier service provides regularly scheduled flights to the intended destination,

- The traveler, while en route, is detained six hours or more to transfer to a US carrier in order to proceed to the intended destination;
- Any flight by a US carrier is interrupted by a stop anticipated to be six hours or more for refueling, reloading, repairs, etc., and no other flight by a US carrier is available within the six hour period,
- Travel from the airport of origin to the destination airport is twelve hours or more longer on a US carrier than on a foreign carrier,
- When traveling between two points outside of the US, travel by foreign air carrier would eliminate two or more aircraft changes en route, or
- When travel is not part of a trip to or from the US, if the trip on a US air carrier would extend the time in travel status by at least six hours more than travel by foreign air carrier (including delay at origin, delay en route and accelerated arrival at destination)

If other than a US air carrier is used, you must complete the non US air carrier form following

Car rental

Rental of vehicles (or where circumstances make it more practical or safe, car and driver) is authorized when public transportation is not practical Travelers proceeding to the same destination should coordinate vehicle rental needs and, to the extent practical, use a single vehicle

Fines and Tickets

Fines or other costs incurred as a result of traffic or parking violations while operating personal or rental vehicles for official purposes are the personal responsibility of the traveler and will not be allowed by ALC

Trip reports

A trip report must be completed for any trip taken using ALC funds, in whole or in part Trips reports should be submitted as part of the next regularly scheduled narrative report due to ALC The following elements must be included in every trip report·

- Places visited and dates,
- Executive summary, with purpose of trip,
- Activities and meetings, and
- A critical assessment of accomplishments of the trip

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NON-US CARRIER FORM

For the following reason, I will fly on a non-US Carrier on my ALC-supported trip to

_____

_____ No US carrier service provides regularly scheduled flights to the intended destination

_____ The traveler, while en route, is detained six hours or more to transfer to a US carrier in order to proceed to the intended destination

_____ Any flight by a US carrier is interrupted by a stop anticipated to be six hours or more for refueling, reloading, repairs, etc., and no other flight by a US carrier is available within the six hour period.

_____ Travel from the airport of origin to the destination airport is twelve hours or more longer on a US carrier than on a foreign carrier

_____ When traveling between two points outside of the US, travel by foreign air carrier would eliminate two or more aircraft changes en route

_____ When travel is not part of a trip to or from the US, if the trip on a US air carrier would extend the time in travel status by at least six hours more than travel by foreign air carrier (including delay at origin, delay en route and accelerated arrival at destination)

_____ _____

Signature and printed name of traveler Date

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APPENDIX 2
SAMPLE SERVICE CONTRACT

The XYZ Organization (XYZ) and _____ (the "contractor") hereby agree that the contractor will provide professional services to ALC, subject to the terms and conditions as follows.

DUTIES The work to be performed under this contract is to provide the following services

REPORTING The contractor will report directly to _____. The contractor will carry out his assigned duties under the general direction of _____, who will be responsible for monitoring performance of duties assigned under this agreement

PERIOD OF SERVICE The period of service is approximately _____, beginning on or about _____ and ending on or about _____.

WORK SCHEDULE The contractor's work day shall be a regular 8-hour day to coincide with company work hours, currently established at 0900 hours to 1800 hours Monday through Friday, but subject to change

PAYMENT The contractor will be paid as follows

Payment will be made upon submission of an invoice, and satisfactory completion of the work by the contractor The invoice shall be presented to the individual specified in item 2 above, or his designee

OTHER ALLOWABLE COSTS The contractor will be allowed other reasonable costs and expenses related to the services provided as follows communications and taxis as required by the assignment Receipts will be required for all expenses except fares less than the equivalent of $15

RIGHTS OF DATA OWNERSHIP The ownership of company reports, research, data, intellectual property, and work products relating to corporate or contract business, developed or used under this agreement, rests with XYZ, and must be delivered or returned to ALC upon request at the conclusion of the contract The contractor agrees not to publish or make use of any such materials without the prior approval in writing of XYZ

WAIVER OF BENEFITS The contractor waives any additional benefits and agrees to hold XYZ harmless for any loss, damage, or injury incurred as a result of work under this contract

Contractor Name/Address/Phone

_____

Contractor Signature _____ Date _____

Approval _____ Date _____
Officer of XYZ Organization

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APPENDIX 3
SAMPLE PURCHASE ORDER

DATE

VENDOR

The XYZ Institute is pleased to place the following order, subject to the terms and conditions specified below

Item No	Description	Quantity	Unit Price	Total Price	Discount

Delivery Charge _____

Total cost _____

It is agreed that all items will be delivered on or before _____

For XYZ Institute

_____

Date _____

For vendor

_____

_____

AMERICAN LEGAL CONSORTIUM
GRANTEE HANDBOOK

APPENDIX 4
SAMPLE PROCUREMENT PLAN

Description of product or service needed: _____

_____

_____

Criteria to be used in selecting

_____

_____

Brand preferred if known and applicable

_____

Model number if known and applicable

_____

Price expected _____

Probable vendor name & location _____

Country of manufacture

_____

Other. _____

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APPENDIX 5

SAMPLE FORM TO TRACK ORAL OR WRITTEN BIDS

LIST OF ORAL OR WRITTEN BIDS

Bid #	Description	Origin	Vendor	Unit Price	Discount?	Warranty?	Service?	Delivery Date
1								
2								
3								
4								
5								
Notes								
Prepared by								
Approved by								

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APPENDIX 6

SAMPLE EQUIPMENT INVENTORY FORM

Date of	XYZ Inventory	Desciption	Manuf.	Model #	Source of	Titled to	Unit cost	Current
Purchase	Number	of equipment	Serial #		funds			location
Notes								
Prepared by								
Approved by								

AMERICAN LEGAL CONSORTIUM
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APPENDIX 7
SAMPLE CASH ADVANCE FORM

Requested by: _____ Date of request _____

Position/title: _____ Date cash needed: _____

A TRAVEL ADVANCE

For travel from _____ to _____

Beginning on or about _____ and ending on or about _____

I request the following amount _____

_____

_____ Total: _____

Travel approved by supervisor _____ Date _____

B. OTHER (Be specific, and show calculation)

_____

_____ Total _____

C. ADVANCE APPROVED BY _____ Date _____

D CASH DISBURSED BY _____ Date _____

E RECEIVED by _____ Date _____

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APPENDIX 8
NON-US CARRIER FORM

For the following reason, I will fly on a non-US Carrier on my ALC-supported trip to

_____

_____ No US carrier service provides regularly scheduled flights to the intended destination.

_____ The traveler, while en route, is detained six hours or more to transfer to a US carrier in order to proceed to the intended destination

_____ Any flight by a US carrier is interrupted by a stop anticipated to be six hours or more for refueling, reloading, repairs, etc , and no other flight by a US carrier is available within the six hour period.

_____ Travel from the airport of origin to the destination airport is twelve hours or more longer on a US carrier than on a foreign carrier.

_____ When traveling between two points outside of the US, travel by foreign air carrier would eliminate two or more aircraft changes en route

_____ When travel is not part of a trip to or from the US, if the trip on a US air carrier would extend the time in travel status by at least six hours more than travel by foreign air carrier (including delay at origin, delay en route and accelerated arrival at destination)

_____ _____

Signature and printed name of traveler Date

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APPENDIX 9

SAMPLE TRAVEL EXPENDITURES FORM

TRAVEL EXPENSE REPORT #:

SUBMITTED BY:

TRAVEL PURPOSE:

DESCRIPTION	DATE	RECEIPT #	EXPENSES	EXCHANGE	US$
			(LOCAL	RATE	EQUIVALENT
			CURRENCY)		
TRANSPORT					
LODGING					
MEALS					
OTHER COSTS					
TOTAL					
RECEIVED AS ADVANCE					
DUE TO EMPLOYEE					
DUE TO XYZ					
Prepared by					
Approved by					

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APPENDIX 10
NARRATIVE REPORT FORM

Report #1 #2 #3 #4 #5 #6 (circle one) Date submitted _____

Grantee Name: _____

Grant reference number _____

Grant title _____

Period covered by the report From: _____ To _____

Date this report is due _____

Name and title of individual preparing report _____

Name and signature of authorized representative reviewing report: _____
_____

Progress (interim) and final (Grant Completion Document) reports must contain, as a minimum, the following

- A comparison of actual accomplishments with the goals and objectives established for the period Particular achievements and obstacles to the success of the project should be reported in specific terms
- An evaluation or analysis of the degree to which the grant activities are achieving the project objectives Reasons why established goals were not met, if appropriate
- Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs
- Two copies of any publication, including books, brochures, newsletters, bulletins, or video cassettes, and single copies of all other products such as newspaper clippings, project announcements, and audited financial statements
- Please refrain from using elaborate art work, multicolor printing, and expensive paper or binding, unless it is specifically authorized in the grant budget Whenever possible, pages should be printed on both sides using single spaced type.
- On the first page of your report, please include a summary of the report (approximately 2 paragraphs for each 5 pages of report)

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APPENDIX 11

FINANCIAL REPORT FORM

Report #1 #2 #3 #4 #5 #6 (circle one) Date submitted _____
Grantee Name _____

Grant reference number _____

Grant title _____

Period covered by the report From _____ To _____

Date this report is due _____

Name and title of individual preparing report _____

Name and signature of authorized representative reviewing report _____

	ALC FUNDS	ALC FUNDS	ALC FUNDS	ALC FUNDS	ALC FUNDS	NON-ALC FUNDS
	BUDGETED	EXPENDED	EXPENDED	TOTAL	BALANCE	TOTAL EXPENDED
		PRIOR TO	THIS PERIOD	EXPENDED		TO DATE
		THIS PERIOD				
EXPENDITURES						
SALARIES						
BENEFITS, ALLOWANCES						
& TAXES						

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SPACE & UTILITIES						
SUPPLIES						
EQUIPMENT						
COMMUNICATION & POSTAGE						
TRAVEL & PER DIEM						
CONSULTANTS						
(FEES & EXPENSES)						
CONTRACTUAL SERVICES						
OTHER DIRECT COSTS						
INDIRECT COSTS						
TOTAL ESTIMATED COSTS						

ANTICIPATED INCOME						
AMOUNT OBLIGATED BY ALC						
ESTIMATED CASH DONATIONS						
IN-KIND CONTRIBUTIONS						
GRANTS						
OTHER FUNDS TO BE INCLUDED						
TOTAL ANTICIPATED INCOME						

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APPENDIX 12
REQUEST FOR ADVANCE FORM

This request must be accompanied by the requisite reports for all but the first request.

Report #1 #2 #3 #4 #5 #6 (circle one) Date submitted _____

Grantee Name _____

Grant number _____

Grant title _____

Period covered by this request· From· _____To:_____

Name and title of individual preparing request _____

Name and signature of authorized representative reviewing request _____

---

1 Total expenditures estimated for this project during this period _____

2 Anticipated sources of income for this project during this period

a Total ALC funds requested for this period _____

b. Balance of unspent ALC funds on hand _____
(This amount must be equal to the balance of ALC funds as reported in the attached financial report form)

c Total funds from non-ALC sources anticipated during this period _____

d Total of lines a, b, and c _____
(Should be equal to line 1 above)

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3. Payments·

a	Total grant awarded·	_____
b	Total previously received:	_____
c	Current payment requested.	_____
d	Remaining balance of ALC funds to be received:	_____

CERTIFICATION I certify that to the best of my knowledge and belief the data reported above is correct and that all outlays were made in accordance with grant conditions

_____ _____

Signature of authorized representative Title

_____ _____

Typed or printed name Date

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APPENDIX 13

SAMPLE ENCUMBRANCE JOURNAL

PROJECT #: FOR MONTH ENDING

ACCOUNT #. ACCOUNT NAME:

DATE	DESCRIPTION	BUDGET	ENCUMBRANCES		AVAILABLE	DOCUMENT	EXPENDITURES		UNLIQUIDATED
	& REFERENCE		CURRENT	CUMULA.	BUDGET	NUMBER	CURREN T	CUMULA.	ENCUMBRANCES

PREPARED BY:

APPROVED BY:

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APPENDIX 15
SAMPLE CASH COUNT LIST

USD	Denomination		Total
	100 x _____	=	_____
	50 x _____	=	_____
	20 x _____	=	_____
	10 x _____	=	_____
	5 x _____	=	_____
	1 x _____	=	_____

Local Currency

500 x _____	=	_____
200 x _____	=	_____
100 x _____	=	_____
50 x _____	=	_____
20 x _____	=	_____
10 x _____	=	_____
5 x _____	=	_____
3 x _____	=	_____
1 x _____	=	_____

Outstanding cash advances _____

Prepared by: _____

Approved by: _____

Date: _____

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APPENDIX 16
VERIFICATION OF SEPARATE BANK ACCOUNT

Grantee Name. _____

Grant number _____

Grant title. _____

Name and title of individual preparing form. _____

Name and signature of authorized representative reviewing form: _____

_____

All the information requested below must be provided about the separate bank account to be used for funds provided under this ALC grant Grant funds will not be advanced until separate bank account verification forms have been completed and returned to ALC

Registered name _____
(The bank account must be registered in the name of the grantee organization)

Bank account number _____

Name and branch of bank _____

Bank address _____

Is this an account that will earn interest? Yes No

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Persons authorized to sign checks on this bank account

Signature	Typed name	Title
Signature	Typed name	Title
Signature	Typed name	Title

Certification

I hereby certify that (1) the above bank account will be used only for the receipt and maintenance of ALC grant funds, (2) that the above bank account will contain no funds from sources other than ALC, and (3) all expenditures made with funds provided under the above-cited ALC grant will be made directly to payees by check drawn on the above account

Signature	Typed name	Title

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APPENDIX 17
SIGNATURE AUTHORIZATION FORM

Grantee Name: _____

Grant number. _____

Grant title _____

Name and title of individual preparing form _____

Name and signature of authorized representative reviewing form _____

_____

The following regular salaried employees with fiscal responsibility of the above-cited organization are authorized to submit required narrative and financial reports to ALC, and to request grant funds from ALC

_____
Signature Typed name Title

_____
Signature Typed name Title

_____
Signature Typed name Title

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APPENDIX 18
SAMPLE CURRENCY EXCHANGE FORM

The undersigned hereby certifies that, from the cash advance of US$ _____

obtained from XYZ Institute, she/he exchanged US$ _____ in

_____ (place) on _____ (date)

at the rate of _____ = US$1 00, which yielded _____

in _____ (currency)

Signed _____ Date _____

Approved _____ Date _____

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APPENDIX 19

SAMPLE CONFERENCE EXPENDITURES FORM

CONFERENCE TITLED
IN·
DATES·

DATE	DESCRIPTION	RECEIPT #	BUDGETED	EXPENDED	EXCHANGE	US$	BALANCE
			US$	LOCAL CUR.	RATE	EQUIVALENT	
	TRAVEL EXPENSES						
	LODGING						
	MEALS						
	OTHER COSTS						
	Phone/fax						
	Books						
	Equipment						
	Services						
	Copying						
	Supplies						
	Others						
	TOTAL						

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Prepared by							
Approved by.							

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APPENDIX 20
SAMPLE NON-LOCAL TELEPHONE RECORD

DATE	NAME OF PERSON CALLING	NAME & ORGANIZATION CALLED	NUMBER CALLED	COST

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APPENDIX 21

SAMPLE PAYROLL FORM

EMPLOYEE NUMBER	EMPLOYEE NAME	POSITION	BASE RATE	REG HOURS WORKED	HOURLY RATE	AMOUNT RECEIVED	SIGNATURE
Prepared by:							
Approved by							

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APPENDIX 22

SAMPLE TIMESHEETS

EMPLOYEE NAME
EMPLOYEE TITLE
PROJECT #
FOR MONTH ENDING

HOURS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
WORKED																														
VACATION																														
SICK																														
HOLIDAY																														
OTHER																														
TOTAL																														

PREPARED BY
APPROVED BY
EMPLOYEE'S SIGNATURE

AMERICAN LEGAL CONSORTIUM
GRANTEE HANDBOOK
APPENDIX 22 (PART 2)

SAMPLE TIMESHEETS

PROJECT #

FOR MONTH ENDING

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	EMPLOYEE SIGNATURE
EMPLOYEE NAME																															
EMPLOYEE NAME																															
EMPLOYEE NAME																															
EMPLOYEE NAME																															
EMPLOYEE NAME																															
EMPLOYEE NAME																															
EMPLOYEE NAME																															

PREPARED BY
APPROVED BY

ANNEX B

GRANT AGREEMENT

AMERICAN LEGAL CONSORTIUM
187, Furmanov Str., 3 Floor, Almaty, Kazahkstan, 480013

Американын, зан
консорциумы
480013, Алматы,
Фурманов кешесі
187, 3 катар
Тел. 50 76 63
Т./Факс. 50 76 62

Американский юридический
консорциум
480013, Алматы,
ул. Фурманова,
187, 3 этаж
Тел. 50 76 63
Т./Факс. 50 76 62

American Legal Consortium Rule of Law Project

GRANT AGREEMENT

Chemonics International, Inc., Washington DC
American Legal Consortium, Almaty, Kazakhstan

Funded By
The United States Agency For International Development
Contract number CCN-0004-C-00-4004-00

The American Legal Consortium is a USAID-funded project implemented by Chemonics International Inc

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AMERICAN LEGAL CONSORTIUM Letterhead

Date

Mr. John Doe
President
XYZ Organization
Anywhere, Country, World

Subject: Grant No. _____

Dear Mr. Doe:

The American Legal Consortium's Rule of Law - Central Asia Republics Grants Program (hereinafter referred to as 'ALC") administered by the US Agency for International Development (hereinafter referred to as "USAID") hereby grants to the XYZ Organization (hereinafter referred to as "XYZ" or "grantee"), the sum of $_____ to provide support for a program to _____, as described in Attachment 1 of this grant, entitled "Schedule," and Attachment 2, entitled "Program Description "

This grant is effective and obligation is made as of the date of this letter and shall apply to commitments made by the grantee in furtherance of program objectives during the period beginning with the effective date and ending _____.

This grant is made to the XYZ, on condition that the funds will be administered in accordance with the terms and conditions as set forth. This grant consists of the following parts· Attachment 1, entitled "Schedule," Attachment 2, entitled "Program Description," Attachment 3 entitled "Standard Provisions," Attachment 4, entitled "Required Forms," Attachment 5, entitled "Grantee's Proposal," and Attachment 6, entitled "ALC Grantee Handbook."

If after having carefully studied all of the information in this grant, including the six (6) attachments, you in your capacity as your organization's authorized representative fully and unconditionally agree with all of the contents, you may enter into this grant agreement with the American Legal Consortium by initialing each page where indicated, signing below, and affixing your organization's official stamp. Please return the original and one copy of the grant to the Grants Officer

Sincerely yours,

_____
Grants Officer

Attachments:

1. Schedule
2. Program Description
3. Standard Provisions
4 Required Forms
5. Grantee's Proposal
6. ALC Grantee Handbook

XYZ Organization

BY. _____

Title _____

Date. _____

_____
Initialed by XYZ

ATTACHMENT 1
SCHEDULE

Purpose of Grant

The purpose of this grant is to provide support for [state title of program or project], as more specifically described in Attachment 2 to this grant, "Program Description "

Period of Grant

The effective date of this grant is _____, and the estimated completion date of this grant is _____, unless amended by written agreement Expenditures incurred prior to the beginning date or subsequent to the termination date are not allowable Grant periods will not be extended solely to enable the grantee to use unexpended grant funds

Amount of Grant and Payment

ALC hereby obligates the amount of $ _____ for purposes of this grant ALC's obligation to this project shall not exceed $ *(customize)*, unless amended by written agreement. Grant funds may only be used for expenses included in this budget, which is agreed to by the grantor and the grantee, unless amended by written agreement. Payment shall be made to the grantee in accordance with procedures set forth in Attachment 3, Standard Provisions, in the section entitled "Payments "

Grant funds may only be used for expenses included in this budget, which is agreed to by the grantor and the grantee, unless amended by written agreement. *(The items included in the Financial Plan should relate to the activities or functions described in Attachment 2 - Program Description)*

When desirable and appropriate, the ALC authorized representative may arrange for direct payments to suppliers of goods and/or services procured with grant funds, and will subsequently subtract these payments from the total amount of the grant In such instances, the grantee will be informed in writing of all such direct payments

Following is the approved grant budget. Revisions to this budget shall be made in accordance with Attachment 3 of this grant, Standard Provision, in the section entitled "Modifications "

Anticipated costs

1. Salaries $ _____
2 Benefits, allowances, and taxes $ _____
3. Space & Utilities $ _____
4 Supplies $ _____
5 Equipment $ _____
6. Communication & postage $ _____

_____
Initialed by XYZ

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7	Travel and per diem	$ _____
8	Consultants' fees and expenses	$ _____
9.	Contractual services and professional fees	$ _____
10.	Other direct costs	$ _____
11.	Indirect Costs	$ _____
12.	Total estimated cost	$ _____

Anticipated income

1	Amount obligated by ALC	$ _____
2	Estimated cash donations	$ _____
3	In-kind contributions	$ _____
4	Grants	$ _____
5	Other funds to be included	$ _____
6	Total anticipated income	$ _____

Reporting and Evaluation

Reports on the financial and programmatic progress of the project are required on a quarterly basis *(or customize)*. A final report, including an evaluative narrative report and a final financial report covering the activities and achievements of the entire grant period must be submitted to ALC within 30 days after the ending date of the grant **Failure to submit both financial and narrative reports on a timely basis will result in withholding of grant payments.** The schedule for submission of reports is:

Progress Reports

For the period	Date due
January 1 to March 31, 1995	April 30, 1995
etc. (customize)	

Final Report

For the period	Date due
January 1 to December 31, 1995	January 31, 1996
(customize)	

Reports must be completed using the format included in Attachment 4, Required Forms, and must be signed by an officer of the organization to certify that ALC grant funds have been used exclusively for the purposes of this project and that the reports accurately reflect the current status of the project

Reports may be in Russian or English only

_____
Initialed by XYZ

Two copies of any materials resulting from grant activities should be forwarded to the ALC authorized representative as soon as they are available.

The final report must include the grantee's self evaluation, which is a consideration of the degree to which grant activities achieved the project objectives Key indicators defined for this program are:

(customize. Note: This is a very important part of the grant document, that will greatly facilitate management and close-out. Per HB13 this section should include "evaluation criteria and schedules.")

In addition, the final report must include an evaluative section on the lessons learned, and recommendations for future project development or actions.

Initialed by XYZ

ATTACHMENT 2
PROGRAM DESCRIPTION

The grantee shall carry out the development and implementation of the project entitled "*(customize)*" as detailed below and in the grantee's proposal to ALC of *(customize)*, including correspondence of *(customize, if subsequent correspondence altered the terms stated in the proposal)*, which proposal and correspondence is incorporated into this agreement by reference, and is included as Attachment 5, Grantee's Proposal.

It is agreed that grant funding will be used exclusively for achievement of the project objective as set forth below. Furthermore, if at any time the grantee should determine that achievement of the objectives is no longer reasonably feasible for any reason, the grantee's representative must notify the ALC Grants Manager in writing in a timely manner.

The objective of this project is to *(customize)*.

The project will consist of the following activities:

(customize)

Initialed by XYZ

ATTACHMENT 3
STANDARD PROVISIONS

The following standard provisions are included within this grant.

1 Authority of Representatives
2. Payment
3. Bank Accounts
4. Financial and Administrative Management
5. Travel and Transportation Restrictions
6. Procurement of Goods and Services
7. Authorized Geographic Code *(if grant has a procurement element over $250,000; otherwise, reserve)*
8. Indirect Cost Rates *(or reserve)*
9. Title to Property
10. Cost Sharing (Matching)
11. Record Retention
12 Site Visitation
13. Audits
14 Refund Procedures and Requirements
15. Acknowledgment and Disclaimer
16. Rights in Data
17. Liability
18 Modifications
19. Statutory and Regulatory Requirements
20 Termination and Disputes

1. Authority of representatives

The authorized representatives of ALC in connection with the administration of this grant are James Gershin, Grants Manager and Russell B. Sunshine, Chief of Party The authorized representative of XYZ in connection with this grant is *(customize)*. This individual is considered to be essential to the effort being performed under this grant Substitutions or any substantial reduction in *(customize)* 's level of effort may not be made without the prior written approval of ALC.

2. Payment

Periodic advances will be limited to the minimum amounts needed to meet current disbursement needs and will be scheduled so that the funds are available to the grantee as close as is administratively feasible to the actual disbursements for program costs.

The grantee shall submit requests for advances at least monthly on the Request for Advance Form attached in Attachment 4, Required Forms.

Initialed by XYZ

A financial status report shall be prepared on an accrual basis by the grantee using the form included in Attachment 4, Required Forms, and submitted quarterly no later than 30 days after the end of the period in an original and two copies to the payment office specified in Attachment 1, Schedule. If the grantee's accounting records are not normally kept on the accrual basis, the grantee shall not be required to convert its accounting system, but shall develop such accrual information for the financial status reports through best estimates based on analysis of the documentation on hand.

Beyond the initial disbursement, release of subsequent payment advances will be contingent on approval of the narrative and financial performance reports

If at any time, the ALC Grants Officer determines that the grantee has demonstrated an unwillingness or inability to (1) establish procedures that will minimize the time elapsing between cash advances and the disbursement thereof, and (2) timely report cash disbursements and balances as required by the terms of the grant, the ALC Grants Officer may suspend or revoke the advance payment procedure.

3. **Bank Accounts**

If you are legally able to do so, you are required to open a separate bank account If you are not able to do so at the beginning of your grant, but later become free to do so, you must notify ALC of your change in status, and immediately comply with this requirement If the bank account you open is interest-bearing, you must remit to ALC any interest earned on funds advanced to it under this grant agreement in excess of $100 a year, which funds may be retained for administrative expenses.

Select one of the following options:

_____ a) It is agreed that all grant fund advances will be transferred or deposited in the grantee account no. _____ at the _____ Bank, located at _____, _____, _____. The names, titles, and signatures of those having signature authority over this account are included on the Signature Authorization Form under Attachment 4, Required Forms.

_____ b) It is agreed that all grant funds will be disbursed to the grantee in cash, in *(customize)* currency, for which the grantee will sign a cash receipt The names, titles, and signatures of those having signature authority over this account are included on the Signature Authorization Form under Attachment 4, Required Forms.

4. **Financial and Administrative Management**

The grantee will provide accurate, current, and complete disclosure of all financial transactions related to the project funded under this grant agreement Guidelines for such disclosure and sample forms are included in Attachment 6, Grantee Handbook.

_____
Initialed by XYZ

The grantee must demonstrate effective control over, and accountability for, funds, property, and other project assets Such assets must be adequately safeguarded to ensure that they are used solely for authorized purposes.

If it is determined by the ALC authorized representatives that the grantee's financial and administrative management systems are not in full compliance with USAID and ALC standards, ALC will arrange for training and oversight of the grantee staff activities, in order to bring such systems into compliance. Should this be necessary, funds to pay the costs of such training or oversight will be provided by ALC. The grantee agrees to cooperate fully with this training, and to adopt and implement the systems and recommendations presented.

The grantee shall maintain separate statements of financial condition consistent with the accounting principles governing fund accounting to show the date, person, and purpose of moneys expended in the administration of the program. Accounting records shall identify, segregate, accumulate, and record all costs incurred under the grant and fully disclose:

a) the amount and disposition by the grantee of the proceeds of such assistance,
b) the total cost of the project in connection with which such assistance is given or used;
c) the amount of that portion of the cost of the project supplied by other sources,
d) the receipt and disbursement of grant funds;
e) expenditures according to budget line item of the approved grant budget;
f) receipts, invoices, travel reports, personnel actions, and other documents for all project expenses; and
g) such other records as will facilitate an effective audit

Sample journal forms are included in Attachment 6, Grantee Handbook, for the convenience of the grantee. In addition, specific assistance on establishing and maintaining accounting records is available at the ALC Grantee Workshop; and at other times on request from ALC

5. **Travel and Transportation Restrictions**

Only travel to the NIS countries, and that has been pre-approved by ALC, or that has been included in the approved budget, will be considered an allowable project expenditure Travel must conform with the specific guidelines and regulations included in Attachment 6, Grantee Handbook

6. **Procurement of Goods and Services**

Only purchase of goods and services pre-approved by ALC, or included in the approved budget, will be considered an allowable project expenditure. Procurement must conform with the specific guidelines and regulations included in Attachment 6, Grantee Handbook.

Any use of funds for equipment, supplies, or services that are not listed in the budget and which have a unit value of $250 (or equivalent in local currency) or more, must be purchased in accordance with the written procurement plan approved by ALC If such approval is not obtained prior to purchase, the amount paid for the equipment, supplies, or services is subject to disallowance at the discretion of ALC authorized representatives

Initialed by XYZ

A list of prohibited costs, and costs requiring prior approval by ALC, are included in Attachment 6, Grantee Handbook. Other than as specifically named in the project budget, the costs listed in the Grantee Handbook as requiring prior approval are not allowable under the terms of this agreement without prior written approval from ALC The costs listed in the Grantee Handbook as prohibited under no circumstances are to be considered allowable project expenditures.

7. *(For grants having a procurement element greater than $250,000, add the following:)*
Authorized Geographic Code

The authorized geographic code for procurement of goods and services under this grant is 000 (US) and 110 (NIS).

8. **Indirect Cost Rate**

(If applicable, set forth the applicable indirect cost rate(s), base(s) on which they apply, and the grantee's accounting period(s) they cover, as provided in the appropriate Standard Provision. If an Indirect Cost Rate Agreement has been executed by AID or a cognizant Federal agency, such rate(s) are required to be incorporated herein if such costs are covered by the grant.) The most current overhead information should be obtained from the Overhead and Special Costs and Contract Close-Out Branch (FA/OP/PS/OCC).

9 **Title to Property**

Title to equipment purchased in an approved manner under this grant will vest with XYZ. The equipment acquired with ALC funds under this grant may only be used for the purposes of the original project under which it was purchased. In the event that equipment purchased under this grant no longer continues to be used for the same purpose as those of the grant, even if that happens after the termination of the grant, the grantee must immediately notify ALC and request instructions regarding disposition of the equipment

ALC reserves the right for 12 months after receipt of final reports on this grant to require the grantee to transfer title to equipment purchased thereunder to ALC or to a third party named by ALC.

10 **Cost Sharing (Matching)**

The grantee agrees to provide from its own or other resources all funds in addition to the ALC grant funds which are required to carry out the project in a timely manner Value of in-kind contributions will be estimated on the basis of fair market value of the space, material, or services contributed.

11. **Record Retention**

The grantee shall preserve and make available such records for examination by ALC, USAID, and the US General Accounting Office or their representatives Record retention applies under any or all of the following conditions

a) for a period of three years following submission of the final report of grant expenditures,

Initialed by XYZ

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b) for an extended period, as required, to complete an audit to resolve all questions concerning expenditures;
c) if any litigation, claims, or audit is started before the expiration of the three year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

12. **Site Visitation**

The grantee hereby agrees to host, assist and otherwise facilitate any grant activity site visitations requested by the ALC authorized representatives. Every effort will be made to accommodate the grantee in scheduling such visitations. Whenever possible, ALC will provide the grantee with five days' written notice of an upcoming site visitation.

The grantee agrees that the ALC authorized representative or his/her designated auditor will have unrestricted access to all financial records, reports, and supporting documentation related to grant funds. USAID will also have direct and unrestricted access to the grantee's financial records, reports, and supporting documentation related to grant funds.

13. **Audits**

ALC reserves the right to conduct, or have conducted, audits of the grantee's records The books and accounts of the grantee pertaining to the funds granted under the terms of this agreement shall be open for inspection by an independent certified public accountant or any other duly authorized representative of ALC with five days written notice, and said books of account shall be legible, kept current, and available for copying.

In addition, the US Agency for International Development, and the Comptroller General o the United States, or their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents papers, and records of the grantee that are pertinent to assistance provided by ALC.

Such audits shall be conducted at the place or places where the accounts of the grantee are normally kept. All books, accounts, financial records, reports, files and other papers, things, or property belonging to or in use by the grantee and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying the transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons named by ALC.

Further information on audits is included in Attachment 6, Grantee Handbook.

14. **Refund Procedures and Requirements**

Funds obligated but not disbursed or advanced by ALC at the expiration or termination of the grant period shall revert to the ALC ROL Grants Program, unless such funds have been encumbered by the grantee via a legally binding transaction applicable to the grant Any funds advanced to, but not expended or encumbered by the grantee shall be refunded to ALC at the expiration or termination of the grant.

Initialed by XYZ

The grantee must repay to ALC any portion of the funds provided herein which is not used for the purposes of this agreement. Any grant funds which are not supported by valid documentation in accordance with this grant, or which were expended for purposes other than those of this grant, must be returned within 60 days following a request for repayment from ALC.

15 **Acknowledgment and Disclaimer**

Any materials publicizing or resulting from grant activities shall contain acknowledgment of US Government funding provided under the US Agency for International Development's Rule of Law Program. These materials must also include the following statement: "The opinions, findings, and conclusions or recommendations expressed herein are those of the author(s), and do not necessarily reflect the views of the US Agency for International Development."

16. **Rights in Data**

The grantee may copyright any books, publications, films, or other copyrightable material developed as a result of grant activities The ALC, however, reserves a royalty-free, non-exclusive, and irrevocable right to disseminate copyrightable material among US Government agencies and other official public institutions.

17 **Liability**

Neither ALC nor the ROL Project assumes any liability for any third-party claims for damages arising from the implementation of the grant activity The grantee assumes full responsibility for compliance with the laws and regulations of the country in which grant activity is to be undertaken

18. **Modifications**

This grant agreement may only be modified by issuance of a formal written grant agreement modification, jointly endorsed by the ALC authorized representative and the grantee's authorized representative A full discussion of modifications is included in Attachment 6, Grantee Handbook.

19 **Statutory and Regulatory Requirements**
(The following are included pending confirmation on non-US NGOs inclusion.)

Suspension and Debarment -- In accepting this grant, the grantee certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this agreement by any US Government department or agency

The grantee hereby certifies that neither it nor its principals has, within the past three (3) years, been found guilty of fraud or an offense of criminal or civil nature in either national, regional, or local jurisdiction.

Restrictions on Lobbying -- *(The statutory and regulatory requirements are listed in Chapter 3 of HB13 Based on the fact that the nondiscrimination clause specifically indicates when US and non-US organizations are covered, and the lobbying clause does not make that distinction, I assumee that the lobbying clause applies to both US and non-US organizations.)*

Initialed by XYZ

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In accepting this grant, the grantee certifies, to the best of his knowledge, that

(1) No grant funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency of the US government; a member, officer or employee of the US Congress, or an employee of a member of the US Congress in connection with this grant or any modification thereof.

(2) If any funds other than funds awarded by this grant have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency of the US government; a member, officer, or employee of the US Congress; or an employee of a member of the US Congress in connection with this grant, the grantee's authorized representative shall notify ALC, and provide more detailed information as requested.

(3) The language of this certification shall be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts)

Drug Free Workplace -- *(I am unsure whether or not this should be included for non-US grantees. As for the lobbying clause, there is no indication that it does not apply to non-US grantees.)* The grantee certifies that it will provide a drug-free workplace by publishing a statement notifying employees of the prohibition against unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees; and establishing a drug-free awareness program to inform employees of the dangers of drug abuse, and the grantee's policy regarding a drug-free workplace.

Non-discrimination -- *(All US organizations are subject to the non-discrimination regulations. Non-US organizations are subject to the regulations if any part of the program will be undertaken in the US.)* The grantee hereby agrees that it will not, in connection with its administration of the grant by its employees, or in the selection of any person receiving funds of this grant, discriminate on the basis of age, race, religion, national origin, gender, or handicap.

Local, State, and Federal Reporting -- -The grantee hereby agrees to report in a timely fashion to such local, state, and federal agencies as required by law, as to the amounts provided herein, and provide such descriptions of activities as are necessary. Copies of any such reports will be furnished to ALC

20. Termination and Disputes

Termination for cause: The grant may be terminated by ALC if it determines that

a) It unlikely that the "objective" of the grant will be achieved,
b) It is determined that there is significant noncompliance with the terms and conditions of this grant agreement by the grantee,
c) The grant was approved by ALC are found to have been based on material misrepresentation or omission of fact by the grantee, or
d) Circumstances upon which the grant was premised have materially changed.

Termination for convenience: The grant may be terminated by ALC in the event the US Government or the Government of *(customize)* stops, delays, or transfers the services of ALC, for any reason ALC and its parent organization, Chemonics International, Inc , serves at the

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convenience of the US Government, and may be impeded from executing this grant agreement. The grantee agrees to hold the ALC and Chemonics International, Inc. blameless for termination or suspension based on the terms of the contract between the US Government and Chemonics International, Inc.

Termination for mutual convenience: The grantee may withdraw from this agreement by mutual consent confirmed in writing, in which case the ALC and the grantee shall agree upon termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated.

Dispute Resolution: If the event that any dispute arises concerning any aspect of this grant agreement that is not specifically addressed in this document, it is hereby agreed that a committee comprising a representative of USAID, the ALC Project Director (or his/her designee) and the grantee will serve as the final and binding arbitrator of such dispute. The USAID representative will chair the committee, and will have final authority in resolving any disputes.

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ATTACHMENT 4
REQUIRED FORMS

TITLE OF FORM	TO BE SUBMITTED AS NOTED
Signature Authorization Form	Submit with signed grant
Narrative Report Form	To be submitted quarterly *(customize)*
Financial Report Form	To be submitted quarterly *(customize)*
Request for Advance Form	To be submitted quarterly *(customize)*
Non-US Carrier Form	To be completed and submitted as part of trip report, when other than US carrier is used
Verification of Separate Bank Account	To be submitted after establishment of a separate bank account

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SIGNATURE AUTHORIZATION FORM

Grantee Name: _____

Grant number: _____

Grant title: _____

Name and title of individual preparing form: _____

Name and signature of authorized representative reviewing form: _____

_____

The following regular salaried employees with fiscal responsibility of the above-cited organization are authorized to submit required narrative and financial reports to ALC, and to request grant funds from ALC.

_____

Signature Typed name Title

_____

Signature Typed name Title

_____

Signature Typed name Title

_____
Initialed by XYZ

NARRATIVE REPORT FORM

Report #1 #2 #3 #4 #5 #6 (circle one) Date submitted _____

Grantee Name: _____

Grant reference number: _____

Grant title: _____

Period covered by the report: From: _____ To: _____

Date this report is due: _____

Name and title of individual preparing report: _____

Name and signature of authorized representative reviewing report: _____

_____

Progress (interim) and final reports must contain, as a minimum, the following.

- A comparison of actual accomplishments with the goals and objectives established for the period. Particular achievements and obstacles to the success of the project should be reported in specific terms
- An evaluation or analysis of the degree to which the grant activities are achieving the project objectives Reasons why established goals were not met, if appropriate
- Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.
- Two copies of any publication, including books, brochures, newsletters, bulletins, or video cassettes; and single copies of all other products such as newspaper clippings, project announcements, and audited financial statements.
- Please refrain from using elaborate art work, multicolor printing, and expensive paper or binding, unless it is specifically authorized in the grant budget Whenever possible, pages should be printed on both sides using single spaced type.
- On the first page of your report, please include a summary of the report (approximately 2 paragraphs for each 5 pages of report)

_____
Initialed by XYZ

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AMERICAN LEGAL CONSORTIUM Letterhead

REQUEST FOR ADVANCE FORM

This request must be accompanied by narrative and financial reports for all but the initial request for advance.

Date submitted _____ (Circle one) Initial Advance Advance #1 #2 #3 #4 #5 #6

Grantee Name: _____

Grant number: _____

Grant title: _____

Period covered by this request: From: _____ To: _____

Name and title of individual preparing request: _____

Name and signature of authorized representative reviewing request: _____

1. Total expenditures estimated for this project during this period _____

2. Anticipated sources of income for this project during this period:
   a. Total ALC funds requested for this period: _____

   b. Balance of unspent ALC funds on hand: _____
   (This amount must be equal to the balance of ALC funds as reported in the attached financial report form)

   c. Total funds from non-ALC sources anticipated during this period _____

   d. Total of lines a, b, and c _____
   (Should be equal to line 1 above)

3. Payments
   a Total grant awarded: _____

   b Total previously received. _____

   c Current payment requested: _____

   d. Remaining balance of ALC funds to be received _____

CERTIFICATION I certify that to the best of my knowledge and belief the data reported above is correct and that all outlays were made in accordance with grant conditions

_____ _____
Signature of authorized representative Title

_____ _____
Typed or printed name Date

FINANCIAL REPORT FORM

Date submitted: _____

(Circle one) Report #1 #2 #3 #4 #5 #6

Grantee name: _____

Grant number: _____

Grant title: _____

Period covered by this report: _____

Date this report is due: _____

Name and title of individual preparing report: _____
_____

Name and signature of authorized agent reviewing report: _____
_____

	ALC FUNDS BUDGETED	ALC FUNDS EXPENDED PRIOR TO THIS PERIOD	ALC FUNDS EXPENDED THIS PERIOD	ALC FUNDS EXPENDED TO DATE	ALC FUNDS BALANCE	NON-ALC FUNDS EXPENDED TO DATE
Anticipated costs						
1. Salaries	ALC completes					
2. Benefits, allowances, and taxes	ALC completes					
3. Space & Utilities	ALC completes					
4. Supplies	ALC completes					
5. Equipment	ALC completes					
6. Communication & postage	ALC completes					
7. Travel and per diem	ALC completes					
8. Consultants' fees and expenses	ALC completes					

9. Contractual services and professional fees	ALC completes
10. Other direct costs	ALC completes
11. Indirect Costs	ALC completes
12. Total estimated cost	ALC completes

Anticipated income	ALC completes
1. Amount obligated by ALC	ALC completes
2. Estimated cash donations	ALC completes
3. In-kind contributions	ALC completes
4. Grants	ALC completes
5. Other funds to be included	ALC completes
6 Total anticipated income	ALC completes

Initialed by XYZ

NON-US CARRIER FORM

For the following reason, I will fly on a non-US Carrier on my ALC-supported trip to

_____

_____ No US carrier service provides regularly scheduled flights to the intended destination.

_____ The traveler, while en route, is detained six hours or more to transfer to a US carrier in order to proceed to the intended destination.

_____ Any flight by a US carrier is interrupted by a stop anticipated to be six hours or more for refueling, reloading, repairs, etc., and no other flight by a US carrier is available within the six hour period.

_____ Travel from the airport of origin to the destination airport is twelve hours or more longer on a US carrier than on a foreign carrier.

_____ When traveling between two points outside of the US, travel by foreign air carrier would eliminate two or more aircraft changes en route.

_____ When travel is not part of a trip to or from the US, if the trip on a US air carrier would extend the time in travel status by at least six hours more than travel by foreign air carrier (including delay at origin, delay en route and accelerated arrival at destination)

_____

Signature and printed name of traveler Date

_____
Initialed by XYZ

VERIFICATION OF SEPARATE BANK ACCOUNT

Grantee Name· _____

Grant number: _____

Grant title. _____

Name and title of individual preparing form: _____

Name and signature of authorized representative reviewing form: _____

_____

All the information requested below must be provided about the separate bank account to be used for funds provided under this ALC grant Grant funds will not be advanced until separate bank account verification forms have been completed and returned to ALC

Registered name. _____
(The bank account must be registered in the name of the grantee organization.)

Bank account number· _____

Name and branch of bank· _____

Bank address: _____

Is this an account that will earn interest? Yes No

Persons authorized to sign checks on this bank account·

_____
Signature Typed name Title

_____
Signature Typed name Title

Certification.

I hereby certify that (1) the above bank account will be used only for the receipt and maintenance of ALC grant funds, (2) that the above bank account will contain no funds from sources other than ALC, and (3) all expenditures made with funds provided under the above-cited ALC grant will be made directly to payees by check drawn on the above account

_____
Signature Typed name Title

_____
Initialed by XYZ

ATTACHMENT 5
GRANTEE'S PROPOSAL

(Attach proposal and all correspondence which modifies or alters the proposal.)

Initialed by XYZ

ANNEX C

GRANT APPLICANT INFORMATION

AMERICAN LEGAL CONSORTIUM
187, Furmanov Str., 3 Floor, Almaty, Kazahkstan, 480013

Американын, зан
консорциумы
480013, Алматы,
Фурманов кешесі
187, 3 катар
Тел. 50 76 63
Т./Факс. 50 76 62

Американский юридический
консорциум
480013, Алматы,
ул. Фурманова,
187, 3 этаж
Тел. 50 76 63
Т./Факс. 50 76 62

INFORMATION FOR GRANT APPLICANTS

With funding through the United States Agency for International Development's (USAID) Rule of Law program, the American Legal Consortium (ALC) endeavors to support legal reform and the development of a civil society in the Central Asia Republics through its non-governmental organizations (NGO) grants program. The grants program is open to local NGO's in the Central Asian Republics (CAR), as well as to U.S. NGOs that have an established relationship to a local CAR NGO. Individual grants will be for sums of at least $5,000, but no more than $24,999.

Eligibility Requirements for the Grants Program

The eligibility requirements for funding under this grant program are as follows:

1) Grantee must be a non-profit organization based in one (or more) of the Central Asian Republics. Or, for U.S. NGOs, the U.S. organization must have an established partnership with a local CAR NGO with which the grant application is jointly submitted.
2) Grants are to fund projects that have one or both of the following objectives in the Central Asian Republics:
    - reform of the legal system and/or legal environment, and/or
    - the development of a civil society.
3) Grantees must demonstrate the necessary competency to responsibly manage their proposed project and grant monies

The Grant Process

There are three stages to the grant process:

1) Consideration of Concept Forms,
2) Consideration of applications, and
3) Consideration of budgets.

Not all applications will receive funding and only well thought-out and feasible applications will be seriously considered. Only groups successfully passing all three stages will receive funding. If you wish to have your project reviewed by ALC, please fill out and return the following Concept Form to ALC. After review of your Concept Form, we will inform you whether or not ALC will review a formal application from your organization.

The American Legal Consortium is a USAID-funded project implemented by Chemonics International Inc

AMERICAN LEGAL CONSORTIUM
CONCEPT FORM

Today's date _____

Please provide the following information regarding your organization (U.S. NGOs)

Organization's name:_____

Contact person's name: _____
Contact person's position: _____
Contact person's address: _____
_____

telephone:(_____)w_____h_____
fax and/or e-mail:_____

When was your organization formed?_____

Is your organization registered? _____ NO
_____ YES Where? _____

Please provide the following information regarding your local CAR partner.

Organization's name:_____

Contact person's name. _____
Contact person's position· _____
Contact person's address: _____
_____

telephone (_____)w_____h_____
fax and/or e-mail·_____

When was the organization formed?_____

Is the organization registered? _____ NO
_____ YES Where? _____

Please provide the following information regarding your grant proposal.

Project name ·_____

Approximate total cost of project· _____
Amount sought from ALC. _____

Are you seeking additional funding for this project from other organizations? Explain:

Very briefly (not more than one type-written page) and clearly describe your organization and the importance and objectives of your proposed project

AMERICAN LEGAL CONSORTIUM
187, Furmanov Str., 3 Floor, Almaty, Kazahkstan, 480013

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Фурманов кешесі
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187, 3 этаж
Тел. 50 76 63
Т/Факс 50 76 62

ALC GRANT PROPOSAL & FULL APPLICATION PROCESS

In this, the second stage of the grant review process, you must complete the attached grant application and budget forms in full. If ALC's grant review board favorably considers your application, ALC will notify you that we are interested in funding your organization Such notification does not mean that your group will definitely receive funding. At this stage you may be asked to modify your application or revise your budget to conform to USAID's stringent requirements, and you will be provided with materials to guide you in this process. If we decide that your revised budget meets ALC's standards for detail and integrity, you will be informed that ALC intends to provide funding for your project, and negotiations will begin for the execution of grant instruments and transfer of funds.

ALC Grants

When an organization is awarded a grant by ALC, it does not receive a gift but it assumes a great responsibility. Effective and proper administration of grant funds is a difficult but necessary responsibility for an organization. Your organization must accurately account for all monies received according to stringent guidelines established by USAID. If your organization fails to competently handle this responsibility, ALC could terminate the grant award and your organization could be denied further funding from ALC. If your organization's reputation is harmed, your organization could endanger its chances of receiving assistance from other donor organizations.

(Grants to U S. and local NGO partners will be given to the U.S. NGO on behalf of both organizations, and the U.S. group will assume all administrative and financial management responsibility for the grant.)

ALC wishes to provide organizations with the resources and opportunity to learn how to effectively manage grant funds. Unless you have a bookkeeper specially trained and experienced in the handling of USAID funds, we will organize a mandatory training program for your bookkeeper that will be paid for from your grant budget, and we will provide you with a manual of procedures for grant management.

Notes on Completing the Grant Application Form

Like many other donor organizations, ALC does not have unlimited time to review grant applications Therefore, we are unable to consider extremely lengthy applications. We request that you take the time and effort necessary to prepare a concise, well-written application. Clear

thinking and effective writing can convey much information in a short space While we are interested in relevant materials and gaining a good idea of your organization, your delivery of a large quantity of information to us will not convey a sense of your organization's strength, but instead complicate the grant review process. To assist you, ALC has prepared a sample application that is available to you upon request.

Notes on Preparation of the Budget

The budget is one of the most important and difficult parts of the grant application. It is important that your budget be well thought-out, accurate, and detailed. Please submit your budget in an orderly fashion in accordance with the form established by ALC. Also, ALC has prepared a sample budget that is available to you upon request. Budgets should be in US dollars and requests should be made for amounts between $5,000 and $25,000. If your project requires less or greater funding, please contact ALC's grants manager to discuss your project.

ALC will not allow grant funds to be used to pay taxes other than income taxes on local staff salaries.

Please note that ALC urges that at least 25% of the total cost of the project be met by non-ALC funds and resources. There are two ways to meet this requirement: internally and externally. If your organization wishes to show cost-sharing internally, you will need to calculate the monetary value of volunteer labor and other resources provided by your organization. For example, if the apartment of a group member will be used as an office for your project, you should calculate the worth of that asset The worth of that asset is the cost that would be borne by your organization if it did not have that apartment available and instead needed to rent office space. Similarly, if people work without wages in your organization, donate their cars, or offer other resources, you should quantify that strength of your organization by calculating the monetary value of this contribution.

Your organization may also wish to demonstrate external cost-sharing (co-funding, or receiving additional support from another donor organization). For example, if the Foundation for Flat Breads (a fictitious foundation) awards $4,000 for your project to raise public awareness about wheat products in Turkestan, your request for $6,000 to ALC for the $10,000 wheat project reflects 40% co-funding. Both cost-sharing and co-funding in your application will strengthen your request.

AMERICAN LEGAL CONSORTIUM
GRANT APPLICATION FORM

PART 1: Basic Information

Today's date:_____

Organization's name:_____

Project name:_____

Project start date:_____ end date:_____

Contact person's name and position:_____
address:_____
telephone:(____)w_____h_____
fax and/or e-mail:_____

If application is submitted on behalf of a local/U.S. PVO partnership, what is the name and address of the partner organization:

_____

_____

In one sentence, what are the primary activities of your organization?

When was your organization formed?_____

Is your organization registered? ____ YES ____ NO

If yes, with whom and with what kind of registration?

_____

Does your organization have a bank account? ____ YES ____ NO
A hard currency bank account? ____ YES ____ NO
Name and location of bank:_____

_____

How many official members of your organization?_____

How many members and other volunteers regularly work on organization activities?_____

Total cost of project: $_____

Amount of request to ALC: $_____

If you are offering cost-sharing, for what percent? _____%

Are you seeking or have you received additional funding for this project from other organizations? Explain:

Has your organization received other grants? If so, when, for how much, and from whom?

Additional information.

Please submit a copy of your charter and other materials which you feel ALC should have in order to accurately assess your organization. Please submit copies and not originals as ALC will make these materials part of its permanent files and will not return materials after consideration of your application.

PART 2: Narrative Application

In the space of only one or two typewritten pages, concisely but accurately in a well-written statement explain:

- the history of your organization, and the philosophical beliefs and social conditions which contributed to its formation and its present activities;
- your project in detail and why it is needed; clearly list the three main objectives of your project;
- what specific, tangible, measurable results you expect by the end of the project; what groups of people will directly benefit and how society in the CAR will be changed from the successful execution of your project;
- how the objectives of your project are in accord with the goals of ALC;
- your organization's unique ability to manage this project and what relevant resources (materials, talents, partners, etc) are available to your organization;
- the feasibility of your project, how the project will be managed, and how the success of your project, in accord with the project objectives, can be quantitatively measured.

PART 3: Proposed Budget

The expenses in your budget should be separated into the following categories:

1 **Salaries/ Wages**
2 **Equipment** (items costing over $250 and having a useful life of over two years)· computers, copiers, etc.
3 **Materials and Supplies:** pens, paper, calculators, etc.
4 **Travel:** plane, train, bus, per diem
5 **Other Direct Costs:** staff training, translations, communication costs, office rent and maintenance, utilities, local transportation, bank charges, etc.

For each category on the budget forms provided please itemize your expenses. If you do not have any expenses in a given category, please place a "0" next to the category. Not having

an expense in a given category in no way diminishes your chances of receiving a grant award from ALC In the event of a positive review of a grant application, ALC will request negotiation of the budget with the grantee. This negotiation may entail the exclusion or reduction of certain items listed in the budget and may entail the addition of certain expenses associated with the administration of the grant. You will receive detailed guidelines from us which you will need to read carefully and, if necessary, use to bring your budget request into accord with USAID standards for detail and integrity. Failure to successfully revise your budget request endangers your chances of receiving funding.

Project name:_____

Total cost of project: $_____

Amount of request to ALC: $_____

Breakdown of costs:	**Total need / Request to ALC**
Salaries	$_____/_____
Equipment	$_____/_____
Supplies	$_____/_____
Travel	$_____/_____
Other Direct Costs	$_____/_____

Briefly describe sources and amounts of co-funding and cost-sharing

AMERICAN LEGAL CONSORTIUM BUDGET REQUEST FORM

ITEM	Cost-Sharing	Co-Funding	ALC Request	Total
1. Salaries				
Sub-Total				
2. Equipment				
Sub-Total				
3. Materials/Supplies				
Sub-Total				

4. Travel				
Sub-Total				
5. Other Direct Costs				
a) office and space rent				
b) utilities and maintenance				
c) communications expenses				
d) training				
e) translations				
f) bank charges				
g) shipping costs				
h) other				
Sub-Total				
TOTAL				

ANNEX D

GRANT PROGRAM STATUS REPORT

AMERICAN LEGAL CONSORTIUM
GRANTS PROGRAM STATUS REPORT
July 10, 1996

I. CUMULATIVE AWARDS (Aggregate Totals) $ 1,103,189

II. GRANT PROFILES

1 Grantee Name· Helsinki Committee
Contact Person N Fokina, Chairwoman
Place of Operations· Kazakstan, Almaty
Grant Amount $24,600
Grant Duration: 24 March 95 -23 April 96
Grant Purpose/Main Activity
Increase awareness of international norms and standards concerning human rights and the extent to which Kazakstan is in conformance Collect/analyze information on current situation, disseminate data through seminars and conferences, publish bulletin

2. Grantee Name· Union of Councils
Contact Person· M Naftalin / E. Zhovtis / N. Ablova
Place of Operations Kazakstan and Kyrgyzstan (Almaty/Bishkek)
Grant Amount. $45,050
Grant Duration 17 March 95 -16 March 96
Grant Purpose/Main Activity·
Conduct two-day conferences in Almaty, focusing on human rights dimensions of judicial and penitentiary systems and legislative proposals for reform, and in Bishkek, focusing on the issues of democratic election laws, procedures, and reform in CAR

3 Grantee Name Union of Councils/Kaz Bureau
Contact Person M Naftalin / E Zhovtis
Place of Operations Kazakstan, Almaty
Grant Amount $83,475
Grant Duration 17 March 95 -1 July 96
Grant Purpose/Main Activity
Support core institutional capabilities of the Union of Councils and its Kazakstan Bureau on Human Rights and Rule of Law, promote human rights, rule of law, civil society, and ethnic pluralism Monitor, collect, and analyze information pertaining to human rights, disseminate through workshops, conferences, and published reports

4 Grantee Name Legal Development of Kazakstan
Contact Person V Voronov, President
Place of Operations Kazakstan, Almaty
Grant Amount $24,240
Grant Duration: 1 April -30 September 95
Grant Purpose/Main Activity
Create a legal reform information center and network, with capacity to analyze and distribute information on legal issues and developments republic-wide Organizational

development of grantee, especially with respect to its branches in Pavlodar, Djambul, Kokchetau, and Kustanai

5 Grantee Name: Center of Political Science
Contact Person F Tolipov, Director
Place of Operations Uzbekistan, Tashkent
Grant Amount: $21,110
Grant Duration: 21 April -31 December 95
Grant Purpose/Main Activity:
Translation into Uzbek and Russian languages and wide dissemination of materials pertaining to international norms and standards on human rights Poll/survey of public opinion and awareness on human rights issues, analysis and dissemination of results through published reports and periodic bulletin.

6. Grantee Name: Union of Councils/Kyr Bureau
Contact Person· M Naftalin / N. Ablova
Place of Operations Kyrgyzstan, Bishkek
Grant Amount $49,935
Grant Duration: 24 April 95 -23 April 96
Grant Purpose/Main Activity:
Support core institutional capabilities of Kyrgyzstan Bureau on Human Rights and Rule of Law, thereby enabling them to promote human rights, rule of law, civil society, and ethnic pluralism in Kyrgyzstan and to support and strengthen, through cooperative activities and mentoring, other indigenous human rights NGOs

7 Grantee Name Women's Organization Liana
Contact Person S Kenesbayeva, President
Place of Operations. Kazakstan, Almaty
Grant Amount: $8,397
Grant Duration 1 June -31 December 1995
Grant Purpose/Main Activity
To finance legal component of grantee's June conference on Emerging Women Entrepreneurs

8 Grantee Name Center InterBilim
Contact Person A Sasykbayeva, Director
Place of Operations. Kyrgyzstan, Bishkek
Grant Amount. $15,460
Grant Duration June 1995 -May 1996
Grant Purpose/Main Activity.
Support for organizational development of grantee, to enable it to provide legal and other services to NGOs in Kyrgyzstan

9 Grantee Name Club of International Lawyers
Contact Person: M Sarsembayev, President
Place of Operations· Kazakstan, Almaty
Grant Amount $19,575
Grant Duration. June 1995 -May 1996
Grant Purpose/Main Activity:
Commission and publish legal texts, analyses, and commentaries

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10 Grantee Name "Adilet" Higher Law School
Contact Person A Matukhin, Rector
Place of Operations Kazakhstan, Almaty
Grant Amount: $14,295
Grant Duration: May 1995 -August 1995
Grant Purpose/Main Activity:
Publication of legal texts, monographs, commentaries, and other educational materials for lawyers and law students.

11 Grantee Name Fund UKUK
Contact Person. M Smanalieva, Director
Place of Operations: Kyrgyzstan, Bishkek
Grant Amount: $22,636
Grant Duration 12 May 95 -11 May 96
Grant Purpose/Main Activity
Election law reform in Kyrgyzstan, with collateral emphasis on promotion of human rights Analysis of current law and comparison with international norms Public information campaign; conference/seminar.

12 Grantee Name Green Party
Contact Person: S Smirnov, Chairman
Place of Operations Kazakstan, Ust-kamenogorsk
Grant Amount· $29,811
Grant Duration· 12 May 95 -11 May 96
Grant Purpose/Main Activity
Organizational support for nascent NGOs and other citizen initiatives. instruction in basic business precepts, NGOs' role in democratic processes; analysis of environmental laws, counseling NGOs in project development, management, and proposal writing

13 Grantee Name Consumers' Advocate
Contact Person G Bykovets, Chairwoman
Place of Operations Kazakstan, Akmola
Grant Amount $34,703
Grant Duration 5 June 95 -4 June 96
Grant Purpose/Main Activity
Protection of consumers' rights, enforcement of law on consumers' rights
Establishment of independent QA (food testing) laboratory

14 Grantee Name Tajik Scouts Association
Contact Person· R Karimov, President
Place of Operations Tajikistan, Dushanbe
Grant Amount $16,070
Grant Duration 1 July 95 -30 June 96
Grant Purpose/Main Activity
Public education in the areas of democratic governance/role of law, human resources, and children's rights Public meetings and seminars, outreach to oblasts

15 Grantee Name Society for the Blind "Zherdemdes"
Contact Person A Sapelkin, Chairman
Place of Operations Kazakstan, Almaty

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Grant Amount $16,010
Grant Duration. 1 July 95 -30 June 96
Grant Purpose/Main Activity
Legal protection and enforcement of equal rights (employment, business, education, recreation) for the visually handicapped and other disabled minorities

16. Grantee Name: Kazakstan Deaf Society
Contact Person: K Eleusizova, Chairwoman
Place of Operations Kazakstan, Almaty
Grant Amount· $17,450
Grant Duration. 1 July -31 Dec 95
Grant Purpose/Main Activity.
Legal support for the disabled, lectures/seminars on human rights and rights of the disabled, publication of informational materials, educational projects for deaf students and children, draft recommendations for authorities re hearing-impaired minority

17 Grantee Name· Coordinating Child Center
Contact Person I Sharifi, Chief of Project
Place of Operations Tajikistan, Dushanbe
Grant Amount $23,880
Grant Duration. 1 July 95 -30 June 96
Grant Purpose/Main Activity·
Promotion and protection of the rights of the child civic education, amelioration of ethnic tensions Needs assessment and baseline studies

18 Grantee Name Femida Law Association-Aktau
Contact Person G Timofeenko, Chairwoman
Place of Operations: Kazakstan, Aktau
Grant Amount. $13,490
Grant Duration 1 July 95 -30 June 96
Grant Purpose/Main Activity
Contribute recommendations to draft legislation, materials development for continuing legal education seminars to upgrade lawyers' knowledge and skills in the area of property rights, two seminars on civil law for law faculty and students, lawyers, judges, and government officials

19 Grantee Name Consultative Information Center
Contact Person V Okishev, Director
Place of Operations Kazakstan, Pavlodar
Grant Amount $15,930
Grant Duration 15 July 95 -14 July 96
Grant Purpose/Main Activity
Enhanced citizen understanding of individual rights under the law and more effective protection/enforcement of these rights Public opinion research, monthly informational bulletin, seminars; legal information/consulting services for the public

20 Grantee Dashkhavuz Ecological Club
Contact Person A. Zatoka, Co-chairman
Place of Operations Turkmenistan, Dashkhavuz
Grant Amount· $12,730

Grant Duration 15 August 95 -14 August 96
Grant Purpose/Main Activity:
Publish and disseminate (2nd edition) anthology on environmental legislation of Turkmenistan, establish computer database of environmental legislation; analysis of existing legislation and proposing improved draft legislation, establish legal library in Dashkhavuz.

21 Grantee Ashgabat Ecological Club
Contact Person A. Aranbayev, Co-chairman
Place of Operations Turkmenistan, Ashgabat
Grant Amount $23,970
Grant Duration· 15 August 95 -14 August 96
Grant Purpose/main Activity
Increased access to foreign media and publications; promotion of free and independent local press, expansion of email/internet access among public associations. Collaboration/sponsorship of model United Nations project.

22. Grantee. Foundation for Support of Citizen Initiatives
Contact Person. Y. Skochilov, Chief of Project
Place of Operations· Tajikistan, Dushanbe
Grant Request $24,220
Grant Duration 15 August 95 -14 August 96
Grant Purpose/main Activity
Support for grassroots NGO movements; public information campaign

23 Grantee Women and Society
Contact Person M Bobokhanova, Chairwoman
Place of Operations Tajikistan, Hudzhand
Grant Amount $19,880
Grant Duration 1 Nov 95 -31 Aug 96
Grant Purpose/Main Activity
Promotion of equal rights for women in employment and education Roundtables, seminars, sociological research, publication of bulletin, consulting services, encouragement of women entrepreneurs.

24 Grantee National Association of Secondary Market Participants (Nami)
Contact Person L Valuzhenich, Member of the Board
Place of Operations Kazakstan, Almaty
Grant Amount $24,998
Grant Duration 15 August 95 -14 February 96
Grant Purpose/main Activity
Member counseling, input to draft legislation/regulations/decrees and other normative acts, establish code of conduct for membership, lobby on behalf of members' interests, publish directory and monthly newsletter; training

25 Grantee "Adilet" Society
Contact Person· S Aitmambetova, Chair of the Board
Place of Operations Kazakstan, Almaty
Grant Amount· $20,590

Grant Duration Sept 95 -Aug 96
Grant Purpose/main Activity·
Illumination through previously unpublished archival documents of stalinist repression and genocide, analyze causes of the collapse of the Soviet empire, and the ensuing transition to democracy

26 Grantee Russian Cultural Center
Contact Person: L. Mukhamedieva, Deputy Chairwoman
Place of Operations Uzbekistan, Chirchik / Tashkent
Grant Amount· $22,400
Grant Duration: Sept 95 -Aug 96
Grant Purpose/main Activity.
Promotion of children's rights· lecture and seminar series; consultation centers to provide legal counsel and aid re protection of children's rights in Tashkent Oblast

27. Grantee· Tashkent Public Education Center
Contact Person: M. Tashpulatova, Director
Place of Operations Uzbekistan, Tashkent
Grant Amount. $22,770
Grant Duration 1 Dec 95 -31 Aug 96
Grant Purpose/Main Activity.
Leadership training and civic education of youths, emphasizing human rights, and responsible citizenship Development of civic education curriculum and teaching materials

28 Grantee Feminist League
Contact Person· S. Shakirova, President
Place of Operations Kazakstan, Almaty
Grant Amount C $15,000
Grant Duration Nov 95 -Aug 96
Grant Purpose/Main Activity
Study of international experience in conducting research on gender-related issues, study of the current legislation of Kazakstan connected with women's rights, conducting sociological research regarding infringement of women's rights, conducting two roundtables, followed by the publication of documents and materials

29 Grantee Association of Independent Electronic Mass Media of Central Asia (AIEMMCA)
Contact Person S Karpov, Chief of Project
Place of Operations Registered in Kyrgyzstan, Based in Almaty
Grant Amount $10,150
Grant Duration Jan 96 -Aug 96
Grant Purpose/Main Activity·
Exchange and distribution of programs and information among the members of AIEMMCA, organizing a conference for speeding up that process, conducting seminars for the personnel of company members, hiring a lawyer to study legal and financial aspects of independent electronic mass media activity and to defend their rights

154

30. Grantee — Association of Accountants and Auditors of Uzbekistan
Contact Person. — Y Itkin, President
Place of Operations — Uzbekistan, Tashkent
Grant Amount· — $21,230
Grant Duration· — 1 Dec 95 -31 Aug 96
Grant Purpose/Main Activity
Creation of a consulting center to provide information on economic legislation in Uzbekistan/international legislation, setting up a publishing information unit, conducting seminars throughout Uzbekistan to provide legal assistance and create an information network

31 Grantee: — Farmers' Tenants', and Cooperatives' Union of Almaty
Contact Person — M. Zhuzbayev, President
Place of Operations: — Kazakstan, Almaty
Grant Amount· — $18,750
Grant Duration — 1 Dec 95 -31 Aug 96
Grant Purpose/Main Activity
Reform of property laws, analysis of current legislation, free legal assistance for farmers

32. Grantee — Ekolog Union
Contact Person· — O Tsaruk, Co-chairman
Place of Operations. — Uzbekistan, Tashkent
Grant Amount — $6,390
Grant Duration· — 1 Dec 95 -31 Jul 96
Grant Purpose/Main Activity
Develop an alternative NGO law for Uzbekistan

33 Grantee — Bureau of Human Resources and Rule of Law
Contact Person — E Prodan, Chief of Project
Place of Operations — Kyrgyzstan, Osh
Grant Amount — $21,620
Grant Duration — 1 Nov 95 -31aug 96
Grant Purpose/Main Activity
Conduct training seminars for children and youngsters concerning international convention on children rights, engage 20 local volunteers in that activity

34 Grantee — Youth Organizations Committee Project "Democracy and Youth"
Contact Person: — L Voichenko, Deputy Chairwoman
Place of Operations — Tajikistan, Hudzhand
Grant Amount — $22,060
Grant Duration — 1 Nov 95 -31 Aug 96
Grant Purpose/Main Activity
Seminar on the U S political system, two seminars on conflict resolution, one seminar on democratic leadership, roundtable on the Tajik constitution and the rights of youth, conference on legal issues, publish seminar, roundtable, etc materials

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35. Grantee. "Legal Initiative" Consumers' Rights Protection Society
Contact Person A Andreyev, Chief of Project
Place of Operations Kazakstan, Almaty
Grant Amount $20,000
Grant Duration 15 Nov 95 -15 Aug 96
Grant Purpose/Main Activity.
Publish collected articles on consumers' rights; publish books on consumers' rights, develop and promulgate computer access databases of law and related materials, legal support of entrepreneurship

36. Grantee· AGRO Farmers' Association, Taldy-Korgan, Project "Legal Knowledge for Farmers"
Contact Person T. Kudaibergenov, Chairman
Place of Operations Kazakstan, Taldy-Korgan
Grant Amount. $20,000
Grant Duration 1 Dec 95 -31 Aug 96
Grant Purpose/Main Activity:
Create a farmers' legal information center; provide a database of current Kazakh legislation, legal services to farmers; conduct seminars for farmers, disseminate legal information, advocate services to protect farmers' rights

37 Grantee "Adilet" Higher Law School Project "Providing Law Students with Information and Training"
Contact Person A Matukhin, Rector
Place of Operations· Kazakstan, Almaty
Grant Amount· $24,915
Grant Duration 1 Dec 95 -31 Aug 96
Grant Purpose/Main Activity.
Write and publish on a regular basis all the necessary legal literature to provide students with up-to-date information, provide training and education to law students

38 Grantee Philosophical Society of Hudzhand Project "Avesta"
Contact Person E Abdukholikov, Chairman
Place of Operations Tajikistan, Hudzhand
Grant Amount $15,050
Grant Duration 1 Dec 95 -31 Aug 96
Grant Purpose/Main Activity:
Prepare two brochures on human resources, set up an independent center and scientific consulting sector for studying public opinion

39 Grantee Humanitarian Society of Hudzhand Project "Revival" ("Vozrozhdenie")
Contact Person A Dzhurayev, Chairman
Place of Operations Tajikistan, Hudzhand
Grant Amount $15,750
Grant Duration 1 Dec 1995 -31 Aug 96
Grant Purpose/Main Activity:
Set up an information center for sociological analysis and promotion of NGO activity

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40 Grantee — Society for Assistance to Families with Disabled Children "Zhan"
Project "Legal Status of Handicapped"
Contact Person. — A. Dumbayev, Chief of Party
Place of Operations· — Kazakstan, Almaty
Grant Amount. — $15,180
Grant Duration — Dec 1995 -Aug 1996
Grant Purpose/Main Activity·
Analysis of legislation relating to disabled children and their families, drafting a law on disabled children, study situation regarding disabled children and prepare a book

41 Grantee. — World War II Veterans Support Alliance
Contact Person: — B Zhumagalieva, Chairwoman
Place of Operations· — Kazakstan, Almaty
Grant Amount· — $23,550
Grant Duration· — 1 Dec 95 -31 Aug 96
Grant Purpose/Main Activity·
Legal education and protection of veterans' rights. provide legal advice services and consultations and establish contacts with the foreign veterans' organizations

42. Grantee. — Association of Entrepreneurs of Northern Kazakstan
Contact Person· — V Kozhevnikov, Chief of Project
Place of Operations — Kazakstan, Petropavlovsk
Grant Amount — $13,700
Grant Duration· — 1 Dec 95 -31 Aug 96
Grant Purpose/Main Activity
Set up a center for legal information under the Association of Entrepreneurs of Northern Kazakstan for legal consultation of entrepreneurs and citizens and legal advice to local authorities and legal protection of entrepreneurship, law drafting

43 Grantee — Consumers' Rights Protection Society, Karaganda
Contact Person — N Zhakupova, Chairwoman
Place of Operations — Kazakstan, Karaganda
Grant Duration — 1 Dec 95 -31 Aug 96
Grant Amount — $15,080
Grant Purpose/Main Activity
Legal protection of consumers' rights, distribution of legal information

44 Grantee — Farmers' Association
Contact Person — I Bibolov, Chairman
Place of Operations — Kazakstan, Urdzhar/Semipalatinsk
Grant Amount — $19,340
Grant Duration — 21 Dec 95 -21 Mar 96
Grant Purpose/Main Activity
Legal education, consultations and legal help to farmers of Urdzhar, Semipalatinsk Oblast

45 Grantee — Central Asian Research and Development Center (CARDC)/Tajik Young Lawyers Association (TYLA)

51

Contact Person. Q Amiryar, Chairman/ M Makhmudov, President
Place of Operations. Tajikistan, Dushanbe
Grant Amount: $34,819
Grant Duration 26 Oct 95 -15 Dec 95
Grant Purpose/Main Activity:
Conference "Legal Aspects of Privatization and Market Economy," organized by the U S -based CARDC in partnership with Tajikistan-based TYLA The conference will to cover legal aspects of property, contracts, and business transactions in a market economy; doctrines of contract and property law, and information on the financing and governance of corporations.

46. Grantee· Association Lawyers of Kyrgyzstan
Contact Person: Kozhomova, Chairman
Place of Operations· Kyrgyzstan, Bishkek
Grant Amount· $10,200
Grant Duration: 1 Jan 96-31 Aug 96
Grant Purpose/Main Activity
Promote legal education and explanation of Kyrgyz legislation, organize two cycles of lectures (20 lessons each) about new Kyrgyz legislation, organize conferences and seminars on legal issues, publish legal information bulletin

47 Grantee Information and Consultation Center
Contact Person. F Kungurov, Deputy Director
Place of Operations· Uzbekistan, Samarkand
Grant Amount. $7,450
Grant Duration 1 Jan 96 -31 Aug 96
Grant Purpose/Main Activity.
Organize a center of judicial consultation to assist NGOs and the general public with legal inquires

48 Grantee Association of Businesswomen Project "Legal Center"
Contact Person I Bagdasarova, Chief of Project
Place of Operations Uzbekistan, Tashkent
Grant Amount $10,000
Grant Duration 1 Jan 96 -31 Aug 96
Grant Purpose/Main Activity
Set up a legal education center, conduct seminars on legal issues for Uzbek women engaged in business activities.

49 Grantee Public Research Center
Contact Person P Hozhabekov, Chairman
Place of Operations Uzbekistan, Nukus/Karakalpakstan
Grant Amount. $10,180
Grant Duration· 1 Jan 96 -31 Aug 96
Grant Purpose/Main Activity
Set up a legal information center for NGOs, organize six workshops for 60 NGOs to clarify the provisions of Karakalpakstan legislation, publish a brochure on NGO-related legislation plus recommendations on how to meet a set of state requirements regarding NGO registration, reporting, taxation, etc

50 Grantee: Creative Association "Shod"
Contact Person A Gamirov, Chairman
Place of Operations Uzbekistan, Tashkent
Grant Amount. $10,500
Grant Duration: 1 Jan 96 -31 Aug 96
Grant Purpose/Main Activity·
To produce, broadcast, and disseminate through educational institutions eight 20-minute video documentaries on parliamentary principles, structures, and functions in England, Germany, France, India, and United States

51. Grantee. College of Advocates
Contact Person: O Kirilenko, Chairman
Place of Operations. Uzbekistan, Tashkent
Grant Amount: $10,000
Grant Duration. 1 Jan 96 -31 Aug 96
Grant Purpose/Main Activity:
Legal consultations on international law, creation of computer database on Uzbekistan legislation, dissemination of legal information

52 Grantee: Green Salvation
Contact Person. A. Polyakov, Chief of Project
Place of Operations Kazakstan, Almaty
Grant Amount: $10,000
Grant Duration 1 Jan 96 -31 Aug 96
Grant Purpose/Main Activity:
To establish a bureau to assist Kazakstan NGOs to publish and disseminate informational materials

53 Grantee. Association of Scientific and Technical Intelligentsia
Contact Person. F Turyaev, Chairman
Place of Operations Tajikistan, Hudzhand
Grant Amount $10,400
Grant Duration 1 Jan 96 -31 Aug 96
Grant Purpose/Main Activity
Create an information and consultation center in cooperation with ALC legal information resource network, analyze labor legislation, work out proposals for legislative bodies, provide legal consultation services for unemployed, organize education and training courses

54 Grantee Caspian Ecological Club "Flamingo"
Contact Person. V Mamedov, Chairman
Place of Operations. Turkmenistan, Krasnovodsk
Grant Amount. $10,300
Grant Duration 1 Jan 96 -31 Aug 96
Grant Purpose/Main Activity
To intensify legal issues training within the local school for self-motivated citizens

55 Grantee Tajikistan Center for Citizenship Education
Contact Person R Rakhimov, Chairman
Place of Operations Tajikistan, Dushanbe

Grant Amount	$10,900
Grant Duration.	1 Jan 96 -31 Aug 96

Grant Purpose/Main Activity

To assist community leaders in promoting change at the local level, particularly in the area of education reform, train moderators for a series of public policy forums, establish civic forums in Tajikistan based on the National Issues Forum (NIF)

56

Grantee	Interlegal
Contact Person.	S. Zlotnikov, Chairman
Place of Operations	Kazakstan, Almaty
Grant Amount	$3,000
Grant Duration.	1 April 96 - 31 August 96

Grant Purpose/Main Activity:

To publish an NGO legal handbook.

ANNEX E

GRANTEE WORKSHOP SCHEDULE AND SESSION NOTES

American Legal Consortium
Rule of Law Project

GRANTEE Workshop

Schedule
Session notes

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SCHEDULE FOR GRANTEE WORKSHOP - ALC/ROL PROJECT

	Monday	Tuesday	Wednesday	Thursday	Friday.....
9:00 - 10:30	Session 1 Registration AHP, YM, JG	Session 6 Administration AHP	Session 11 Internal Controls AHP	Session 16 Administration AHP	Session 21 Review/Administration AHP
10:30 - 11:00	Tea	Tea	Tea	Tea	Tea
11:00 - 12:30	Session 2 Pre-test AHP	Session 7 Financial YFM	Session 12 Financial YFM	Session 17 Internal Controls AHP	Session 22 Reveiw/Financial YFM
12:30 - 14:00	Lunch	Lunch	Lunch	Lunch	Lunch
14:00 - 15:30	Session 3 Overview of course AHP	Session 8 Financial YFM	Session 13 Speaker AHP/JG	Session 18 Discussion YFM/AHP	Session 23 Post-test
15:30 - 16:00	Tea	Tea	Tea	Tea	Tea
16:00 - 17:30	Session 4 Administration AHP	Session 9 Financial RH,YFM	Session 14 Speaker AHP/JG	Session 19 In-box exercise AHP/YFM	Free
17:30 - 19:00	Session 5 Optional:talk with JG, AHP, YFM	Session 10 Optional· talk with JG, AHP, YFM, RH	Session 15 Optional. talk with JG, AHP, YFM	Session 20 Optional. talk with JG, AHP, YFM, RH	Session 24 Closing dinner

JG James Gershin, Deputy Chief of Party, Grants Manager
AHP Alison H Peña, Trainer, Grants Specialist
YFM Yusuf F. Majidouv, Trainer
RH Roger Holland, Trainer

SCHEDULE FOR GRANTEE WORKSHOP - ALC/ROL PROJECT
(Actual)

	Monday	Tuesday	Wednesday	Thursday	Friday.....
9:00 - 10:30	Session 1 Registration AHP, YM, JG	Session 6 Administration AHP	Session 11 Internal Controls AHP	Session 16 Administration AHP	Session 21 Review/Financial RH
10:30 - 11:00	**Tea**	**Tea**	**Tea**	**Tea**	**Tea**
11:00 - 12:30	Session 2/1 Pre-test AHP Session 2/2 Overview of course	Session 7 Financial YFM	Session 12 Financial YFM	Session 17 Internal Controls AHP	Session 22/1 Review/Financial YFM Session 22/2 Post-test
12:30 - 14:00	**Lunch**	**Lunch**	**Lunch**	**Lunch**	**Lunch**
14:00 - 15:30	Session 3 Administration AHP	Session 8 Financial YFM	Session 13 Speaker JG	Session 18 Financial RH	Free
15:30 - 16:00	**Tea**	**Tea**	**Tea**	**Tea**	
16:00 - 17:30	Session 4 Administration AHP	Session 9 Financial YFM	Session 14 Speaker JG	Session 19 In-box exercise AHP/YFM	Free
17:30 - 19:00	Session 5 Optional talk with JG, AHP, YFM	Session 10 Optional: talk with JG, AHP, YFM, RH	Session 15 Optional. talk with JG, AHP, YFM	Session 20 Optional: talk with JG, AHP, YFM, RH	Closing dinner

JG James Gershin, Deputy Chief of Party, Grants Manager
AHP Alison H Peña, Trainer, Grants Specialist
YFM Yusuf F Majidouv, Trainer

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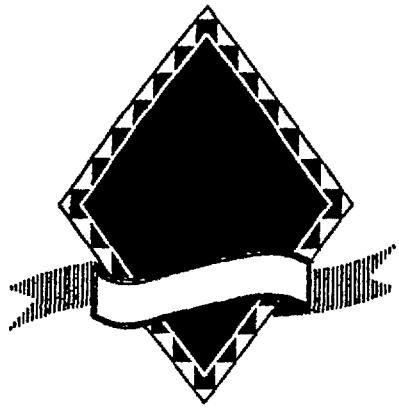
GRANTEE WORKSHOP



SESSION 1
REGISTRATION AND INTRODUCTION
Chaired by Alison H. Peña
Monday, 9:00 - 10:30

OBJECTIVES

To register all participants, and to introduce key players and participants of the five-day workshop to each other

CHECK LIST

1 **Registration**
2. **Welcome** - Alison H. Peña, ALC
3 **Welcome** - Yusuf Majidov, ALC
4. **Welcome** - James Gershin, ALC
5 **Welcome** - Craig Buck, USAID

HAND-OUTS

Name tags

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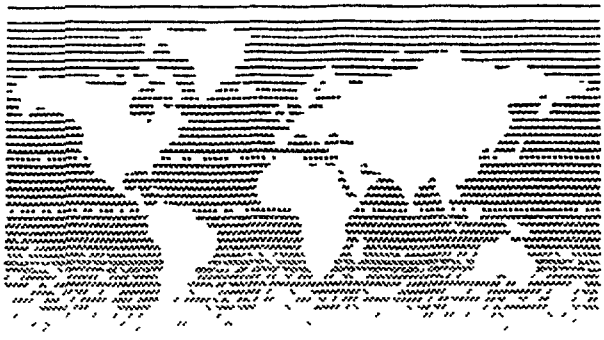
GRANTEE WORKSHOP



SESSION 3
OVERVIEW OF COURSE

Presented by Alison H. Peña
Monday, 14:00 - 15:30

OBJECTIVES

The objective of this Session is to give the participants an overview of the five-day workshop beginning today We will begin to become familiar with the ALC grantee handbook, which will be used as a reference tool during the workshop and as a resource during the life of each ALC grant This workshop and handbook have been designed.

1. To provide an overview of the administrative and financial requirements that accompany US Government-funded grants,
2. To provide easily accessible answers for grantees to commonly asked questions; and
3. To provide clearly worded administrative guidance for day-to-day operation, in layman's terms

CHECKLIST

1. **Introduction** to course
2. **Handbook**
3. **Grants** - discussion
4. **Glossary** - words in handbook

HAND-OUTS

ALC/ROL grantee handbook
Schedule for the week

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SMALL GRANTS PROGRAM
GRANTEE WORKSHOP

SESSIONS 4 and 6
ADMINISTRATIVE SYSTEMS

Presented by Alison H. Peña

Monday, 16:00 - 17:30 and Tuesday, 9:00 - 10:30

OBJECTIVES

These two sessions will introduce the critical issue of program accountability, and present several key issues At the end of the sessions you should be familiar with the procedures that are required every time anything is purchased with grant funds, the restrictions on those purchases, and you should be acquainted with the reports that will be required, during and at the end of the grant period

CHECKLIST

1 **Accountability**
2 **Procurement** -- procurement plan, competition, services, purchase orders, purchases via ALC
3 **Reporting** - timeliness, narrative reports, trip reports, financial reports (general discussion)
4 **Travel** - pre-approval, cash advance form, per diem, class of travel, routing, and others
5. **Grant modifications** - scope of work, budget (general discussion)
6 **Bank accounts** - (general discussion)
7 **Grant payments** - scheduling payments

HANDOUTS

Sample cash advance form
Non-US carrier form (look at the form in handbook)
Verification of separate bank account
Request for advance form
Sample service agreement (look at the form in handbook)
Sample purchase order
Sample procurement plan
Sample form to track oral and written bids
Narrative and financial report form (look at the form in handbook)

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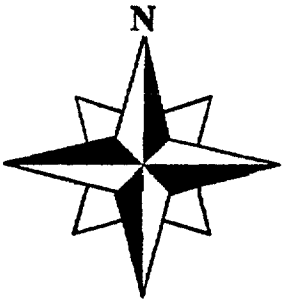
GRANTEE WORKSHOP



SESSION 5
Monday 17:30 - 19:00
Sign-up sheet for discussions

Alison H. Peña	5.30 -- 6 00	_____
	6·00 - 6.30	_____
	6:30 - 7 00	_____
Yusuf Majidov	5 30 -- 6.00	_____
	6.00 - 6 30	_____
	6 30 - 7 00	_____
James Gershin	5 30 -- 6 00	_____
	6 00 - 6·30	_____
	6 30 - 7 00	_____
Dorothy Lawrence	5 30 -- 6 00	_____
	6 00 - 6.30	_____
	6 30 - 7 00	_____

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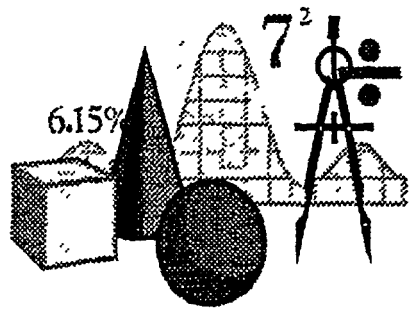
GRANTEE WORKSHOP



SESSIONS 7 and 8
FINANCIAL SYSTEMS
Presented by Yusuf Majidov
Tuesday, 11:00 - 12:30 and Tuesday 14:00 - 15:30

OBJECTIVES

These two sessions will introduce you to the issues of financial accountability, financial management of grant funds, recommended methods of accounting, and control of receipts and expenditures of ALC funds By the end of the sessions, you should be comfortable with the scope of the management systems that we will be learning, and should also be familiar with some simple financial procedures

CHECKLIST

1 **Grant budgets**
2 **Financial reports** - (detail)
3 **Journal systems** - encumbrance, cash receipts & expenditures, other systems (general discussion)
4 **Currency exchange**
5 **Prohibited charges**
6 **Items requiring prior approval**
7 **Bank accounts** - (detail), bank charges
8 **Grant payments** - (detail)
9 **Grant modifications** - budget (detail)

HAND-OUTS

Financial report form
Sample encumbrance journal form
Sample cash receipts & expenditures journal
Sample currency exchange form
Sample cash count list
Signature authorization form

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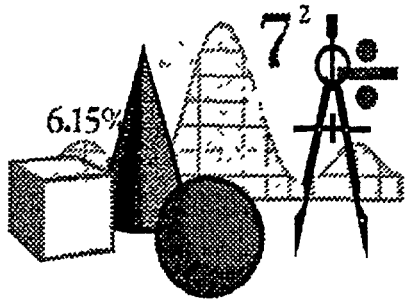
SMALL GRANTS PROGRAM
GRANTEE WORKSHOP



SESSION 9
FINANCIAL SYSTEMS
Presented by Roger Holland
Tuesday, 16:00 - 17:30

OBJECTIVES

To present specific journal-entry systems that may be used in managing the grant At the end of the session you should be familiar with some of the simple accounting formats, and should be able to complete a simple journal entry

CHECKLIST

1 **Encumbrance journal** - (detail)
2 **Cash receipt and expenditure journal** - (detail)
3 **Other journal systems** - (detail)

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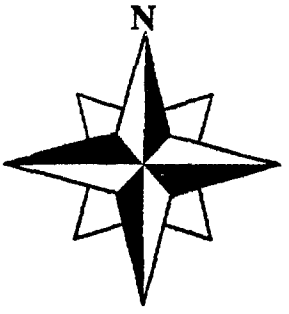
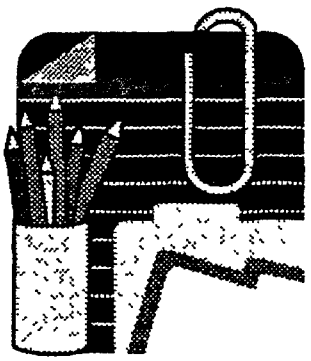
SMALL GRANTS PROGRAM
GRANTEE WORKSHOP



SESSION 10
Tuesday 17:30 - 19:00
Sign-up sheet for discussions

Alison H. Peña	5.30 – 6 00	_____
	6.00 - 6 30	_____
	6 30 - 7.00	_____
Yusuf Majidov	5:30 -- 6 00	_____
	6 00 - 6 30	_____
	6 30 - 7 00	_____
James Gershin	5.30 -- 6 00	_____
	6 00 - 6.30	_____
	6 30 - 7 00	_____
Roger Holland	5.30 -- 6 00	_____
	6 00 - 6 30	_____
	6.30 - 7·00	_____

AMERICAN LEGAL CONSORTIUM
SMALL GRANTS PROGRAM
GRANTEE WORKSHOP



SESSION 11
INTERNAL CONTROLS
Presented by Alison H. Peña
Wednesday, 9:00 - 10:30

OBJECTIVES

To give an overview of some of the systems that an efficient organization should have in place in order to function at the highest possible level, and in order to maximize accountability for all funds received

CHECKLIST

1. **Organizational chart**
2. **Policy and procedures manual**
3. **Travel policy**
4. **Record-keeping** - record retention
5. **Communication**

HANDOUTS

Sample record of non-local calls and faxes

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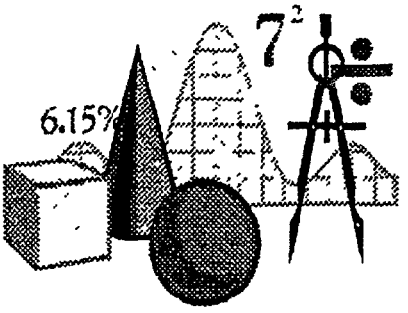
GRANTEE WORKSHOP



SESSION 12
FINANCIAL SYSTEMS

Presented by Yusuf Majidov
Thursday, 11:00 - 12:30

OBJECTIVES

To illustrate the interdependence and correspondence between the financial reports and the various forms of accounting, and to explain the bookkeeping methods used in accounting

CHECKLIST

1 **Salary and wage accounting**
2 **Equipment and materials accounting**
3 **Travel expense accounting**
4 **One-time events accounting** - conferences, seminars, other
5 **Requests for advance** - general discussion
6 **Taxes**

HANDOUTS

Sample travel expenditures form
Sample conference expense form

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SMALL GRANTS PROGRAM
GRANTEE WORKSHOP

SESSIONS 13 and 14
SPEAKER
Arranged by James Gershin
Wednesday, 14:00 - 17:30

OBJECTIVES

To have an opportunity to hear an officer of a functioning non-governmental organization first-hand, and to ask questions on his experience

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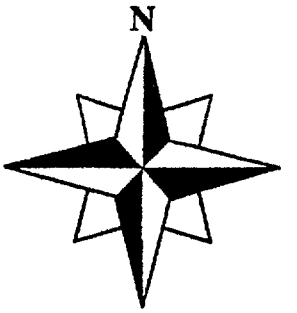
SMALL GRANTS PROGRAM
GRANTEE WORKSHOP



SESSION 15
Wednesday 17:30 - 19:00
Sign-up sheet for discussions

Alison H. Peña	5·30 -- 6 00	_____
	6 00 - 6 30	_____
	6 30 - 7 00	_____
Yusuf Majidov	5.30 -- 6 00	_____
	6 00 - 6 30	_____
	6 30 - 7 00	_____
James Gershin	5 30 -- 6 00	_____
	6 00 - 6 30	_____
	6·30 - 7 00	_____
Dorothy Lawrence	5 30 -- 6 00	_____
	6:00 - 6 30	_____
	6 30 - 7 00	_____

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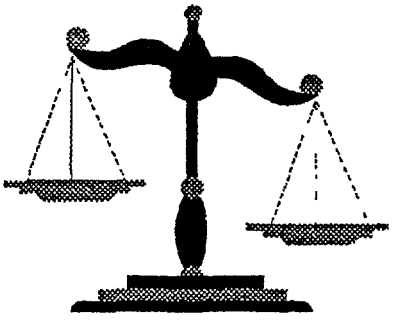
GRANTEE WORKSHOP



SESSION 16
ADMINISTRATIVE SYSTEMS

Presented by Alison H. Peña
Thursday, 9:00 - 10:30

OBJECTIVES

During this session we will examine the final key administrative points needed in managing grant funds. While there may still be questions, by the end of this session participants should feel comfortable with the general administrative requirements, and several of the detailed requirements

CHECKLIST

1 **Equipment** - definition of equipment, equipment inventory, physical inventory, title to equipment, control systems, maintenance
2 **Consultants** - agreements, rates
3 **Audits**
4 **Grant close-out** - deliverables, disallowed costs, reports, final audit

HANDOUTS

Sample equipment inventory form
Sample consultant agreement

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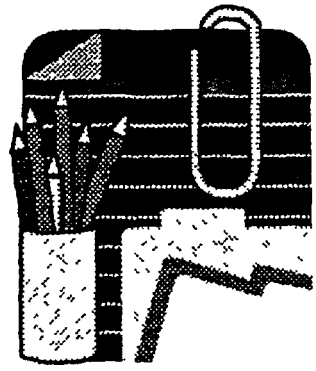

SESSION 17
INTERNAL CONTROLS
Presented by Alison H Peña
Thursday, 11:00 - 12:30

OBJECTIVES

This session will give participants additional guidance on some of the key systems that should be place in order for an organization to be as effective as possible

CHECKLIST

1 **Personnel policies**
2 **Salary records**
3 **Checks and balances**
4 **Taxes**

HANDOUTS

Sample payroll list
Sample timesheets

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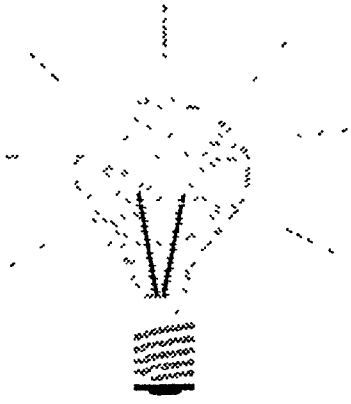
SMALL GRANTS PROGRAM
GRANTEE WORKSHOP



SESSION 18
GROUP DISCUSSION
Chaired by Yusuf Majidov
Thursday, 14:00 - 15:30

OBJECTIVES

This discussion will allow participants to discuss some of the issues that have come up during the week, with more detailed explorations of that issue. Depending on the issue that emerges, we could also have an expert join us, to clarify some questions participants may have

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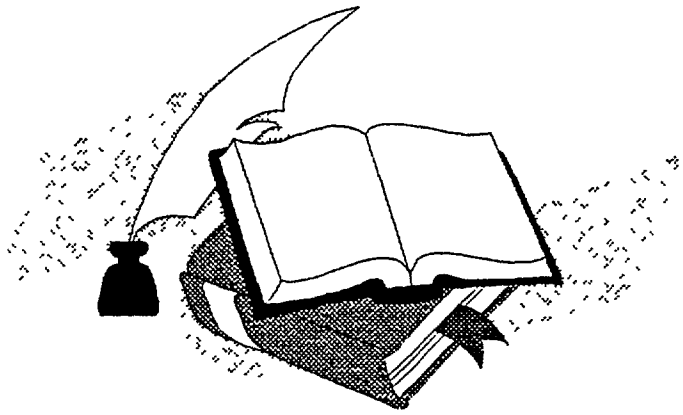
GRANTEE WORKSHOP



SESSION 19
IN-BOX EXERCISE
Chaired by Yusuf Majidov
Thursday, 16:00 - 17:30

OBJECTIVES

To reinforce the information in this course in a substantial, 'hands-on' way, and to learn how to prioritize the work involved with grant management

CHECKLIST

1 Purchase orders
2 Financial reports
3 Journal systems

HANDOUTS

Each of several groups will be given a packet of administrative papers, letters, invoices, and other documents

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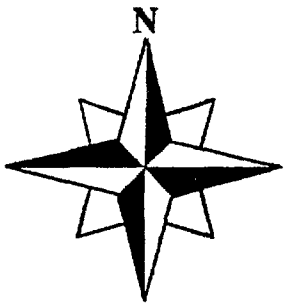
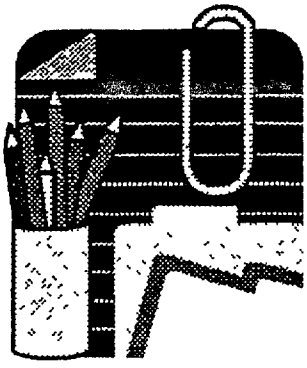
GRANTEE WORKSHOP



SESSION 20
Thursday 17:30 - 19:00
Sign-up sheet for discussions

Alison H. Peña	5.30 -- 6 00	_____
	6 00 - 6 30	_____
	6 30 - 7.00	_____
Yusuf Majidov	5 30 -- 6 00	_____
	6 00 - 6.30	_____
	6 30 - 7·00	_____
James Gershin	5 30 -- 6 00	_____
	6 00 - 6 30	_____
	6 30 - 7·00	_____
Roger Holland	5.30 -- 6 00	_____
	6 00 - 6 30	_____
	6.30 - 7 00	_____

AMERICAN LEGAL CONSORTIUM
SMALL GRANTS PROGRAM
GRANTEE WORKSHOP



SESSION 21
REVIEW OF ADMINISTRATION & INTERNAL CONTROLS

Presented by Alison H. Peña
Friday, 9:00 - 10:30

OBJECTIVES

The objective of this session is for the participants to become familiar with the grant agreement which grantees will receive, and to review the administrative and internal control mechanisms which have been taught in the course to date.

CHECKLIST

1 **Grant agreement**
2 **Required documents** - Request for advance, signature authorization form, verification of separate bank account, narrative report form, financial report form
3 **Review** - purchase order, equipment inventory, travel, and any administrative issues that have presented a problem during the week

HANDOUTS

Sample grant agreement

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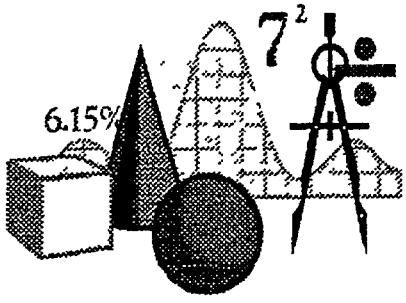
SMALL GRANTS PROGRAM
GRANTEE WORKSHOP



SESSION 22
REVIEW OF FINANCIAL SYSTEMS
Presented by Yusuf Majidov
Friday, 11:00 - 12:30

OBJECTIVES

The objective of this session is to present practical application of the knowledge of internal controls of grant funds

CHECKLIST

1 Review of timesheet, payroll, consultant agreement, audits, and currency exchange forms
2 Review of purchase orders, equipment inventory form, and currency exchange forms
3 Review of travel expenditure forms, cash advance forms, and currency exchange forms

HANDOUTS

Financial report form

American Legal Consortium
Rule of Law Project

GRANTEE Workshop

Talking/teaching Points

I Session 1 - Registration

A Registration

Participants will register for the workshop with Larissa

Each participant and staff member will receive a name tag, in Russian and English

B Welcome - AHP

Alison H. Peña, Workshop Coordinator

Introduces self, with brief background

Introduces interpreters

Introduces Yusuf

C Welcome - YFM

Yusuf Majidov, Co-trainer

Introduces self, with brief background

Introduces Jim

D. Welcome - JG

Jim Gershin, Deputy Chief of Party

E. Introductions

Alison will ask participants to introduce themselves name, affiliation, and why they are attending the workshop, or something that they hope to gain from the workshop

F Tests

Alison will explain that the tests are intended to measure effectiveness of workshop, to evaluate each participant's progress during the week.

II Session 2 -- Pre-test - No session notes or talking points

III Session 3 - Overview of course

A Introduction

1 Benefits & responsibilities of being a grantee

a) Benefit funds to accomplish project which both you and funding source deem valid and valuable

b) Benefit access to technical assistance, usually

c) Responsible for funds you receive, and for maintaining acceptable accounting records

d) Responsible for submitting all required reports on time

e) Responsible for communicating with funding source if any problems arise of a programmatic or administrative nature

2 Scope of the workshop

Some of the participants are officers of established organizations

Some are officers of new organizations

Some are at a management level (concerned with the 'why')

Some are at a technical level (concerned with the 'how')

Workshop will try to address the concerns of all participants

B Distribute and talk about handbook

1. Central part of workshop

Alison will pass out the handbooks, and give the participants a few minutes to look them over

C Talk about workshop hand-outs

1 Hand-outs

Objectives, check-list, hand-outs for each session

2. Attendance & punctuality very important

Larissa will be marking attendance

If you miss sessions, are frequently late, or are more than 10 minutes late, must make them up with Jim Gershin

3 Evening discussions

a) Alison, Yusuf, Jim, Roger, and possibly Dorothy or Lowry

D Grants

A financial contribution, without a direct return of a good or service from grantee

Point. indirect return anticipated, and is usually reason for grant

Examples scholarship, medical or scientific research, MacArthur grant -- all resulting in improved public good

Grants to non-US recipients -- to benefit worthy organizations that are working for a public good, expected to ultimately do a universal (world) good

ALC grants are financial contribution to a non-profit non-governmental organization, using funds from the US Agency for International Development, an agency of the US Government

E Glossary

Quiz on several key words, to get things moving

Review glossary in handbook, and answer questions

F Session hand-outs

1 Schedule for the week

IV Session 4 - Administration - together with 6

A Accountability

Reduce workshop to one word -- "accountability "

Organization is held accountable for all funds expended under that grant

Common sense

Not just personal integrity -- also internal consistency, transparency, internal organization

B Procurement

1 Procurement plan

Pass out sample procurement plan -- complete together

2 Competition

Best price & quality

Oral and written bids

Pass out sample bid form -- complete together

3 Services

Accountant, translator, bookkeeper, etc

Have them turn to Sample service agreement in handbook- discuss

4. Purchase orders

Over $100 requires a purchase order

Pass out sample purchase order -- discuss

5 Purchases through ALC

C Reporting

1 Timeliness

2 Narrative reports

Turn to narrative report form in handbook -- discuss

Let them know they will need to copy that form, and use it each time they submit a narrative report to ALC

3 Trip reports

4. Financial reports

Turn to financial report form in handbook -- discuss

Let them know they will need to copy that form, and use it each time they submit a financial report to ALC

D. Travel
  1 Pre-approval
  2 Cash advance form
  Pass out sample form, complete it together
  3 Per diem
  4 US Carriers
  Pass out non-US carrier form -- discuss
  5. Class of travel
  6. Routing
  7 Other regulations

E Grant modifications
  1 Scope of work
  2. Budget (general discussion)

F Bank accounts (general discussion)
  Ask how many will be able to open a bank account right away
  Ask how many will be keeping the money in cash
  Discussion on security of cash
  Pass out Verification of separate bank account -- complete together

G. Grant payments (general discussion)
  Pipeline analysis and burn rate
  Pass out request for advance form -- complete together

H. Session hand-outs
  1 Sample cash advance form
  2 Non-US carrier form
  3 Verification of separate bank account
  4 Request for advance form
  5 Sample service agreement
  6. Sample purchase order
  7 Sample procurement plan
  8 Sample form to track oral and written bids
  9 Narrative report form
  10. Financial report form

V Session 5 - Evening discussions - no session notes or talking points

VI Session 6 - Administration - together with 4

VII Session 7 - Financial - together with 8

A Financial systems
  1 Must be accurate, current, and complete
  2 Must be consistent with generally accepted international accounting principles
  3. Organizations will be held accountable for all funds disbursed
  4 Records must identify source and application of funds
  5 Accounting records must be supported by documentation that at a minimum will identify, segregate, accumulate, and record all costs incurred and must disclose
    a) amount and disposition of the grant funds received,
    b) total cost of the program,
    c) amount of grant funds supplied by other sources, and

d) such other records as will facilitate an effective audit

B. Grant budgets
1 Salaries/wages
2 Supplies/materials
3 Equipment
4. Travel
5 Other direct costs
a) Consultants
b) Communication (phone/fax/postage/delivery services)
c) Contracted services
d) Rent/space
e) Utilities
f)

C. Financial reports
1 Quarterly & final financial reports -- comparison of actual outlays with budgeted amounts
Discuss financial report form

D Journal systems
1 Encumbrance journal
Pass out and discuss sample form
2. Cash receipts and expenditures journal
Pass out and discuss sample form
3. Other journal systems

E Currency exchange
Pass out and discuss sample currency exchange form

F Prohibited charges
Review list in handbook

G Items requiring prior approval
Emphasize that prior approval includes having an item in a budget approved by ALC, as well as any changes requested
Review list in handbook

H Bank accounts
1. Bank charges
Review cash count list in handbook

I Grant payments
Review signature authorization form in handbook

J Grant modifications

K Session hand-outs
1 Financial report form
2 Sample encumbrance journal form
3 Sample cash receipts and expenditures journal
4. Sample currency exchange form
5. Sample cash count list
6 Signature authorization form

VIII Session 8 - Financial - together with 7

IX. Session 9 Financial

A Encumbrance journal
Pass out sample journal page; exercises

B Cash receipt and expenditure journal

Pass out sample journal page, exercises

C Other journal systems

X Session 10 - Evening discussions - No session notes or talking points

XI Session 11 Internal controls

A Organizational chart

Sample drawn on board

B Policy and procedures manual

Write sample subject headings on board

C Organizational travel policy

Discuss travel policy which must be submitted to ALC

D Record-keeping

1. Record retention

E. Communication

Controls on long distance costs

Review record of non-local calls in handbook

F Session hand-outs

1 Sample record of non-local calls and faxes

XII Session 12 - Financial

A Salary and wage accounting -

Exercises with sample payroll list, sample timesheet, journal form

B Equipment and materials accounting

Exercises with sample purchase orders, service agreement, journal form

C Travel expense accounting

Exercises with sample cash advance request, travel expense form, journal form

D. One-time events accounting

1 Conferences

Exercise with sample conference expense form

2 Seminars

E Requests for advances

1 Scheduling - Don't ask for more than you anticipate spending during the period

F Taxes

Necessary to pay any taxes required by law

Pay taxes with non-ALC funds if possible

G Session hand-outs

1 Sample purchase order

2. Sample service agreement

3 Sample cash advance request

4 Sample travel expense form

5 Sample conference expense form

XIII Session 13 - Speaker

XIV Session 14 - Speaker

XV Session 15 - Evening discussions - No session notes or talking points

XVI Session 16 - Administration

A Equipment

1 Definition of equipment

2 Equipment inventory

Exercise using sample equipment inventory list

3 Physical inventory

4 Title to equipment

Title vests with grantee, but may be transferred to ALC or to a third party up to 12 months after submission of final reports

5. Control systems

Security of office and equipment

6 Maintenance

Keep up service, repairs

Keep drinks and food away from computers

Keep staples and paperclips away from copier

Treat all equipment with respect

B. Consultants

1 Agreements

Review consultant agreement in handbook

2 Rates

C. Audits

During project, or up to 3 years from final report

Learning experience, helpful, not punitive

1 Interim or mid-term audit

2 Final audit

3 Organizational audit (also called an A-133)

D Session hand-outs

1 Sample equipment inventory form

2. Sample consultant agreement

XVII Session 17 - Internal controls

A Written personnel policies

Desired, not required

B Salary records

Timesheets after the fact must be used

C Checks and balances

More than one person should be able to do every job

D Taxes

If required, you must pay

If possible, use non-ALC funds to pay taxes

E Session hand-outs

1 Review payroll list

2 Review timesheets

XVIII Session 18 - Discussion

A No talking points

XIX Session 19 - In-box exercise

A Purchase orders

Completed with "fake" information

B Service agreements

Completed with "fake" information

C. Cash advance form

Completed with "fake" information

D List of supplies purchased without purchase orders

Completed with "fake" information

E Financial reports

To be completed by participants during session

F Journals

To be completed by participants during session

XX Session 20 - Evening discussions - No session notes or talking points

XXI Session 21 - Administration review

A Grant agreement

Walk through with grantees, section by section

B Required documents

1. Request for advance
2 Signature authorization form
3 Verification of separate bank account
4. Narrative report form
5 Financial report form

C. Review

1. Purchase order
2 Equipment inventory
3 Travel
4 Any issues that may have come up

D. Session hand-outs

1 Sample grant agreement

XXII Session 22 - Financial review

A. Review

1 Timesheet
2 Payroll
3. Consultant agreement
4 Audits
5 Purchase orders
6 Equipment inventory form
7 Travel expenditure form
8 Cash advance form
9 Currency exchange form

B Session hand-outs

1 Sample financial report

XXIII Session 23 - Post-test - No session notes or talking points

XXIV Session 24 - Closing dinner

A Jim Gershin -- address
B Key-note speaker from USAID
C Brief talk -- Alison H Peña
D Brief talk -- Yusuf Majidov
E Opportunity for any participants to speak, if they wish

ANNEX F

NGO GRANTEES' ASSEMBLY

AMERICAN LEGAL CONSORTIUM
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NGO GRANTEES' ASSEMBLY
Almaty, Kazakstan
13-15 September 1996

"SHARING STRATEGIES FOR SUCCESS"

PROCEEDINGS

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ALC NGO GRANTEES' ASSEMBLY

"SHARING STRATEGIES FOR SUCCESS"

EXECUTIVE SUMMARY

i The Assembly was held at Ak-Bulak Sanatorium outside Almaty on 13-15 September 1996 Participating were 94 leaders from 49 non-go[illegible] organiz[illegible] Central Asian Republics, joined by 4 expert presenters and 8 donor representatives and other honored guests. A roster of participants is attached to these Proceedings as Annex A

ii All the participating NGOs were grantees of ALC's Central Asian Republics Rule of Law Project, a legal technical assistance program conducted by Chemonics International of Washington, D.C. (doing business in Central Asia as the American Legal Consortium) The Project is financed by the United States Agency for International Development (USAID), whose Regional Mission Director for Central Asia, Ms. Patricia Buckles, served as the Assembly's keynote speaker.

iii Launched in December of 1994, the Project will complete operations at the end of November 1996 In 1995 and 1996, ALC has awarded 56 NGO grants totaling $1.1 million, in sectors ranging from civic education and consumer rights, to entrepreneur rights, environmental protection, farmer rights, human rights, law reform and legal development, and NGO support.

iv As its Project approached completion at the end of November 1996, ALC organized this Assembly to gather together its outstanding grantees from across the region, saluting their pioneering achievements, sharpening leaders' management and communication skills, and exchanging strategies for NGO success To accomplish these objectives, a variety of Assembly activities were designed and conducted, including presentations by speakers and panelists, small-group discussions, "open microphone" free-ranging plenary sessions, and experiential learning activities. Expert trainers facilitating this process included Evgeniya Alekseeva and Ivan Timofeev from "Golubka"/Moscow, Andrei Verbitsky from "Empathy"/Moscow and Vagif Zeinalov from the Ashgabad Ecology Club "Catena"

v The main program topics in this program agenca included

(1) Adaptable Lessons from the NET NGO Leaders Course in the United States,
(2) Keys to NGO Success, as analyzed by the new ALC book *INNOVATIONS & IMPACTS: Success Stories of Central Asian NGOs*,
(3) Effective NGO Communications: Sending Messages by Print and Electronic Media:
(4) Effective NGO Communications: Decision-making in Groups,
(5) Effective NGO Relations with Local and National Governments;
(6) Augmenting NGO Resources: Donor Relations, Local Sources and Fee-for-Service Revenues; and

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(7) Effective NGO Communications. Non-verbal Communications and Active Listening

The Assembly Program and Schedule are reproduced as Annex B.

vi These Proceedings, published in Russian and English, record highlights of Assembly sessions for the benefit of other NGOs, host governments and donor agencies who were unable to attend

vii A final attachment, Annex C, synthesizes responses of Assembly participants to a questionnaire distributed on the spot, soliciting concrete examples of legislation and other government decisions which have been positively affected by NGO influence and inputs in 1996

viii Readers' reactions to and comments on these Proceedings are cordially invited to be submitted to the American Legal Consortium, Almaty, Kazakstan: fax (3272) 50-76-62, e-mail <aziza@alc.almaty.kz>

ix The Proceedings were drafted and translated by Aziza Ahmetova, with assistance from Oksana Kompaniets and Saule Nurgazieva, on the basis of rapporteurs' notes compiled by Aziza Ahmetova, Ivan Apanasevich, Vladimir Fomin, Alisher Kasymov, Oksana Kompaniets and David Stubbs. Editing is by Russell Sunshine. Other ALC staff members who contributed invaluable administrative support to the Assembly included Yaroslav Berestov, Roza Buldekbaeva and Hugh Orozco.

Almaty, Kazakstan
October 1996

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PROCEEDINGS OF THE ALC GRANTEES' ASSEMBLY: " SHARING STRATEGIES FOR SUCCESS"

13-15 September 1996, Ak-Bulak Sanatorium, Almaty

September 13, Friday
Morning Session

Russell Sunshine. Chief of Party of the American Legal Consortium (ALC), opened the morning session and greeted the conference participants and guests. He emphasized the fact that ALC is proud to have been associated with the Central Asian NGOs during the course of the past two years. These organizations, he pointed out, have made an invaluable contribution to the period of democratic transition in all countries of Central Asia.

He said that the Assembly was organized with the purpose of saluting NGO achievements and facilitating their sharing experience with one another. He also emphasized that this Assembly, as well as the grants, and in fact all of ALC's work in Central Asia have been made possible by the financial sponsorship of the United States Agency for International Development.

Mr Sunshine expressed his gratitude to the USAID Regional Director Ms Patricia Buckles for her support of the Assembly.

Patricia Buckles. Regional Director of the United States Agency for International Development (USAID) congratulated the participants on their achievements and the progress they have made. She emphasized the importance of the efforts taken by Central Asian NGOs and their programs aimed at facilitating the process of democratic transition and building a civil society.

She conveyed best wishes to the participants for a productive Assembly and good luck to the NGOs in their future work.

Ivan Apanasevich. ALC Grants Administrator next greeted the participants and gave a preview of the Assembly program.

Summary Reports by Returnees from the AED/NET NGO Leaders' Course: Useful Experiences and Lessons Learned.

Panel Presentations and Plenary Discussion

Farrukh Tyuryaev, Association of Scientific and Technical Intelligentsia/Khudzhand, Tajikistan, thanked those who organized the training and pointed to the most useful lessons learned from the course. First, American NGOs are concentrating their focus on a limited number of goals He observed that as far as fund-raising there is concerned, the lion's share of

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NGO funds are raised from membership dues and small contributions solicited from individuals with the lowest priority given to grants Mr Tvurvaev also complimented the clear structure and division of power within American NGOs Apart from that, he observed that one of the keys to success of American NGOs is their huge number of members by Central Asian standards

Yuri Skochilov, Fund for Support of Citizens' Initiatives/Dushanbe, Tajikistan, observed that NGOs are an integral part of the U.S. political culture He also emphasized the concentration of NGO agendas He draw the participants' attention to the effective lobbying system that works at different levels, giving American NGOs positive relationships with government. In terms of structural units, Mr. Skochilov mentioned Boards of Directors as one of the keys to success of American NGO operations. Their Boards are powerful and active

Muborak Tashpulatova, Tashkent Public Education Center/Tashkent, Uzbekistan, pointed to the fact that American NGOs practice the principle of transparency (For example, NGO annual reports as well as other documents are made available to the public) To echo her fellow panelists, Ms. Tashpulatova mentioned that, in contrast to Central Asia, grants in America are not the major source used to finance NGO activities. She also noticed the efficient use of volunteers by American NGOs, saying that in Central Asia this practice leaves much to be desired. In conclusion, Ms. Tashpulatova expressed her hope that consolidation of NGO efforts in national coalitions will contribute to NGOs' successful operation

Keys to Success: ALC's "Innovations & Impacts" Book.
Introductory Presentation and NGOs' Self-Assessment/Action Planning Exercise

Russell Sunshine, ALC, introduced the recently published ALC book "Innovations and Impacts Success Stories of Central Asian NGOs" and summarized the book's production history When first conceived, the book had been intended to serve as merely a compilation of selected NGO success stories. Later, however, Nancy Swing, the book's lead writer and editor, raised a fundamentally important question: why are these featured NGOs so successful? In response, common "keys to success" were identified by the ALC staff The resulting text can serve as a management tool for analyzing and strengthening NGO performance

Next Mr Sunshine briefed the Assembly participants on the 10 "keys to NGO success" developed in the book:

(1)	**Dynamic Leadership:**	Intelligent, visionary, but also evolving over time, from charismatic, energetic and individualistic during start-up to participatory and delegating once the organization hits full stride
(2)	**Achievable Goals:**	More practical than grandiose; affordable by existing or collectable NGO resources.
(3)	**Community Focus:**	With both a geographical and an issues connotation

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(4)	**Citizen Involvement:**	Engaging NGO constituents and other citizens in its activities so that they share "ownership" and it receives valuable feedback.
(5)	**Cooperation:**	With other NGOs (whether local, national, foreign or international) to bring strength through alliances and learning through cross-fertilization
(6)	**Win-win Relations with Governments:**	Attempting to serve both parties' best interests. Over time, this cooperative approach normally better serves NGO objectives than does adversarial positioning or tactics.
(7)	**Foreign Partners:**	Used by successful NGOs for a variety of purposes ranging from funding support to information resources to business-related travel opportunities to political cover.
(8)	**Diversified Resources:**	Different categories of resources (funds, in-kind contributions and technical expertise) as well as different sources of resources in each category (e.g., public- and private-sector, foreign and local, etc.)
(9)	**Legal Activism:**	Knowledge of and active use of the law: for civic education, advocacy and law reform.
(10)	**Information Skills:**	Including computer and e-mail skills: a promising basis for disseminating NGO messages as well as for generating fee-for-service revenues.

On the basis of this briefing, Mr. Sunshine invited each NGO delegation participating in the Assembly to fill out a distributed self-assessment and action-planning form. The form enabled the NGO to evaluate its own performance in terms of the 10 keys to success and then to outline future actions to strengthen its performance in the areas where it judged itself weakest.

The participating NGOs then gathered in small groups organized along the thematic lines utilized in the INNOVATIONS & IMPACTS book: "improving the legal framework", "protecting legal rights" (including farmers' and consumers' rights, as well as human rights and the rights of invalids); "saving and restoring the environment", "educating fellow citizens about law and democracy"; and "NGOs supporting other NGOs".

The discussion in the "improving the legal framework" group focussed on two interrelated keys to success: achievable goals and legal activism. The consensus was that, since ordinary citizens in Central Asian societies are largely unaware of, and hence at risk of being deprived of, their legal rights, the main near-term goal and legal-activism concentration of NGOs operating in this sector must be legal education of citizens.

The "protecting legal rights" sub-group of NGOs working on farmers' and consumers' rights again emphasized legal education of citizens as the best path to reducing their constituents'

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legal illiteracy and fear of litigation NGO collaboration with, and use of, mass media were judged essential for pursuing this goal effectively

The "human rights and invalids' rights" sub-group highlighted cooperation and diversified resources as the two keys to success most needing work by NGOs in their sub-sector Inadequate contacts and collaboration among NGOs have delayed development and weakened lobbying and advocacy efforts. Inadequate financial resources, in turn, have impeded effective publicity and lobbying campaigns

The group on "saving and restoring the environment" linked three keys: dynamic leadership, governmental relations and information skills. They conceded that most NGO leaders in their sector are poor delegators, thereby delaying NGO development and growth They complained that many governmental agencies with which they interact do not want to address forthrightly pressing environmental problems. And they emphasized the need for strengthened information skills to persuade governments more effectively With reference to diversified resources, these leaders commented that Central Asian tax laws provide inadequate incentives for donations to NGOs

Similar issues were explored by the "educating fellow citizens" group They called for more NGO attention in their sector to three keys: dynamic leadership, information skills and cooperation among NGOs. In their view, more democratic, participatory decision-making within NGOs is required. Mass media must be used more effectively and information exchanged among NGOs on issues of common concern. In the latter context, electronic databases could fruitfully be compiled addressing region-wide problems of NGOs In-service training for NGO staffs was also singled out as vitally important.

Staff training was again emphasized in the NGO support group's discussion They also focussed on the diversified-resources key to success, noting that excessive dependence on grants could unduly influence NGOs' program preferences and delay financial self-sustainability

Afternoon Session

Effective NGO Communications: Sending Messages by Print and Electronic Media. Introductory Panel Followed by Small-Group Discussions and Reports.

This session was devoted to exploring three aspects of NGO communications which Assembly participants had identified in advance as of priority interest: (1) producing news bulletins and other print-media publications at prices NGOs can afford; (2) mastering and utilizing e-mail technology; and (3) "packaging" NGO messages effectively to persuade mass media to broadcast them.

Andrei Verbitsky, a visiting expert from the Empathy Charitable Foundation (Moscow, Russia) served as panel moderator Mr. Verbitsky opened the session with welcoming remarks addressed to all Assembly participants. He underlined the importance of effective communications by NGOs to inform the public about NGO activities. Mr. Verbitsky then presented the panelists, representatives of NGOs specializing in facilitating NGO

communications Each panelist briefly introduced his/her sub-topic and then led the ensuing small-group discussion of that sub-topic

Alexander Poliakov, Bureau of NGOs' Technical Support (Almaty, Kazakstan), described the Bureau's work, which has been providing affordable printing services to NGOs for 6 months, with co-financing by ALC, Kazakstan Soros Foundation and Counterpart Consortium

Gulmira Dzhamanova, CASDIN/ Central Asian Sustainable Development Information Network (Almaty, Kazakstan), is known to many people because of the periodical "Sustainable Development" bulletin. She underlined the importance of NGO information bulletins to help strengthen NGO contacts among NGOs, to attract partners, donors and volunteers, and to unite NGOs' efforts in solving common problems.

Vagif Zeynalov, a representative of Ashgabad Ecology Club (Ashgabad, Turkmenistan), has been providing free-of-charge services to NGOs of his region for several months. He mentioned a common problem in using e-mail, i.e. computer illiteracy of users. Mr. Zeynalov expressed his readiness to provide consultations during and after the Assembly to participants who were interested in strengthening their e-mail skills

Roslana Taukina, AIEMMCA/ Association of Independent Electronic Mass Media of Central Asia (Almaty, Kazakstan) unites 71 legal entities, all independent TV and radio companies from Kazakstan, Kyrgyzstan, Tajikistan and Uzbekistan. She underlined that the principal purpose of this Association is to protect and support mass media, including legal defense in courts against local administrative pressure. The Association is actively participating in reforming national legislation regulating mass media activities. Ms. Taukina invited Assembly participants to join her small-group discussion if they were interested in such issues as how NGOs can cooperate with mass media at the national level and can utilize the media to influence public opinion

Small Group 1
Facilitators: Alexander Poliakov and Gulmira Dzhamanova

Mr Poliakov answered participants' practical questions related to publishing: how to prepare a master copy, what software is better for making it, what printer or scanner is recommended, and how to disseminate the printed product. Ms. Dzhamanova explained how to coordinate and organize the process of bulletin publishing, taking into account strategic and marketing aspects

Small Group 2
Facilitator: Vagif Zeynalov

Mr Zeynalov summarized the main advantages of e-mail and some efficient technical means used for e-mail operations. Participants asked questions about modem and server capabilities and choices Mr. Zeynalov recommended that if an NGO is offering access to its e-mail services in order to generate fee-for-service revenues, it should take care to attract commercial customers who can afford to pay those fees so that the NGO can be sure at least to cover its expenses

Small Group 3
Facilitator: Roziana Taukina

During this discussion, the participants concluded that for the purpose of attracting media interest in its messages or activities, an NGO should include lively elements in these messages, have a strong, presentable leader, broadcast positive information (not dwelling on negative problems), not criticize other organizations (at least, not in the first program in a series), offer timely information, and respect copyrights. All the participants agreed that it is vitally important for an NGO to establish good working relations with local mass media, in order to disseminate information, lobby the government and attract new members. For the unusual NGO with its own media-program-production capabilities and facilities, another path might be to produce its own tapes and then offer them to commercial interests for sponsoring and to the media for broadcasting.

September 14, Saturday
Morning Session

Effective NGO Communications: Group Decision-Making
Introductory Presentation Followed by Participatory Exercises.

Saturday morning's session was the first of two experiential learning sessions facilitated by professional trainers from Golubka/Moscow: **Evgenia Alekseeva** and **Ivan Timofeev**. The overall objective of these sessions was to increase the awareness of the participating NGO leaders about their own leadership and communication styles, and to introduce leaders to the possible benefits -- to themselves and their organizations -- of adopting alternative styles.

The first Golubka exercise, "The Celtic Wheel of Life", demonstrated that there are different approaches to decision-making which are intuitively attractive to different individuals. Four clusters of approaches may be identified, loosely based upon ancient Celtic beliefs about human temperaments and humans' relations with nature. Participants were invited to assign themselves to one of four temperament groups, corresponding to compass directions, according to their own self-concepts: Easterners, characterized as charismatic, creative and enthusiastic; Southerners, favoring cooperation and productivity; Westerners, inclining to rational decision-making, information-gathering and analysis; and Northerners, decisive, aggressive and combative. Each group was asked to elaborate on its own traits and also to comment on perceived traits of the other groups or decision-making types. In processing this exercise, the facilitators emphasized two main learning points: (1) individuals have dramatically different decision-making styles, all a mixture of positive and negative qualities -- "different" does not mean "worse", only "different", and (2) organizations can greatly benefit from deliberately recruiting staff from several different "compass directions", in order to combine their different talents into a balanced, diversified working team.

The second morning exercise, "Cobweb", required the Assembly participants to cooperate in rapidly solving a group challenge. The challenge was to pass all participants' bodies through a simulated cobweb made of ropes and strings suspended between two trees. There were severe restrictions on techniques allowed -- e.g., no touching of any string, only limited

persons allowed to pass over and under the ropes, etc -- and the game was also a race against time. Participants were divided into planners, implementers and observers (the latter being leaders who had played this game in past Golubka seminars). After the web had been traversed, processing again underlined revealing lessons. On the one hand, these leaders had been exceptionally effective at getting quickly through the web. On the other, the implementers (led by males), had almost totally ignored the guidance of the planners (primarily female). In doing so, not only had they disempowered valuable colleagues and reinforced gender prejudices, they had also wasted valuable human resources and insights readily available to the group..

Afternoon Session

NGOs' Governmental Relations: Law Reform, Advocacy and Coalition Building. Introductory panel followed by small-group discussions and reports.

The main topic of Saturday afternoon's session was effective NGO relations with governmental authorities. Four interlinked sub-topics were considered: (1) interacting with governments at the local level to advocate effectively the interests of NGOs and their constituencies; (2) interacting with governments at the national level; (3) getting NGOs effectively involved in reforming the laws which regulate NGO activities, and (4) organizing NGOs into coalitions in order to speak to governments with an audible, united voice. Again, the program format was a brief panel before all assembled participants, followed by small-group discussions of the four selected sub-topics, with each group then reporting back to the plenary its main findings and conclusions. Session moderator **Alisher Kasymov** of ALC presented the four NGO leaders volunteering as panelists, who introduced their proposed sub-topics to their colleagues.

Speaking on NGO relations with government at the local level, **Turarbek Kudaibergenov**, AGRO Private Farmers' Association (Taldy-Korgan, Kazakstan), described how his organization proceeded in improving working contacts with local authorities. He emphasized the importance of avoiding confrontation, instead seeking win/win solutions. As a result of its active work, his Association organized a national roundtable (September 4-5) where farmers' organizations from all Kazakstan oblasts discussed common problems and formulated a 5-year Conceptual Program for development of the farmers' movement. The program is now under consideration by the Parliament. Besides, the Association has sent the President of Kazakstan a petition on key problems inhibiting development of the farmers' movement in the Republic. Mr. Kudaibergenov invited all interested participants to his working group to discuss the principal issue: how NGOs can influence local authorities at rayon, oblast and national levels.

Evgeny Zhovtis of the Kazakstan-American Bureau of Human Rights (Almaty, Kazakstan) highlighted several activities conducted by his organization to improve prisoners' conditions in solitary confinement cells of the Republic. These activities included influencing public opinion through publications and open letters to the press; conducting a roundtable with participation of higher officials from prosecutorial bodies; and constructive cooperation with

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the State Investigation Committee Based on his experience. Mr Zhovtis offered to discuss in his small-group session several techniques for advocating NGO interests at the national level

Introducing the sub-topic of reforming NGO laws. **Mirgul Smanalieva** of Ukuk Foundation (Bishkek, Kyrgyzstan) emphasized that all NGOs in all sectors confront laws in their work, especially the law regulating their activities. In June 1996, Ukuk took the lead in a joint effort of several Kyrgyz NGOs to create a draft law "On Public Associations" which is now under consideration by the Ministry of Justice of Kyrgyzstan.

The sub-topic of **Asiya Sasykbaeva**, Center Interbilim (Bishkek, Kyrgyzstan) was forming NGO coalitions for a united voice The Center was formed 3 years ago with the mission of supporting NGOs. 30 active Kyrgyz NGOs formed during the Soviet regime came to the decision that it's important to define the structure which should encourage creation of favorable conditions for lobbying, amending existing legislation, defending NGOs' interests etc In 1995, during the Issyk-Kul Conference, delegations of NGOs from each Republic had discussed common problems. As a result, Kyrgyz NGOs decided to form a national forum At the INTRAC workshop in Kashkasu in the spring of 1996, NGOs representing all Republics had agreed that the Kyrgyzstan Forum is a valuable precedent and prototype

Small Group 1
Facilitator: Turarbek Kudaibergenov

Mr. Kudaibergenov summarized AGRO's interaction with government at different levels and protection of interests not only of Association members but of farmers of the region in general. Techniques employed have included, for example, participation in meetings and events conducted by collective farms, rayon and oblast authorities, active use of the local press, legal consultations and explanations of laws regulating farmers' activities etc In addition, the Association publishes a bulletin highlightening farmers' problems which is disseminated to authority representatives. AGRO also deals actively with law reform, appealing directly to the Parliament. Participants were interested in land distribution: under what conditions farmers can receive a parcel of land. Mr. Kudaibergenov explained that parcels are given to farmers free-of-charge under condition of using it in the appropriate way AGRO found that there are non-occupied pieces of land held by State farms. The Association appealed to the oblast akim who responded promptly by establishing a Land Inventory Commission and instructing local authorities to distribute State-farm lands to private farmers and larger parcels to farmers with equipment.

Small Group 2
Facilitator: Evgeny Zhovtis

At the beginning of the discussion Mr. Zhovtis proposed to focus on 3 principal questions relating to advocacy of NGO interests at the national governmental level -- by whom? to whom? and how?

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The small group participants then developed the following analysis.

By whom?
1. Leaders.
2. Experts - lawyers etc.,
3 Experienced NGO members:
4 People sympathizing with NGOs, not necessarily NGO members

To whom?
1 The President:
2. Government,
3 Parliament;
4 The Supreme Court;
5 Other courts.

How?
1 Mass media;
2. Letters, petitions, appeals to the Government;
3 Draft laws, proposals:
4. Legal constitutional approaches;
5. Personal contacts;
6 Information exchanges (educating bureaucrats);
7 Participation in working groups and consultative bodies.

After that, participants were invited to identify the most serious NGO problem in their areas and to try to apply the above advocacy strategy to solving it

Small Group 3
Facilitator: Mirgul Smanalieva

Discussion participants identified ways of establishing collaboration with the state bodies in reforming laws
(1) using official channels (appeals to the Government, participation in public hearings, submission of inquiries, concluding agreements on joint activities, drafting proposals, etc.).
(2) influencing public opinion;
(3) using personal contacts;
(4) attracting foreign experts,
(5) inviting Government and parliamentary personnel to participate in NGO activities (training, seminars, etc.).
Participants agreed that even in those Republics where only the Government or Parliament has legislative initiative, there are still possibilities for an NGO to participate in the law-making process, and those windows of opportunity should be exploited.

Group 4
Facilitator: Asiya Sasykbaeva

Discussion participants expressed interest in the rationale for forming the Kyrgyzstan NGO Forum, its functions and legal status. In response, Ms. Sasykbayeva began by explaining the Forum's context and contemplated roles. It is designed to established more favorable conditions for NGO activities, particularly in terms of relations with governments. (About 700 NGOs are registered in Kyrgyzstan with about 250 or less actually working carrying out projects, participating in training, etc.) The prior law on NGOs had been revised to significantly reduce NGO benefits. Kyrgyzstan NGOs therefore decided to unite their efforts in lobbying the Government, to conduct joint trainings and conferences. If NGOs formed a national network, it would also be easier for them to appeal to international organizations for support. With these objectives in mind, in January 1996, Forum Coordination Council was elected consisting of 15 members (one organization from each oblast (6), plus 9 from Bishkek) to work for one year. They decided not to register the Forum for the time being. One argument against initial registration was that, if the Forum became a separate organization, it would then be preoccupied with finding an office, equipment, grants, etc., and would therefore take longer to begin working on projects beneficial to all NGOs. A contrary, pro-registration view was that, as a registered organization the Forum would have more authority in lobbying the Government on behalf of all Kyrgyz NGOs. Ms. Sasykbayeva emphasized that the Forum has a wider spectrum of planned functions: lobbying for adoption of the draft law on NGOs prepared by Ukuk Foundation, conducting an NGOs' conference in November 1996 where the National Democratic Institute will organize a two-day workshop on lobbying, and working actively to develop contacts with the governmental and business sectors.

Evening Session
"Open Microphone" Plenary Discussion of Participants' Additional Topics of Interest
Moderator: David Stubbs, ALC

Bayan Zhumagaliyeva, World War Veterans Support Alliance (Almaty, Kazakstan), asked participants to share their experience regarding self-sustainability (the topic of the following day).
Elena Prodan, Bureau of Children's Rights and Rule of Law (Osh, Kyrgyzstan), began her speech with the phrase "never ask anything from anybody -- they will bring it themselves." As an example, she noted that, after their Bureau had published the Convention on Children's Rights in 4,000 copies, they began to receive suggestions on mutual cooperation, without making any pro-active solicitations.
Vyacheslav Okishev, Consultative Information Center (Pavlodar, Kazakstan), expressed his opinion that interrelations with the government can be built quite constructively via signing agreements, organizing meetings and that competent NGOs will be able to solve their problems on the basis of the existing legislation.
Launching what developed into a lively and protracted discussion of NGO coalition-building which consumed most of the evening, **Ravshan Sabirov**, Samarkand Information Consulting Center (Samarkand, Uzbekistan), questioned the necessity and wisdom of NGO coalition-building, citing examples of unsuccessful coalitions in Uzbekistan.

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Asiya Sasykbayeva, Center Interbilim (Bishkek, Kyrgyzstan), and **Mirgul Smanaliyeva**, Ukuk Foundation (Bishkek, Kyrgyzstan), both members of the Coordinating Council of the Kyrgyz Forum, agreed with Mr. Sabirov that there is a danger of a coalition evolving in unplanned directions which is why they decided to postpone Forum registration. If, within the period allotted by the Coordinating Council, the Forum develops as intended and demonstrates successful results and vitality, registration can then be addressed.
Andrei Zatoka, Ashgabad Ecology Club (Ashgabad, Turkmenistan), gave an example of one successful coalition, a social ecological union, and suggested that the main thing is to establish the right structural authority e.g. a power-sharing board instead of an individual president.
Galena Timofeyenko, Femida Law Association (Aktau, Kazakstan), supported the idea of coalition-building, drawing on her experience forming the Consent Council for solving social and economic issues.
Muazama Burkhanova, Center for Support of Citizens' Initiatives (Dushanbe, Tajikistan), supported the forming of the Kyrgyz Forum, saying that Kyrgyzstan already has a well-established community of NGOs and therefore the time is ripe for their forming a strategic center
Bayan Zhumagaliyeva commented that if the Kyrgyz Forum has already developed an alternative law on NGOs and has been lobbying it, that is already a positive development.

Sunday, 15 September
Morning Session
Augmenting and Protecting NGO Resources
Introductory Panel Followed by Small-Group Discussions and Presentations

This session focussed on money matters: how NGOs can interact effectively with donors, special techniques for soliciting *local* contributions; and NGOs' experience generating fee-for-service revenues. Moderator **Vladimir Kozhevnikov**, Association of Entrepreneurs of North Kazakstan Oblast (Petropavlovsk, Kazakstan), introduced the panelists and underlined how important it is for NGOs to exchange experience in augmenting and protecting NGO resources.

Andrei Aranbaev, Ashgabad Ecology Club (Ashgabad, Turkmenistan), represented the organization that made it possible for a number of Turkmenistan NGOs to get 25 grants. He expressed his willingness to share his experience in, and practical techniques for building productive working relationships with donors.

Andrei Verbitsky, "Empathy" (Moscow, Russia), reported that his organization had been operating successfully over a long period of time before it applied for its first grant one year ago. He emphasized that NGOs should learn how to make efficient use of locally available resources. This diversification of NGOs' funding base is healthy in its own right and can also help move NGOs forward towards financial self-sustainability.

Galena Bykovets, Consumers' Advocate Public Center (Akmola, Kazakstan), admitted that not every NGO can provide services for fees. She criticized Kazakstan's new consumer law,

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saying that it would considerably limit the rights of consumer groups if compared with the old Law "On Consumers' Rights Protection". For example, under the existing legislation, Consumers' protection societies are entitled to receive a certain percentage of the judgements awarded in their successful lawsuits.

Group 1
Facilitator: Andrei Aranbaev

Though all the participants in this discussion group had already gained basic experience in receiving grant support, they considered it important to share strategies for success in dealing with donors

Among the several practical suggestions developed during this session were the following highlights.

(1) NGOs should not let donors "order" work from them, like a cabinet from a carpenter. Instead, a planning dialogue between equals is more likely to identify projects of truly mutual interest. Such NGO assertiveness will earn the respect of the most serious donors, not chase them away.

(2) Find out all you can in advance about a potential donor: what they have already funded, and how they have behaved. Contact their prior grantees. This will help you to write a more successful proposal and to avoid implementation pitfalls.

(3) Educate new donors abut Central Asia; assume that their prior knowledge of the region's resources and constraints is limited.

(4) Contact and take advantage of LEEP, Law and Environment Eurasia Partnership, a new Central Asian-American NGO, with a Board of Central Asian NGO leaders, that is helping NGOs to identify relevant international donors and to write and translate winning proposals

(5) Show potential donors how your work will be useful to the donor Talk about impacts how many beneficiaries reached, trained, defended, etc.

(6) Use the Doslynx donors' database compiled by the Socio-Ecological Union, to be distributed at the end of the Assembly. It identifies donors not yet represented within Central Asia.

(7) Recognize proposal-writing as an art. Improve your proposal-writing skills by practicing writing short, persuasive business letters; what you want, why the donor should help you, how helping you will be useful to them

(8) If affordable, find and hire a good proposal writer.

(9) Don't miss the opportunity to visit the donor's offices. Establish face-to-face contact, it makes a far more lasting impression than anonymous papers.

Group 2
Facilitator: Andrei Verbitsky

These discussants focused their attention on fund-raising and came up with a profile explaining the fund-raising mechanism. Three chief funding sources were identified: the Government, businesses and the public. The participants worked out strategies for dealing with each of these three sources, as outlined below:

Dealing with the Government
What prevents NGOs from receiving governmental financial support?
1) Existing system of funds allocation when funding is provided to structural units (for example, a Ministry) rather than to support a certain program.
2) Insufficient budget allowing no funding for non-governmental organizations.
3) Lack of trust in NGOs,
4) Improper legislation

To address the above issues, NGO should take the initiative and work together with the Government NGOs can influence public opinion by influencing the decision-making and law-making processes. They can organize lobbying campaigns in favor of providing support for programs, etc

Dealing with Businesses
The participants identified the following major handicaps to dealing with businesses
1) Unwise tax policy (providing inadequate incentives for contributions),
2) Weak strategies used by NGOs in their relationships with businesses,
3) Fear of publicity which means that often commercial firms are not willing to publicize their support for controversial NGOs;
4) Businesspersons' unawareness of how they and the community will benefit from donations provided to NGOs.

Again, NGOs can reduce these handicaps by taking legal initiative, implementing joint projects, developing personal contacts, publicizing NGO achievements, etc.

Working with the Community.
The participants pointed to a number of problems NGOs are facing while working with the community, including a low standard of living, lack of trust in NGOs, lack of verified information, etc
Everybody agreed that it is important to utilize the mass media in order to influence public opinion Apart from that, NGO operations should be transparent to encourage voluntary participation

Group 3
Facilitator: Galina Bykovets

These participants discussed NGOs' fee-for-service revenues Ms Bykovets emphasized the fact that NGOs face certain problems with charging fees for their services inasmuch as many of their clients are impoverished or otherwise disadvantaged Aibek Dumbaev supported this statement and mentioned that very often their services are being utilized by invalids who cannot afford to pay for them. Mirgul Smanalieva suggested NGOs should consider other revenue-generation techniques, for example, contractual services. Some participants raised questions relating to the specific character of work performed by consumer-protection groups. According to the Kazakstan Law on Protection of Consumer's Rights, these groups are entitled to receive 30% of the judgements awarded in each of their successful lawsuits. It is encouraging but complicated since it is not easy to make a defendant pay the court award

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"Consumers Advocate" Public Center has an independent laboratory The Center plans to make the laboratory available to serve firms and trading companies on a fee-for-service basis for testing products Mr. Abdukholikov (Tajikistan) mentioned education as another kind of activity to be performed by consumer-protection groups. His organization conducts workshops on the basis of service agreements with and for governmental agencies While discussing different ideas and techniques, the participants identified three major sources for generating fee-for-service revenues 1) services to individuals, 2) services to private-sector legal entities, 3) services on a basis of a service agreement (with governmental agencies) The participants agreed that assistance provided on a fee-for-service basis will help ensure NGOs' financial sustainability Moreover, NGO clients are likely to appreciate the services more if they pay for them

Sunday Afternoon Session
Effective NGO Communications: Communicating in Groups

Golubka Experiential Learning Exercises

Facilitators **Evgenia Alekseeva** and **Ivan Timofeev** guided the participants in a series of learning games and exercises, each intended to illustrate practical strategies and techniques for effective communications. The "Broken Squares" exercise, for example, confirmed that maximizing individual gain is not the most effective path towards group benefit, each individual may have to sacrifice his or her individual advantage in order to arrive at a mutually beneficial solution. Other exercises sharpened participants' awareness of non-verbal communication, which the Golubka trainers explained is the source of more message content than verbal communication. Active listening was the subject of brief lecture presentations and two-person cooperation exercises. The trainers commented that strong leader personalities in particular may be more adept at *sending* messages than at *receiving* them. Participants agreed that these participatory exercises were both a welcome complement to the prior sessions more traditional discussion groups, and also a stimulating vehicle for introducing provocative new ideas

The Assembly program concluded with the awarding of certificates of participation and a closing reception

Annex A

ALC NGO GRANTEES' ASSEMBLY
"SHARING STRATEGIES FOR SUCCESS"
ALMATY, KAZAKSTAN 12-15 SEPTEMBER 1996

LIST OF PARTICIPANTS

Kazakstan

1 Kazak-American Bureau on HR
Evgeny Zhovtis

2 "Legal Development of Kazakstan"
A. Ivanova
A. Chebotariov

3 Almatv Helsinki Committee
N Fokina
M Saldirbayeva

4 Kazakstan Voluntary Historical Society "Adilet"
S Aitmambetova
Z. Aitmambetova

5 NAMI
L Valuzhenich
Z. Stepovaya

6 "Legal Initiative" Consumers' Rights Protection Society
A Andreyev
O Harlamova

7 Feminists' League
S Shakirova
A Artemieva

8 Veterans Support Alliance
B Zhumagalieva
N Sarsenbayev

9 Farmers Tenants and Cooperatives' Union
V Kudrin

10 Society of Assistance to Families with Disabled Children "Zhan"
A. Dumbayev
A Mazurenko

11 International Women's Association "Liana"
S Kenesbayeva
G. Utegenova

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12 Blind Society "Zherdemdes"
A Sapelkin
S Abdullaeva

13 Bureau of Technical Assistance to NGOs
A Polyakov
L Zagrebelnaya

14 Association of Independent Electronic Mass Media
R Taukina
G Medeubekova

15 Deaf Society
S Eleusizov
M Orynbekova

16 Consultative Information Center
V Okishev
E. Zhuravliova

17 "Consumer's Advocate"
G Bykovets
L Bykovets

18 "AGRO" Farmers' Association
T Kudaibergenov
A Golovanov

19 Association of Entrepreneurs of Northern Kazakstan
V Koznevnikov
S Krashevsky

20 Consumers' Rights Protection Society of Karaganda
N. Zhakupova
S Kasymzhanov

21 "Green Party" Ust-Kamenogorsk
S Smirnov
V Kulik
O. Chernyshov

22 "Femida" Law Association
G. Timofeenko
S Alieva

23 "Interlegal"
S Zlotnikov
V Ni

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1 International Center InterBilim
A. Sasykbayeva

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2 Kyrgyz-American Bureau on HR
V Kabak

3 Fund "UKUK"
M Smanalieva
A. Dzumabaveva

4 Association "Lawyers of Kyrgyzstan"
S Barbiev

5 Bureau of HR and Observance of Law
E Prodan
A Prodan

Tajikistan

1 Tajik Scouts Association
R. Karimov
V. Mulodzhanov

2 Coordinating Child Center
I Sharifi
D Imatov

3 Foundation for Support of Citizen Initiatives
Y Skochilov
M. Burhanova

4 Tajik Center of Civic Education
R Rahimov
P. Mulodzhanov

5 Hudzhand Humanitarian Society
A. Dzhuravev
T Karimov

6 Youth Organizations Committee
L Voichenko
E Ahmadieva

7 Association "Women and Society"
M Bobohanova
M Sultanova

8 Hudzhand Philosophical Society
E Abduholikov
I Volynshikov

9 Association of Scientific and Technical Intelligentsia
F Tyuryaev
A Negmatullaev

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Turkmenistan

1 Ashgabat Ecology Club "CATENA
A Aranbaev
A Gavrilov

2 Dashkhavuz Ecology Club
A Zatoka
F Tuhbatullin

3 Ecology Club "Flamingo"
V Mamedov
Y Vimnik

Uzbekistan

1 "Ecolog" Unity
L Tsaruk
D. Kopelkin

2 Association of Auditors and Accountants
Y Itkin
A Antipova

3 College of Advocates
O Kirilenko
S Sharipov

4 Tashkent Public Education Center
M Tashpulatova
N Kulakova

5 Association of Businesswomen
I Bagdasarova
D Ahmetova

6 Creative Association "Shod"
A Gamirov
A Krichagina

7 Russian Cultural Center
L Muhamedieva
L. Zolnikova

8 Samarkand Information Consulting Center
F. Kungurov
R Sabirov

9 Center of Public Research
P Hozhabekov
A Hozhabekov

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PRESENTERS

1 Andrei Verbitsky, "Empathy", Moscow
2 Vagif Zeinalov, Ashgabat Ecology Club "Catena"
3 Evgeniya Alekseeva, "Golubka", Moscow
4 Ivan Timofeev, "Golubka", Moscow

HONORED GUESTS

1 Patricia Buckles, USAID
2 Eileen Wickstrom, USAID
3 Tom Hensleigh, Mercy Corps
4 Halida Isaeva, Soros Foundation
5 Raushan Kryldakova, HIVOS
6 Guliya Esengali, Eurasia Foundation
7 Gulmira Dzhamanova, CASDIN
8 Neilya Abtieva, TACIS

ALC PERSONNEL

1 Russell Sunshine
2 Ivan Apanasevich
3 Roza Buldekbayeva
4 Vladimir Fomin
5 Yaroslav Berestov
6 Saule Nurgazieva
7 Aziza Ahmetova
8 Oksana Kompaniets
9 David Stubbs
10 Alisher Kasymov

Annex B

ALC NGO GRANTEES' ASSEMBLY
ALMATY, KAZAKSTAN
13-15 SEPTEMBER 1996

"SHARING STRATEGIES FOR SUCCESS"
PRELIMINARY PROGRAM

FRIDAY, 13 SEPTEMBER
MORNING SESSION
Welcoming Remarks; Preview of the Assembly Program and Schedule

Highlights of the NET NGO Leaders Course in USA: Main Lessons Learned
Panel Presentations and Plenary Discussion

Keys to Success:
An NGO self-assessment and action-planning exercise based on ALC's new book "INNOVATIONS AND IMPACTS". Success Stories of Central Asian NGOs'

AFTERNOON SESSION
Effective NGO Communications: Sending Messages by Print and Electronic Media -- Newsletters. Affordable Printing; E-mail Bulletin Boards; Producing and Placing NGO Messages for Broadcasting by the Mass Media
Introductory Panel followed by Small-group Discussions and Plenary Reports

SATURDAY, 14 SEPTEMBER
MORNING SESSION
Effective NGO Communications (Part II): Interpersonal and Cross-cultural Communications
Introductory Panel followed by Small-group Exercises

AFTERNOON SESSION
NGOs' Governmental Relations: Law Reform, Advocacy and Coalition-building
Introductory Panel followed by Small-group Discussions and Plenary Reports

SUNDAY, 15 SEPTEMBER
MORNING SESSION
Augmenting NGO Resources: Donor Relations, Local Sources and Fees for Service
Introductory Panel followed by Small-group Discussions and Plenary Reports

AFTERNOON SESSION
Unfinished Business
"Open-Microphone" Plenary Session for Participants' Unaddressed Topics

Certificate Awards and Assembly Closing

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Annex C

CONCRETE EXAMPLES OF NGO IMPACTS ON LEGISLATION AND OTHER GOVERNMENTAL DECISION-MAKING

Grantee Responses to an Impacts Questionnaire Distributed at ALC's 13-15 September 1996 NGO Grantee Assembly

KAZAKSTAN

1 In June. 1996, the President of *AGRO Private Farmers Association* of Taldy-korgan addressed the Oblast Maslikhat (elected council) to protest against state farms' failure to utilize productive lands while 90% of private farmers are left with inferior lands The President requested the Akim of the Oblast for two remedies: (1) to exchange farmers' bad lands for unused good state-farm lands; and (2) to distribute larger parcels to private farmers possessing appropriate equipment. Within 3 days of this presentation. the Akim created a commission to inventory idle lands. Subsequently, he instructed rayon akims to implement both recommendations which the AGRO President had made to the Maslikhat

2 As a direct result of public pressure led by the *Kazakstan-American Bureau of Human Rights* in communications with the Ministry of International Affairs and Presidential Apparat. the Law on Amnesty was adopted.

3 Through its invited consultations with the Commission on Human Rights under the Presidential Apparat, the *Kazakstan-American Bureau* was able to introduce specific provisions into the Governmental Program on Protection of Human Rights which has been submitted by the Commission to the Government for adoption.

4 As the result of *Kazakstan-American Bureau* participation in dialogue with the Ministry of Internal Affairs, General Procurator's Office, Ministry of Justice and Presidential Apparat, several provisions adopting international human rights standards relating to treatment of state prisoners were incorporated into the draft Criminal Code and Criminal Procedure Code being finalized by the Government for submission to Parliament

5 In response to a lobbying and publicity campaign led by the *Kazakstan-American Bureau* on the subject of capital punishment, the Government's new draft Criminal Code significantly narrowed the range of offenses punishable by capital punishment

6 The *Interlegal Public Foundation* proposed to the Deputy Minister for Social Protection that a draft law be prepared on social services performed by NGOs and other private-sector institutions on the Government's behalf. That proposal was accepted and is currently being implemented. (The Foundation is also an invited consultant to the above-mentioned Commission on Human Rights.)

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7 In that same Governmental Program on Protection of Human Rights. the NGO *Legal Development of Kazakstan* proposed National Standards for Implementation and Protection of Human Rights in the Republic of Kazakstan which were adopted by the Commission on Human Rights and incorporated into the Program. Two representatives of Legal Development serve as members of the Commission on a volunteer basis

8 *Consumer's Advocate Public Center. Akmola* participated in developing the national Supreme Court's Ruling on Protection of Consumer's Rights. adopted in late July. 1996 The Center drafted the Ruling text and prepared the report on application of the law. in conjunction with the Deputy Chairman of the Governmental Committee on Prices and Anti-monopoly Policy

9 *Legal Initiative Consumer's Rights Protection Society of Almaty* also participated in discussion of that Ruling and several of its recommendations were incorporated into the measure as adopted

10 *The Association of Entrepreneurs of Northern Kazakstan Oblast* drafted amendments which were incorporated into the Presidential Decree on Registration of Legal Entities. authorizing founding documents to be submitted in only one language

11 Members of that same *Association* serve on several Oblast commissions on entrepreneurship and economic reform. and on health care and education, in which capacity they are able to directly influence adoption of legislation on these topics at the Oblast and municipal levels The Association is also an institutional member of the national President's Council on Maternity and Childhood.

12 Through continuing interaction with the Oblast Akim and municipal maslikhat. the *Pavlodar Consulting Information Center* has achieved the following concrete results: (a) halting by the municipal authorities of new construction in the city's "green zone" in violation of the local law on protection of the environment; (b) implementation by Oblast authorities of the provision in the national Law on Protection of Consumer's Rights authorizing tenants to recover excess payments for lodging: © implementing discount tickets for commercial transport to low-income citizens.

KYRGYZSTAN

13 When a prominent official of the Oblast Department of Internal Affairs published an article defending certain denials of due-process protections of children convicted of crimes without a trial. the *Bureau of Children's Rights* in Osh filed a formal complaint with the Oblast Procurator on the basis of the article's inconsistency with the U.N. Convention on Children's Rights to which Kyrgyzstan is a signatory. The Procurator accordingly published a rebuttal of the official's position. declaring that it did not conform to Kyrgyz law.

TAJIKISTAN

14 *The Hudzhand Philosophical Society* proposed to the local hukumat (council) of

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Kairakum that invalids' and pensioners' rights in that city by given priority attention by authorizing and expediting supply of food stuffs to those populations by humanitarian foundations The hukumat adopted this recommendation by regulation

TURKMENISTAN

15 The national Ministry of Internal Affairs reproduced and distributed to relevant local authorities a packet of materials prepared and submitted to the Ministry by the *Dashkhovuz Ecological Club* recommending measures to combat smuggling of endangered species

UZBEKISTAN

16 *The Tashkent City College of Advocates* was instrumental in contributing to adoption, by the Presidential Decree on Establishment of Preferential Taxation of 15 July 1996, of a 23% reduction in the rate of social-security taxation payable by advocates' groups, in recognition of their legal status as non-governmental professional associations, the principal activities of which are to provide legal assistance to citizens and organizations and to protect their legal rights and interests. The Collegium prepared background documentation on this reform, led a public lobbying campaign by three affected associations, and participated actively in discussions with the Ministries of Justice and Finance leading directly to adoption of the Decree.

ANNEX G

EXCERPTS FROM STANDARD CHARTER PACKAGES

The American Legal Consortium is pleased to provide you with the enclosed materials regarding the legal and regulatory acts governing charitable, public service, and citizen initiative organizations in your country. This material includes the law on public associations and a description of the process of registration It also includes answers to ten questions frequently asked about the activities of non-governmental organizations (NGOs).

This material is provided with the assistance of the Ministry of Justice. The American Legal Consortium works in cooperation with the Ministry of Justice and other governmental organizations to help support NGOs active in helping to improve the legal and regulatory structure of society.

The American Legal Consortium is an American NGO that works under contract to the United States Agency for International Development (USAID), the official branch of the U.S. government which provides technical assistance to countries around the world. The American Legal Consortium's activities are financed by funds appropriated by the United States Congress. The overall goal of the American Legal Consortium is to assist the countries of Central Asia to establish a political, legal, and regulatory environment that supports democratic governance and respect for human rights

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Ten Frequently Asked Questions about the Freedom of Association

The Freedom of Association and Democracy in Kazakstan, Kyrgyzstan, Tojikiston, and Uzbekiston

1) **What is the Right of Association and Why is it Important?** The development of a civil society and a government functioning under the rule of law requires the development of the structural institutions of democracy--a responsible executive, an independent judiciary, a legislature with vitality, and an independent press. But, standing alone, these institutions cannot guarantee the durability of popular rule. The history of democracy throughout the world testifies to the fact that rule by the people, for the people, and of the people depends more than anything else upon the participation of an engaged and informed citizenry freely exercising the right of association The freedom of association simply means that individuals engaged in lawful activity are free to group together to promote their collective interests As simple as it sounds, the freedom of association is the bedrock upon which are based many of the civil and legal rights of advanced societies

2) **How do People Pursue the Right of Association?** Individuals pursue their individual goals Since individuals often share the same goals, they find that the more successfully advance their individual goals by grouping together to combine their talents and energies in the pursuit of goals they share People pursue the right of association by organizing themselves in groups, parties, associations, movements, clubs, and other formations to advance the values or goals that they hold in common People can only pursue their legitimate rights if they do so in a peaceful and lawful manner, and then only if the government or other dominant force does not prohibit them from exercising their rights A common form of an association to take is to form a "non-governmental organization," or "NGO"

3) **How is an "NGO" Defined and What Kinds of NGOs Exist?** NGOs--non-governmental organizations--are groups of citizens who have grouped together to achieve a common goal Generally, these groups are formed from citizen initiative They may be called "citizen initiative groups " But since they are not "government" organizations, nor are they profit-seeking organizations, they are commonly referred to simply as "non-governmental organizations " These groups may be involved in activities which produce a profit. For instance, they may sponsor seminars and charge the participants of the seminar an entrance fee But the goal of the organization is not to produce a profit, but to provide a public service or a service to the members of the organization Many kinds of NGO exist A few common examples are professional organizations, cultural organizations, sport organizations, labor organizations, political parties, neighborhood organizations, organizations to protect the interests of groups such as war veterans,

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of children, the handicapped, and the disadvantaged There is no limit to the kind of organization or number of such organizations Their activity is limited only by the imagination of those who create them

4) Won't NGOs Contradict the Government? In Soviet society the government (more accurately, the Communist Party) was responsible for virtually all organized activity This is too great a burden and responsibility for one institution In post-Soviet society, therefore, it is reasonable to expect that many organizations will carry out the different roles of professional organizations, labor organizations, parties, sports organizations, and so on The pursuit of self-interest through collective action groups removes a great burden from formal governmental organizations Therefore, when public associations are free to pursue their interests in a lawful manner, it is a great benefit to the society, strengthening the society and improving the quality of life Citizen initiative groups are a benefit to the government and improve the government

5) How are NGOs Protected by Law in the United States? Citizens often group together in the United States to promote the public interest or the interests of the members of the group There is no formal U S law on "registration" of NGOs, and there is no formal requirement that citizens pursue formal "recognition" under the law And any individual or group of individuals is free to pursue such things as opening a bank account without any restriction from the government However, there are advantages to a group that organizes either as a "corporation" or as a "charity " The main advantage of ôrganizing as a public corporation is that the legal liability of the stockholders of the corporation is limited The main advantage of forming a "not-for-profit" charity (i e , philanthropic organization) is that, if an organization can demonstrate that its activities are aimed at benefiting society at large, then it may qualify with the U S Internal Revenue Service (*U S Nalogovaia Inspektsiia*) as a tax exempt organization Taxes in the U.S are both federal and local, and the rate and level of taxation varies widely by region But in general, tax exempt status is very valuable to any organization The records of charity organizations are open to public scrutiny Charities, in a sense, belong to "the people", but not to the government

6) What are the Basic Laws Governing NGOs in Kazakstan, Uzbekiston, and Tojikiston? In the countries of Central Asia, there are provisions for the exercise of the right of association The 1990 Declarations of National Sovereignty, the 1991 USSR Law on Public Associations, the 1991 Declarations of National Independence, and the Constitutions of Kazakstan, Kyrgyzstan, Tojikiston, and Uzbekiston serve as the basic legal foundations of the right of association in these states All of these legal documents explicitly affirm the basic right of citizens to peaceful, voluntary assembly and association The 1991 USSR Law on Public Associations provides the practical guidelines for public associations This law required that all organizations be registered in accordance with an established set of procedures Recognized organizations receive benefits such as tax advantages and the right to use a hard currency account During the period 1991-1992 a large number of public associations were formed in Kazakstan and Kyrgyzstan in particular

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7) How Do New Organizations and Associations Begin Work? There are various categories of NGOs Some are religious organizations, some are political organizations, some are cultural organizations, some are sports or special interest organizations Requirements for the registration of religious organizations in most countries of Central Asia are established by the Oblast or Velat administration Most other public organizations are required to register through the Ministry of Justice, Section for Legal Work and Registration of Public Organizations The format for registration was established by the 1991 laws on the public associations. In most cases, there are six requirements 1) an application, 2) a list of founders, 3) data on the members of the organizations, 4) an affidavit regarding a founding meeting, 5) a protocol of the founding meeting, and 6) a charter The founding board of the organization must include at least 10 individuals There are four classes of NGOs international organizations, branches of international organizations, republican organizations, and local organizations The registration fees usually vary depending upon the class of organization.

8) What Benefits are Available to Registered NGOs? The legal benefits of NGO operation in the countries in Central Asia depends upon the particular country. However, the general principle of NGO operation in the countries of Central Asia is that public organizations pay tax only on "income from activities" Funds transferred to an NGO by a sponsor are, according to this principle, not taxable There is a tax on property, but it applies only to fixed real estate and vehicles, not to such items as office equipment The tax rate on income from activities of public organizations differs from country to country For instance, in Kazakhstan income from activities is taxed at a rate of 35 percent rather than 40 percent (the rate for commercial organizations) In most countries, registered NGOs are permitted to start and use a foreign currency account

9) How Can NGOs Support their Work? NGOs finance their work in various ways Some NGOs provide a public service for which the users are willing and able to pay For instance, some charitable organizations organize exhibits or festivals and charge a fee for participation That it, they charge a fee for the service they provide This is called financing on a "user-fee basis" Some organizations find external sponsors to support their work These sponsors may be wealthy individuals, corporations, or government organizations Sponsors usually give their money to charitable organizations because they feel that it is important to help improve the society in which they operate and their members live Governments often provide NGOs with public funds (funds collected through tax revenues) because they recognize that dedicated groups of individuals working through a charitable organization can often accomplish much more than a government bureaucracy

10) How Can the American Legal Consortium Help NGOs? The American Legal Consortium is a non-governmental organization that works under contract to the United States Agency for International Development (USAID), the official branch of the U.S government which provides technical assistance to countries around the world The American Legal Consortium's activities are financed by funds appropriated by the United States Congress The overall goal of the American Legal Consortium is to assist the countries of Central Asia to

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establish a political, legal, and regulatory environment that supports democratic governance and respect for human rights To do this, the American Legal Consortium works in partnership with both governmental and non-governmental organizations to improve their laws and their legal institutions As part of its programs, the American Legal Consortium provides financial grants to organizations that are involved in activities which support democratic governance, the establishment of the rule of law, or the improvement in human rights. These financial grants are gifts to organizations They do not need to be repaid. The American Legal Consortium seeks no profit or enrichment from these activities However, the grants are distributed on a competitive basis and the recipients are required to account for the money that they use to make sure that they funds are used for activities for which they are intended. If your organization is involved in rule of law activities, the American Legal Consortium is interested in discussing your program with you Please contact our office or one of our field representatives to request more information about our grant programs or other activities.

This material was prepared by Gregory Gleason for he American Legal Consortium
November 1, 1994

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Американский Юридический Консорциум имеет честь предложить Вам прилагаемые материалы относительно правовых и нормативных актов, связанных с благотворительными объединениями, общественными услугами и инициативными организациями граждан в Вашей стране Данные материалы включают Закон об общественных объединениях и описание процесса регистрации Кроме того, они включают ответы на десять часто задаваемых вопросов о деятельности неправительственных организаций (НПО)

Настоящие материалы предоставлены при помощи Министерства юстиции Американский Юридический Консорциум работает в сотрудничестве с Министерством юстиции и другими правительственными организациями для содействия поддержке активности НПО в помощи усовершенствования правовой и нормативной структуры общества.

Американский Юридический Консорциум является американской НПО, работающей по контракту на Агенство Соединенных Штатов по Международному Развитию (USAID), подразделение правительства Соединенных Штатов, обеспечивающее техническое содействие странам во всем мире. Деятельность Американского Юридического Консорциума финансируется за счет средств, ассигнованных Конгрессом Соединенных Штатов Конечной целью Американского Юридического консорциума является содействие странам Центральной Азии в установлении политической, правовой и нормативной среды, поддерживающей демократическое правление и уважение к правам человека

Десять часто задаваемых вопросов по свободе объединения

Свобода объединения и демократия в Казахстане, Кыргызстане, Таджикистане и Узбекистане

1) Что такое право объединения и почему оно важно?

Развитие гражданского общества и функционирование правительства, руководствующегося законом, требует развития структурных институтов демократии - ответственной исполнительной, независимой судебной, жизнеспособной законодательной власти и независимой прессы Но только эти институты не могут гарантировать долгосрочности популярного правления История демократии во всем мире свидетельствует о том факте, что управление людей людьми и для людей зависит более чем что-либо иное от участия заинтересованного и образованного гражданского населения, свободно реализующего право объединения Свобода объединения, проще говоря, означает то, что индивидуумы, занимающиеся законной деятельностью, свободны объединяться в группы для содействия своим коллективным интересам Смысл здесь прост - свобода объединения является тем основополагающим принципом, на котором базируется множество гражданских и юридических прав развитых обществ

2) Как люди реализуют право объединения?

Индивидуумы преследуют свои личные цели Так как индивидуумы часто преследуют одинаковые цели, они приходят к выводу, что их индивидуальные цели наиболее успешно реализуются при объединении в группы для обобщения своих способностей и сил в достижении преследуемых целей Люди осуществляют право объединения путем организации в группы, партии, ассоциации, движения, клубы и другие образования для реализации общих ценностей или целей Люди могут реализовать свои законные права только мирным и законным путем и, кроме того, только если правительство или другая доминирующая сила не препятствует им осуществлять свои права Обычной используемой формой объединения является создание "неправительственной организации" или "НПО"

3) Как определяются "НПО" и какие типы НПО существуют?

НПО - неправительственные организации - это группы граждан, объединившихся для достижения общей цели Как правило, эти группы создаются по инициативе граждан Они могут называться "инициативные группы граждан". Но так как они не являются "правительственными" организациями и не представляют собой организации, нацеленные на получение прибыли, они обычно относятся просто к "неправительственным организациям" Эти группы могут заниматься деятельностью, приносящей прибыль Например, они могут организовывать семинары и собирать с участников семинара входную

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плату. Однако целью такой организации является не получение прибыли, а предоставление общественных услуг или услуг членам организации Существует множество видов НПО Некоторыми типичными примерами могут служить профессиональные организации, культурные организации, спортивные организации, трудовые организации, политические партии, организации по месту жительства, организации по защите интересов определенных групп, таких как ветераны войны, дети, инвалиды или неимущие Не существует ограничения видов организаций или их числа Деятельность подобных организаций ограничивается только воображением их создателей

4) Не будут ли НПО противоречить правительству?

В советском обществе правительство (точнее коммунистическая партия) несло ответственность фактически за всю организованную деятельность Это является слишком большим бременем и ответственностью для одного учреждения. В пост-советском обществе, таким образом, было бы логичным ожидать, что многие организации будут осуществлять различные роли профессиональных, трудовых, спортивных организаций, партий и т п Реализация своих собственных интересов через группы коллективного действия снимает тяжкое бремя с официальных правительственных организаций Таким образом, когда общественные объединения свободны в достижении своих интересов законным образом, они служат на благо общества, способствуют его усилению и улучшению уровня жизни Инициативные группы граждан полезны правительству и способствуют его улучшению

5) Как НПО охраняются законом в Соединенных Штатах?

В Соединенных Штатах граждане часто объединяются в группы для реализации общественных интересов или интересов членов такой группы В США не существует закона о "регистрации" НПО, как не существует и официального требования, чтобы граждане добивались официального "признания" по закону Любой человек или группа людей свободна добиваться, например, открытия банковского счета без каких-либо ограничений со стороны правительства Однако, существуют преимущества для группы, которая организована либо как "корпорация", либо как "благотворительное общество" Основным преимуществом организации в виде корпорации является то, что юридическая ответственность держателей акций корпорации ограничена Основным преимуществом формирования благотворительного общества, "не нацеленного на получение прибыли" (т е филантропической организации), является возможность ее квалификации Службой Внутренних Доходов США (Налоговой инспекцией США) как организации, освобожденной от уплаты налогов, в случае, если эта организация демонстрирует нацеленность своей деятельности на пользу обществу в целом В США существуют федеральные и местные налоги, а их ставка и степень налогообложения широко различаются по регионам

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Но как правило, статус организации, освобожденной от уплаты налогов, очень выгоден для любой организации Документы благотворительных организаций доступны для общественной проверки Благотворительные общества, в каком-то смысле, принадлежат "людям", а не правительству

6) **Каковы основные законы, регулирующие деятельность НПО в Казахстане, Узбекистане и Таджикистане?**

В странах Центральной Азии имеются предпосылки для реализации права объединения Декларации национального суверенитета 1990 года, Закон СССР об общественных организациях 1991 года, Декларации национальной независимости 1991 года и Конституции Казахстана, Кыргызстана, Таджикистана и Узбекистана служат основополагающей правовой базой для реализации права объединения в этих государствах Все эти правовые документы четко утверждают основное право граждан на мирное добровольное объединение и право собраний Закон СССР 1991 года об общественных организациях предоставляет практические нормы для общественных объединений Закон требует, чтобы все организации были зарегистрированы в соответствии с установленным порядком Официально признанные организации получают некоторые преимущества, такие как налоговые привилегии и право на использование счетов в твердой валюте. За период 1991-1992 годов большое количество общественных объединений было сформировано, в частности, в Казахстане и Кыргызстане.

7) **Как новые организации и объединения начинают работу?**

Существуют различные категории НПО Некоторые из них представляют религиозные организации, другие - политические, культурные, спортивные организации или иные специализированные организации Требования для регистрации религиозных организаций в большинстве стран Центральной Азии устанавливаются областной или региональной администрацией Большинству других общественных организаций требуется пройти регистрацию в Министерстве юстиции, управление юридической работы и регистрации общественных организаций Порядок регистрации был установлен законами об общественных организациях 1991 года В большинстве случаев существует шесть требований 1) заявление, 2) список учредителей, 3) информация о членах организации, 4) аффидевит учредительного собрания, 5) протокол учредительного собрания, и 6) устав Учредительный совет организации должен включать, по крайней мере, 10 человек Существует четыре класса НПО международные организации, филиалы международных организаций, республиканские организации и местные организации Регистрационный сбор, как правило, различается в зависимости от класса организации

8) **Каковы выгоды существуют для зарегистрированных НПО?**
Юридические выгоды работы НПО в странах Центральной Азии зависят от каждой отдельной страны Однако, основным принципом работы НПО в странах Центральной Азии является то, что общественные организации платят налог только на "доход от деятельности" Основываясь на этом принципе, средства, переведенные НПО спонсором, не облагаются налогом Существует налог на собственность, но он применяется только на основное недвижимое имущество и автотранспортные средства, а не на такие предметы как офисное оборудование Ставка налога на доход, полученный в результате деятельности общественных организаций, различается от страны к стране. Например, в Казахстане доход от деятельности облагается налогом в размере 35 процентов вместо 40 процентов (ставка для коммерческих организаций) В большинстве стран зарегистрированным НПО разрешено открыть и использовать счета в иностранной валюте

9) **Как НПО могут финансировать свою деятельность?**
НПО финансируют свою деятельность различными способами Некоторые НПО предоставляют общественные услуги, за которые потребители этих услуг хотят и могут платить Например, некоторые благотворительные организации организуют выставки или фестивали и собирают плату за участие То есть, они собирают плату за услугу, которую они оказывают Это называется финансирование "на основе оплаты пользователем" Некоторые организации находят внешних спонсоров для поддержки своей деятельности Эти спонсоры могут быть состоятельными лицами, корпорациями или правительственными организациями Спонсоры обычно предоставляют средства благотворительным организациям потому, что они чувствуют важность содействия улучшению общества, в котором они работают и живут Правительства часто предоставляют НПО общественные средства (средства, полученные от сбора налогов) потому, что они осознают, что убежденные группы индивидуумов, работающие в благотворительной организации, часто могут достичь гораздо большего, чем правительственная бюрократия

10) **Как Американский Юридический Консорциум может помочь НПО?**
Американский Юридический Консорциум является неправительственной организацией, работающей по контракту на Агенство Соединенных Штатов по Международному Развитию (USAID), подразделение правительства США, предоставляющее техническое содействие странам во всем мире Деятельность Американского Юридического Консорциума финансируется за счет средств, ассигнованных Конгрессом Соединенных Штатов Конечной целью Американского Юридического Консорциума является помощь странам Центральной Азии в установлении политической, юридической и нормативной среды, способствующей

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демократическому управлению и уважению к правам человека Для достижения этой цели Американский Юридический Консорциум работает в сотрудничестве как с правительственными так и с неправительственными организациями с целью улучшения законов и правовых институтов. Как часть своих программ, Американский Юридический Консорциум предоставляет финансовые субсидии организациям, занимающимся деятельностью, которая поддерживает демократическое правление, установление власти закона или улучшение ситуации с правами человека. Эти финансовые субсидии являются даром организациям. Их не надо выплачивать. Американский Юридический Консорциум не стремится к получению прибыли или к обогащению от такой деятельности. Однако, эти субсидии распределяются на конкурсной основе, и от их получателей требуется отчет о средствах, используемых ими. Это делается для того, чтобы убедиться, что средства используются на деятельность, на которую они и предназначены. Если Ваша организация занимается законной деятельностью, Американский Юридический Консорциум заинтересован в обсуждении Вашей программы. Свяжитесь, пожалуйста, с нашим офисом или с одним из наших местных представителей для получения дополнительной информации о наших программах субсидий или другой деятельности.

Настоящий материал подготовлен Грегори Глисон для Американского Юридического Консорциума
1 ноября 1994 года

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Проект

К О Н В Е Н Ц И Я

СОДРУЖЕСТВА НЕЗАВИСИМЫХ ГОСУДАРСТВ О ЗАЩИТЕ ПРАВ ЧЕЛОВЕКА И ОСНОВНЫХ СВОБОД

Государства - участники Содружества Независимых Государств, ниже именуемые Высокими Договаривающимися Сторонами,

принимая во внимание Всеобщую декларацию прав человека, провозглашенную Генеральной Ассамблеей Организации Объединенных Наций 10 декабря 1948 года,

принимая во внимание, что эта Декларация имеет целью обеспечение всеобщего и эффективного признания и соблюдения провозглашенных в ней прав,

исходя из Декларации глав государств - участников Содружества Независимых Государств о международных обязательствах в области прав человека и основных свобод, подписанной в Москве 24 сентября 1993 года,

считая, что соблюдение международных стандартов в области прав человека всеми государствами - участниками Содружества Независимых Государств, развитие и поощрение уважения к правам человека и основным свободам для всех, без различия расы, пола, языка и религии содействуют углублению демократических преобразований, экономическому и социальному росту, укреплению законности и правопорядка,

стремясь создать эффективную региональную евразийскую систему защиты прав человека и основных свобод,

обеспечивающую сосредоточение коллективных усилий Высоких Договаривающихся Сторон в деле утверждения идеалов свободы и господства права, предотвращения нарушений прав человека и основных свобод, восстановления традиционного духа терпимости и дружбы народов,

полагая, что такая региональная система является важным фактором осознания народами Высоких Договаривающихся Сторон ценности и достоинства человеческой личности, сохранения и развития их национальной и культурной самобытности и традиций, укрепления гражданского мира и согласия,

согласились о нижеследующем:

Статья 1

Высокие Договаривающиеся Стороны обеспечивают каждому человеку, находящемуся под их юрисдикцией, права и свободы, изложенные в настоящей Конвенции.

Статья 2

1. Право каждого человека на жизнь охраняется законом. Никто не может быть намеренно лишен жизни, за исключением - пока не отменена смертная казнь - тех случаев, когда приводится в исполнение приговор суда за особо тяжкие преступление против жизни преступления, совершенное лицом, исчерпавшим все способы обжалования приговора.

2. Смертный приговор не может быть вынесен женщинам, а также лицу за преступление, за которое закон предусматривает

такое наказание, совершенное им до достижения 18-летнего возраста.

3. Лишение жизни не рассматривается как нарушение настоящей статьи, когда оно является результатом применения силы только в случае крайней необходимости:

а) при защите любого лица от опасности для жизни или здоровья или от незаконного насилия;

б) при оказании вооруженного сопротивления при задержании или аресте и для того, чтобы произвести законный арест или воспрепятствовать побегу лица, задержанного на законном основании;

в) при законно предпринятых действиях в случае массовых беспорядков.

Статья 3

Никто не должен подвергаться пыткам или бесчеловечным или унижающим его достоинство обращению или наказанию.

Статья 4

1. Никто не должен содержаться в рабстве или в подневольном состоянии.

2. Никто не должен принуждаться к принудительному или обязательному труду.

3. Термином "принудительный или обязательный труд" в настоящей статье не охватываются:

а) какая бы то ни была работа, которая обычно должна выполняться во время заключения, произведенного в

соответствии с положениями статьи 5 настоящей Конвенции, или в период условного освобождения от такого заключения;

б) какая бы то ни была служба военного характера, а в странах, в которых признается отказ лиц от несения такой службы по политическим и религиозно-этическим мотивам, служба, выполнение которой требуется вместо обязательной военной службы;

в) какая бы то ни была служба, обязательная в случаях чрезвычайного положения или бедствия, угрожающих жизни или благополучию населения;

г) какая бы то ни была работа или служба, которая входит в обыкновенные гражданские обязанности.

Статья 5

1. Каждый человек имеет право на свободу и личную неприкосновенность. Никто не должен быть лишен свободы иначе, как в следующих случаях и в соответствии с процедурой, установленной законом:

а) законное содержание лица под стражей после его осуждения компетентным судом;

б) законный арест или задержание лица при обстоятельствах, предусмотренных законом, в том числе с целью передачи дела на расследование или в суд по обоснованному подозрению его в совершении преступления или в том случае, когда обоснованно считается необходимым воспрепятствовать совершению им преступления или его побегу после совершения преступления;

в) задержание несовершеннолетнего по законному распоряжению в целях обучения его под надзором или его законное задержание с целью передачи дела на расследование, вынесения решения о наказании или в суд;

г) законное задержание лиц в целях предотвращения распространения заразных болезней, психически больных лиц, алкоголиков или наркоманов и бродяг;

д) законный арест или задержание лица с целью воспрепятствовать его незаконному въезду в страну, или лица, в отношении которого принимаются меры по его высылке или выдаче.

2. Каждому арестованному немедленно сообщаются на понятном ему языке причины его ареста.

3. Каждому, кто лишен свободы вследствие ареста или содержания под стражей, принадлежит право на срочное разбирательство судом его дела относительно законности его задержания или, если задержание незаконно, распоряжения о его освобождении.

4. Все лица, лишенные свободы, имеют право на гуманное обращение и уважение достоинства, присущего человеческой личности.

6. Каждый, потерпевший от ареста или содержания под стражей, произведенных в нарушение положений настоящей статьи, имеет право на компенсацию причиненного ущерба.

Статья 6

1. Все лица равны перед судами и трибуналами.

Каждый имеет право при рассмотрении любого уголовного обвинения, предъявляемого ему, или при определении его прав и обязанностей в каком-либо гражданском процессе на справедливое и публичное разбирательство дела в течение разумного срока независимым и беспристрастным судом. Приговор выносится публично, однако на все судебное разбирательство или часть его может иметь закрытый характер по соображениям общественного порядка, сохранения государственной тайны или государственной безопасности, либо когда того требуют интересы подростков или защиты интимной жизни сторон.

2. Каждый обвиняемый в уголовном преступлении считается невиновным, пока виновность его не будет доказана согласно закону.

3. Каждый обвиняемый в уголовном преступлении имеет, как минимум, следующие права:

а) быть в срочном порядке и подробно уведомленным на языке, который он понимает, о характере и основании предъявляемого ему обвинения;

б) иметь достаточное время и возможности для подготовки своей защиты;

в) защищать себя лично или через посредство выбранного им самим защитника;

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г) обращаться к суду с ходатайством о допросе свидетелей, производстве осмотров, истребовании документов и назначении экспертиз;

д) пользоваться бесплатной помощью переводчика, если он не понимает языка, используемого в суде, или не говорит на этом языке.

Статья 7

Никто не может нести ответственность, которое согласно действовавшему в момент его совершения по внутригосударственному законодательству или международному праву не признавалось правонарушением. Равным образом не может назначаться более тяжкое наказание, чем то, которое подлежало применению в момент совершения уголовного преступления.

Статья 8

1. Каждый человек имеет право на уважение его личной семейной жизни, его жилища и тайны его переписки.

2. Не должно быть никакого вмешательства со стороны государственных органов в пользование этим правом, за исключением вмешательства, предусмотренного законом для предотвращения массовых беспорядков или иных преступлений для охраны здоровья или нравственности населения или для защиты прав и свобод других лиц.

Статья 9

1. Каждый человек имеет право на свободу мысли, совести и вероисповедания. Это право включает свободу выбирать свою религию или убеждения и свободу исповедовать свою религию и убеждения как индивидуально, так и совместно с другими отправлять религиозный культ, следовать и выполнять религиозные и ритуальные обряды, распространять религиозные и иные убеждения и действовать в соответствии с ними.

2. Свобода исповедовать религию или убеждения подлежит лишь ограничениям, установленным законом и необходимым в демократическом обществе в интересах общественной безопасности, для охраны общественного порядка, здоровья или нравственности населения или для защиты прав и свобод других лиц.

Статья 10

1. Каждый человек пользуется свободой мысли и слова, имеет право на свободное выражение своего мнения. Это право включает свободу придерживаться своих мнений и получать и распространять информацию и идеи без вмешательства со стороны государственных властей и независимо от государственных границ.

2. Поскольку пользование этими свободами налагает обязанности и ответственность, оно может быть сопряжено с формальностями, условиями, ограничениями или наказаниями, установленными законом в интересах государственной или общественной безопасности, для предотвращения массовых

беспорядков или иных преступлений, для охраны здоровья или нравственности населения, для защиты репутации или прав других лиц, для предотвращения разглашения информации, полученной конфиденциально, или для обеспечения независимости и беспристрастности судебных органов.

3. Предварительная цензура не допускается.

Статья 11

1. Каждый человек имеет право на свободу мирных собраний и на свободу ассоциаций с другими, включая право создавать профсоюзы и вступать в таковые для защиты своих интересов.

2. Пользование этими правами не подлежит никаким ограничениям, кроме тех, которые предусматриваются законом в интересах государственной или общественной безопасности, для предотвращение массовых беспорядков или иных преступлений, для охраны здоровья и нравственности населения или для защиты прав и свобод других лиц. Настоящая статья не препятствует установлению законных ограничений пользования этими правами для лиц, входящих в состав вооруженных сил, правоохранительных или административных органов государства.

Статья 12

Мужчины и женщины, достигшие брачного возраста, имеют право вступать в брак и основывать семью согласно внутреннему законодательству, регулирующему осуществление этого права.

Статья 13

Каждый человек имеет право на труд и на защиту от безработицы.

Статья 14

Каждый человек имеет право на социальное обеспечение, включая социальное страхование.

Статья 15

Каждый несовершеннолетний имеет право на особые меры защиты, требуемые его положением, со стороны семьи, общества и государства.

Статья 16

Каждый человек, чьи права и свободы по настоящей Конвенции нарушены, имеет право на эффективное восстановление в правах и свободах национальным государственным органом даже в том случае, если такое нарушение совершено лицами при исполнении ими служебных обязанностей.

Статья 17

Все люди равны перед законом и имеют право без всякой дискриминации на равную защиту закона.

Пользование правами и свободами, изложенными в настоящей Конвенции, гарантируется без дискриминации по

которые предусмотрены законом в интересах государственной или общественной безопасности, для поддержания общественного порядка, для предотвращения преступлений, для охраны здоровья и нравственности населения или для защиты прав и свобод других лиц.

4. Права, изложенные в пункте 1 настоящей статьи, могут в конкретных районах также явиться объектом ограничений, установленных в соответствии с законом и обоснованных общественными интересами.

Статья 21

Каждый человек, где бы он ни находился, имеет право на признание его правосубъектности.

Статья 22

1. Каждый человек имеет право на гражданство.

2. Никто не может быть произвольно лишен своего гражданства или права изменить свое гражданство.

3. Никому не может быть отказано в праве на двойное гражданство при условии, что это право признается обоими государствами, в отношении которых возникает это право.

4. Высокие Договаривающиеся Стороны способствуют сокращению безгражданства путем предоставления своего гражданства лицам, рожденным или постоянно проживающим на их территории, которые иначе не имели бы гражданства.

Статья 23

1. Никто не может быть выслан в индивидуальном порядке или в результате коллективного мероприятия с территории государства, гражданином которого он является.

2. Никто не может быть лишен права на въезд на территорию государства, гражданином которого он является.

Статья 24

Коллективная высылка иностранцев запрещается.

Статья 25

Каждое физическое или юридическое лицо имеет право на мирное пользование своим имуществом. Никто не может быть лишен своего имущества, кроме как в общественных интересах и при соблюдении условий, предусмотренных законодательством и общими принципами международного права.

Вышеизложенные положения, однако, никоим образом не затрагивают права государства принимать такие законы, которые оно считает необходимыми для контроля над использованием имущества в соответствии с общими интересами или для обеспечения уплаты налогов или других взносов или штрафов.

Статья 26

1. Никому не может быть отказано в праве на образование. При осуществлении любых функций, которые государство приняло на себя в отношении образования и

обучения, оно должно уважать право родителей обеспечивать своим детям такое образование и обучение, которое соответствует их собственным религиозным и философским убеждениям.

2. Начальное образование является обязательным и бесплатным.

3. Государство законодательно устанавливает возрастной минимум, до которого среднее образование является обязательным и который не может быть ниже установленного законом в соответствии с международно-признанными стандартами минимального возраста приема на работу.

Статья 27

Каждый гражданин должен без какой бы то ни было дискриминации по признакам, перечисленным в статье 17, и без необоснованных ограничений иметь право и возможность:

а) принимать участие в ведении государственных дел как непосредственно, так и через посредство свободно выбранных представителей;

б) голосовать и быть избранным на периодических выборах, проводимых на основе всеобщего и равного избирательного права при тайном голосовании и обеспечивающих свободное волеизъявление народа;

в) допускаться в своей стране на общих условиях равенства к государственной службе.

Статья 28

Ничто в статьях 10, 11 и 16 не рассматривается как препятствующее Высоким Договаривающимся Сторонам вводить ограничения на политическую деятельность иностранцев.

Статья 29

Ничто в настоящей Конвенции не может истолковываться как предоставляющее какому-либо государству, группе лиц или лицу какое бы то ни было право заниматься чьей-либо деятельностью или осуществлять любой акт, направленный на ликвидацию каких-либо прав или свобод, изложенных в настоящей Конвенции, или на их ограничение в большей степени, чем это предусматривается в Конвенции.

Статья 30

Ограничения, допускаемые по настоящей Конвенции в отношении указанных прав и свобод, не должны применяться для иных целей, кроме тех, для которых они предусмотрены.

Статья 31

Ничто в настоящей Конвенции не может истолковываться как ограничение или умаление любого из прав человека и основных свобод, которые могут обеспечиваться законодательством любой Высокой Договаривающейся Стороны или любым другим соглашением, участником которого она является.

Ничто в настоящей Конвенции не наносит ущерба положениям Устава Содружества Независимых Государств.

Статья 32

1. Наблюдение за выполнением настоящей Конвенции осуществляется Комиссией по правам человека Содружества Независимых Государств (КПЧ СНГ), Положение о которой является неотъемлемой частью настоящей Конвенции.

2. Высокие Договаривающиеся Стороны не передают вопросы, которые решены либо могут быть рассмотрены или рассматриваются в КПЧ СНГ, в том числе в связи с толкованием или применением настоящей Конвенции, на рассмотрение в соответствии с другими процедурами, если только иной порядок не предусмотрен специальными процедурами КПЧ СНГ.

Статья 33

1 В период войны или иного чрезвычайного положения, угрожающего высшим интересам каждой из Высоких Договаривающихся Сторон, каждая из них может принять меры в отступление от своих обязательств, принятых по настоящей Ковенции, только в той степени, в какой это требуется серьезностью положения, при условии, что такие меры не противоречат другим ее обязательствам по международному праву и не влекут за собой дискриминации по признакам, перечисленным в статье 17 настоящей Конвенции.

2. Никакое отступление на основании пункта 1 настоящей статьи от статьи 2 настоящей Конвенции, за исключением

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случаев гибели людей в результате правомерных военных действий, или от статьи 3, пункта 1 статьи 4 и статей 7 настоящей Конвенции не допускается.

3. Любая Высокая Договаривающаяся Сторона, воспользовавшаяся этим правом отступления от обязательств, ставит в известность депозитария о принятых мерах и причинах их принятия. Она также ставит его в известность, когда такие меры прекратили свое действие и положения Конвенции вновь выполняются в полном объеме.

Статья 34

1. Любое государство при подписании настоящей Конвенции или при сдаче на хранение своей ратификационной грамоты может сделать оговорку в отношении любого конкретного положения Конвенции о том, что какой-либо закон, действующий в этот период на его территории, не соответствует этому положению. Оговорки общего характера по настоящей статье не допускаются.

2. Любая оговорка, сделанная в соответствии с настоящей статьей, должна содержать краткое изложение соответствующего закона.

Статья 35

1. Любая Высокая Договаривающаяся Сторона может денонсировать настоящую Конвенцию только по истечении пяти лет с того дня, когда она стала участницей Конвенции, и по истечении шести месяцев после извещения, содержащегося в

уведомлении, направленном депозитарию, который информирует другие Высокие Договаривающиеся Стороны.

2. Такая денонсация не освобождает Высокую Договаривающуюся Сторону, заявившей о денонсации Конвенции, от взятых по ней обязательств в отношении любого действия, которое могло явиться нарушением таких обязательств и могло быть совершено ею до вступления денонсации в силу.

3. Любая Высокая Договаривающаяся Сторона, которая прекращает свое членство в Содружестве Независимых Государств, перестает быть участником Конвенции на тех же условиях.

Статья 36

1. Настоящая Конвенция открыта для подписания государствами - участниками Содружества Независимых Государств. Она подлежит ратификации. Ратификационные грамоты сдаются на хранение депозитарию - _____ _____.

2. Настоящая Конвенция вступает в силу после сдачи на хранение ратификационных грамот.

3. В отношении любого участника, который ратифицирует настоящую Конвенцию впоследствии, она вступает в силу в день сдачи на хранение его ратификационной грамоты.

4. Депозитарий уведомляет все другие государства - участники Содружества Независимых Государств о вступлении настоящей Конвенции в силу, о Высоких Договаривающих Сторонах, ратифицировавших ее, и о сдаче на хранение всех

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грамот о ратификации, которая может быть произведена впоследствии

СОВЕРШЕНО в _____ _____ _____ 199__ года на русском языке, в одном экземпляре, который будет храниться в архивах депозитария - _____ Он препровождает должным образом заверенные копии настоящей Конвенции каждой из подписавших ее Сторон.

Совети Вазирони РСС Тоҷикистон

КАРОР

ш. Душанбе

Совет Министров Таджикской ССР

ПОСТАНОВЛЕНИЕ

аз 12 январи с. 19 91 № 2

г. Душанбе

Дар бораи тартиби рӯёнидани маблаг барои бақайдгирии оиннамаҳои ташкилотҳои ҷамъиятӣ ва андозаҳои он дар РСС Тоҷикистон

Дар асоси Қонуни РСС Тоҷикистон "Дар бораи иттиҳодияҳои ҷамъиятӣ дар РСС Тоҷикистон" ва бо мақсади иҷрои қарори Совети Олии РСС Тоҷикистон дар бораи дар амал ҷорӣ намудани он Совети Вазирони РСС Тоҷикистон қ а р о р м е к у н а д:

1. Муқаррар карда шавад, ки барои бақайдгирии оиннамаҳои /низомномаҳо ва дигар ҳуҷҷатҳои асосии/ иттиҳодияҳои ҷамъиятӣ ба андозаҳои зерин маблаг рӯёнида мешавад:

зинаҳои республикавии иттиҳодияҳои ҷумҳуриятӣ ҷамъиятӣ	- 5000 сӯм;
иттиҳодияҳои байнореспубликавии ҷамъиятӣ	- 4000 сӯм;
иттиҳодияҳои республикавии ҷамъиятӣ	- 4000 сӯм;
иттиҳодияҳои маҳаллии ҷамъиятӣ	- 3000 сӯм.

2. Иттиҳодияҳои инвалидону кӯдакон аз додани маблаги бақайдгирӣ озод карда мешаванд.

3. Андозаи маблағҳои дар моддаи 1 ҳамин қарор зикршуда барои додани шаҳодатномаҳо дар бораи ба қайд гирифтани оиннамаҳои иттиҳодияҳои занон, ветеранҳо ва ҷавонон 50 фоиз кам карда мешавад.

Ба Вазорати молия ҳуқуқ дода шавад, ки бо розигии Вазорати адлияи РСС Тоҷикистон андозаи маблағҳоро барои бақайдгирии оиннамаҳои дигар иттиҳодияҳои ҷамъиятӣ кам кунад.

Совети Вазирони РСС Тоҷикистон

КАРОР

ш. Душанбе

Совет Министров Таджикской ССР

ПОСТАНОВЛЕНИЕ

от 12 января 19 91г. № 2

г. Душанбе

О порядке взимания и размерах сборов за регистрацию уставов общественных объединений в Таджикской ССР

На основании Закона Таджикской ССР "Об общественн динениях в Таджикской ССР" и во исполнение постановлени ного Совета Таджикской ССР о введении его в действие Со стров Таджикской ССР п о с т а н о в л я е т:

1. Установить, что за регистрацию уставов,(полож основополагающих актов) общественных объединений взимаю сборы в следующих размерах:

республиканских звеньев общесоюзных общественных объединений	- 5000
межреспубликанских общественных объединений	- 4000
республиканских общественных объединений	- 4000
местных общественных объединений	- 3000

2. Освободить от уплаты регистрационного сбора об инвалидов и детей.

3. За выдачу свидетельств о регистрации уставов об ных объединений женщин, ветеранов и молодежи указанные 1 1 настоящего постановления размеры сборов снижаются на 5 тов.

Вхід 27 14 01 91.

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Шӯрои Вазирони Ҷумҳурии Тоҷикистон

КАРОР

Совет Министров Республики Таджикистан

ПОСТАНОВЛЕНИЕ

аз 11 ноябр соли 1994 № 222

ш. Душанбе

Дар борааи даровардани тағйирот ба қарори Шӯрои Вазирони ҶШС Тоҷикистон аз 12 январи соли 1991 № 2 "Дар борааи тартиби ҷуброни маблағ барои сафҳидгирии сиҳисмаҳои ташкилотҳои ҷамъиятӣ ва ихтисосҳои онҳо дар ҶШС Тоҷикистон"

Ба мақсади такмилдиҳии ҷуброни маблағ барои баҳисобгирии ихтисосҳои ташкилотҳои ҷамъиятӣ Шӯрои Вазирони Ҷумҳурии Тоҷикистон **к а р о р м е к у ч а д:**

Ба қарори Шӯрои Вазирони ҶСС Тоҷикистон аз 12 январи соли 1991 тағйироти зерин дароварда шавад:

Ба зл 1 дар таҳрири зайл баён карда шавад:

"1. Муқаррар карда шавад, ки барои сафҳидгирии сиҳисмаҳо (ҳисобчиҳо ва дигар сафҳидҳо) ташкилотҳои ҷамъиятӣ маблағ ҷуброн меҳоҳад.

Миқдори сафҳидгирӣ ва иттиҳодиҳои ҷамъиятии байнанаҳвӣ дар шаҳри рубли Федерасияи Россия баробари 110 доллари ШМА ҳамчун 150 доллари ШМА, ва иттиҳодиҳои ҷамъиятии ҷумҳурӣ ва маҳаллӣ нутубиқан 80 ва 55 доллари ШМА дар рӯзи рӯйхатгирии маблағ ситонда меҳоҳад".

Раиси Шӯрои Вазирони Ҷумҳурии Тоҷикистон — А. Раҳмонов

Ҳ. Ҳ. Ҳусайнӣ аз номи Раиси Шӯрои Вазирони Ҷумҳурии Тоҷикистон — Ж. Боҳоров

Шӯрои Вазирони Ҷумҳурии Тоҷикистон

КАРОР

Совет Министров Республики Таджикистан

ПОСТАНОВЛЕНИЕ

от 11 ноября 1994 года № 222

г. Душанбе

О внесении изменений в постановление Совета Министров Таджикской ССР от 12 января 1991 года № 2 "О порядке взимания и размерах сборов за регистрацию Уставов общественных объединений в Республике Таджикистан"

В целях совершенствования взимания сборов за регистрацию Уставов общественных объединений Совет Министров Республики Таджикистан **п о с т а н о в л я е т**

Внести в постановление Совета Министров Таджикской ССР от 12 января 1991 года № 2 следующие изменения:

Пункт 1 изложить в следующей редакции:

"1. Установить, что за регистрацию "Уставов (положений) общественных объединений" взимается сбор.

Сумма регистрационного сбора взимается в рублях Российской Федерации с международных общественных объединений в размере 110 долларов США плюс 150 долларов США, республиканских и местных общественных объединений соответственно 80 и 55 долларов США по курсу рубля на дату сбора".

Первый заместитель Председателя Совета Министров Республики Таджикистан

Заместитель Председателя Совета Министров Республики Таджикистан

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4. Рӯёнидани маблағҳои бақайдгирӣ барои даровардани тағьироту иловаҳо дар оинномаҳои иттиҳодияҳои ҷамъиятӣ ба андозаи 50 фоизи маблаги ҳангоми бақайдгирии оинномаҳо супурдашуда ба амал бароварда мешавад.

5. Маблаги барои бақайдгирии оинномаҳои иттиҳодияҳои ҷамъиятӣ ва тағьир додану баръонҳо даровардани иловаҳо рӯёнидашаванда мувофиқи тартиби муқарраргардида мутобиқан ба буҷетҳои республикавӣ ё вилоятӣ дохил карда мешавад.

Раиси
Совети Вазирони РСС Тоҷикистон И.Ҳаеев

Мудири Корҳои
Совети Вазирони РСС Тоҷикистон С.Саҳҳамбоев

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Предоставить право Министерству финансов Таджикской
согласованию с Министерством юстиции Таджикской ССР сни
размеры сборов другим общественным объединениям за регис
их уставов.

4. Взимание регистрационных сборов за изменение и
нение уставов общественных объединений производится в р
50 процентов суммы уплаченного сбора при регистрации ус

5. Суммы взимаемых сборов за регистрацию уставов о
венных объединений и их последующих изменений и дополне
числяется в установленном порядке соответственно в дохо
публиканского или областных бюджетов.

Председатель
Совета Министров Таджикской ССР Хаеев

Управляющий Делами
Совета Министров Таджикской ССР Саххамба

Совети Вазирони РСС Точикистон

КАРОР

ш. Душанбе

Совет Министров Таджикской ССР

ПОСТАНОВЛЕНИЕ

от 28 февраля 1991 г. № 45

г. Душанбе

Об утверждении Правил рассмотрения заявлений о регистрации уставов республиканских звеньев общесоюзных общественных объединений, а также международных, межреспубликанских, республиканских и местных общественных объединений, действующих в Таджикской ССР

В соответствии с постановлением Верховного Совета Таджикской ССР от 12 декабря 1990 г. "О введении в действие Закона Таджикской ССР "Об общественных объединениях в Таджикской ССР", Совет Министров Таджикской ССР постановляет:

1. Утвердить прилагаемые Правила рассмотрения заявлений о регистрации уставов республиканских звеньев общесоюзных общественных объединений, а также международных, межреспубликанских, республиканских и местных общественных объединений, действующих в Таджикской ССР.

Разрешить Министерству юстиции Таджикской ССР давать разъяснения о порядке применения указанных Правил.

2. Принять к сведению, что в соответствии с постановлением Верховного Совета Таджикской ССР от 12 декабря 1990 г. положения Закона Таджикской ССР "Об общественных объединениях в Таджикской ССР" о регистрации уставов (положений, иных основополагающих актов) общественных объединений распространяются на уставы общественных объединений, созданных до введения в действие этого Закона. Уставы этих общественных объединений регистрируются до 31 декабря 1991 г., при этом правило о предоставлении устава на регистрацию в месячный срок со дня его принятия не применяется.

3. Госснабу Таджикской ССР выделять начиная с 1991 года Министерству юстиции Таджикской ССР необходимое количество бумаги, ледерина и других материалов, необходимых для изготовления свидетельств о регистрации уставов общественных объединений. Министерству финансов Таджикской ССР ежегодно выделять на эти цели необходимые средства.

Председатель
Совета Министров Таджикской ССР И.Хабов

Управляющий Делами
Совета Министров Таджикской ССР С.Махкамбаев

ШУРОИ ВАЗИРОНИ ТОЧИКИСТОН ... ОБЩИЙ ОТДЕЛ

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УТВЕРЖДЕНЫ
постановлением Совета Министров
Таджикской ССР
от 28 февраля 1991 г. № 45

ПРАВИЛА

рассмотрения заявлений о регистрации уставов республиканских звеньев общесоюзных общественных объединений, а также международных, межреспубликанских, республиканских и местных общественных объединений, действующих в Таджикской ССР

I. В соответствии с Законом Таджикской ССР "Об общественных объединениях в Таджикской ССР уставы (положения, иные основополагающие акты) республиканского звена общесоюзных общественных объединений, международных, республиканских общественных объединений регистрируются в Министерстве юстиции Таджикской ССР.

Уставы межреспубликанских общественных объединений регистрируются Министерством юстиции СССР или министерством юстиции одной из союзных республик.

Устав общественного объединения, деятельность которого распространяется на территорию гор. Душанбе, его районов, а также районов и городов республиканского подчинения регистрируется в Министерстве юстиции Таджикской ССР.

Устав областного общественного объединения, общественных объединений районов и городов области, а также поселков и кишлаков, расположенных на территории этой области, регистрируется в отделе юстиции областного Совета народных депутатов.

Уставы межрайонных общественных объединений (районов разных областей) регистрируются в Министерстве юстиции Таджикской ССР.

2. Заявление о регистрации устава общественного объединения подается в месячный срок со дня его принятия. Заявление должно быть подписано членами руководящего органа общественного объединения с указанием места жительства каждого и соответствовать форме, приведенной в приложении № I к настоящим Правилам.

К заявлению прилагаются:

а) устав общественного объединения;

б) протокол учредительного собрания (конференции) или общего собрания (съезда), принявшего устав;

в) другие материалы, подтверждающие выполнение требований статей 7 и 9 Закона Таджикской ССР "Об общественных объединениях в Таджикской ССР", в том числе:

сведения об инициаторах создания общественного объединения (для инициаторов - граждан указываются фамилия, имя, отчество, год рождения, место жительства; для общественных объединений - название объединения, местонахождение руководящего органа, дата и место регистрации устава). Общественные объединения, созданные до введения в действие Закона Таджикской ССР "Об общественных объединениях в Таджикской ССР" могут представлять сведения об инициаторах в форме актов государственных и общественных органов, копий архивных документов, писем делового характера;

документы (протоколы собраний, выписки из решений и др.) о наличии организаций данного общественного объединения в союзных республиках - для межреспубликанских общественных объединений, в иностранных государствах - для международных общественных

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объединений; для республиканских партий или профессиональных союзов - также списки не менее пятисот граждан - членов этих объединений с указанием о каждом гражданине его фамилии, имени отчества, года рождения и места жительства.

Министерство юстиции Таджикской ССР, отделы юстиции исполнительных комитетов областных Советов народных депутатов осуществляют проверку достоверности представленных общественными объединениями материалов и их соответствия действующему законодательс

3. Заявление о регистрации устава общественного объединени рассматривается регистрирующим органом в месячный срок со дня его поступления.

По результатам рассмотрения регистрирующим органом принимается одно из следующих решений:

а) о регистрации устава;

б) об отказе в регистрации устава;

в) об оставлении заявления без рассмотрения.

О принятом решении в письменной форме сообщается заявителям в 10-дневный срок после вынесения решения.

В случае отказа в регистрации устава заявителям сообщается об этом письменно с указанием положений законодательства, которым представленный устав противоречит.

Отказ в регистрации устава общественного объединения может быть обжалован в Верховном суде Таджикской ССРи рассматривается в порядке, установленном Гражданским процессуальным кодексом Таджикской ССР.

4. В случаях, когда устав общественного объединения, созданного до введения в действие Закона Таджикской ССР "Об общественных объединениях в Таджикской ССР", не соответствует требовани статьи II указанного Закона, если это несоответствие не затрани-

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вает целей и задач объединения и прав его членов, он может быть зарегистрирован при наличии письменного обязательства руководящего органа общественного объединения о внесении в устав необходимых изменений и дополнений на ближайшем общем собрании (съезде) объединения.

5. При вынесении решения о регистрации устава общественного объединения заявителям выдается свидетельство о регистрации установленного образца (приложение № 2 к настоящим Правилам).

6. За выдачу свидетельства о регистрации устава (положения, иного основополагающего акта) взимается регистрационный сбор, в размерах установленных постановлением Совета Министров Таджикской ССР от 12 января 1991 г. № 2.

Для получения свидетельства о регистрации общественное объединение представляет платежное поручение с отметкой банка о безналичном переводе со счета плательщика в кредитное учреждение или иной документ банка, подтверждающий прием денег в уплату регистрационного сбора.

За выдачу дубликата свидетельства о регистрации в случае его утраты взимается плата в размере 10 процентов общей суммы регистрационного сбора.

7. Уставу общественного объединения при регистрации присваивается регистрационный номер, под которым он вносится в Реестр общественных объединений.

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8. В случаях, когда с заявлением о регистрации устава обращаются два или более общественных объединения, имеющие одно и то же название, то преимущественное право на регистрацию устава имеет общественное объединение, созданное до введения в действие Закона Таджикской ССР "Об общественных объединениях в Таджикской ССР" в соответствии с ранее действовавшим законодательством. При отсутствии таковых в числе претендентов предпочтение отдается общественному объединению, ранее других подавшему заявление о регистрации устава объединения под этим названием.

9. Заявление о регистрации общественного объединения остается без рассмотрения, если оно подано без представления документов, указанных в пункте 2 настоящих Правил.

При устранении причин, послуживших основанием для вынесения решения об оставлении заявления без рассмотрения, заявление подлежит рассмотрению в порядке и в сроки, установленные Законом Таджикской ССР "Об общественных объединениях в Таджикской ССР" и настоящими Правилами.

10. Рассмотрение заявлений о регистрации изменений и дополнений уставов общественных объединений осуществляется в соответствии с настоящими Правилами.

11. Документы, связанные с регистрацией уставов общественных объединений, представляются на государственном языке Таджикской ССР и официальном языке СССР.

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МИНИСТЕРСТВО ЮСТИЦИИ ТАДЖИКСКОЙ ССР

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ЗАЯВЛЕНИЕ

о регистрации устава общественного объединения

_____

(Ф И О граждан—членов руководящего органа общественного объединения с указанием года рождения, адреса постоянного проживания, номера телефона каждого)

представляют на регистрацию Устав _____

(название общественного объединения)

принятый _____

(дата принятия Устава—год, месяц, число)

_____

(наименование органа принявшего Устав)

Вид объединения: республиканское звено общесоюзного общественного объединения, международное, межреспубликанское, республиканское, местное (нужное подчеркнуть)

Основные цели уставной деятельности объединения _____

(излагаются кратко)

Название и местонахождение (адрес) руководящего органа общественного объединения

_____

Фамилии заявителей

Подписи

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Дата

Министерство юстиции Таджикской ССР

«Утверждаю»
Министр юстиции Таджикской ССР

Ф. А. Абдуллое

« » 199

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ЗАКЛЮЧЕНИЕ

о регистрации устава общественного объединения

Название объединения: _____

Количество членов (участников) _____

Вид объединения: _____

Руководящие органы: _____
(наименование, численный состав, дата избрания)

Местонахождение руководящих органов: _____
(почтовый адрес, республика,
область, город, район, поселок, село)
(телефон, телефакс)

Учредители: _____

Цели создания и деятельности объединения: _____

Источники финансирования: _____

Обязательства объединения и отметки о их выполнении _____

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районного в городе, посёлке или селе депутатов выдвигаются граждане, работающие или проживающие на территории соответствующего Совета народных депутатов.

Президент Таджикской ССР К. МАХКАМОВ.

12 декабря 1990 года, город Душанбе
№ 170

ЗАКОН ТАДЖИКСКОЙ СОВЕТСКОЙ СОЦИАЛИСТИЧЕСКОЙ РЕСПУБЛИКИ

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Об общественных объединениях в Таджикской ССР

Глава I. Общие положения

Статья 1. В соответствии с Конституцией Таджикской ССР граждане Таджикской ССР имеют право объединяться в общественные организации. Республика заинтересована в развитии творческой инициативы, социальной и политической активности граждан, их участия в управлении государством и обществом, гарантирует гражданам свободу создания общественных объединений.

Статья 2. Понятие общественного объединения

Общественным объединением является добровольное формирование, возникшее в результате свободного волеизъявления граждан, объединившихся на основе общности интересов.

Общественными объединениями признаются политические партии, массовые движения, профессиональные союзы, женские, ветеранские организации, организации инвалидов, молодежные и детские организации, научные, технические, культурно-просветительские, физкультурно-спортивные и иные добровольные общества, творческие союзы, землячества, фонды, ассоциации и другие объединения граждан.

Действие настоящего Закона не распространяется на кооперативные и иные организации, преследующие коммерческие цели либо содействующие извлечению прибыли (дохода) другими предприятиями и организациями, на религиозные организации, органы территориального общественного самоуправления (Советы и комитеты микрорайонов, махаллинские, домовые, уличные, квартальные и иные), органы общественной самодеятельности (народные дружины, товарищеские суды и другие), порядок создания и деятельности которых определяется иным законодательством.

Статья 3. Законодательство об общественных объединениях

Законодательство об общественных объединениях состоит из Конституции Таджикской ССР, настоящего Закона, определяющего правовое положение общественных объединений, других законов, иных актов законодательства Таджикской ССР.

Статья 4. Цели создания и деятельности общественных объединений

Общественные объединения создаются в целях реализации и защиты гражданских, политических, экономических, социальных и культурных прав и свобод, развития активности и самодеятельности граждан, хозяйственными и общественными де-

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[illegible] в нерабочее время [illegible] участвовать в [illegible] собраниях.

Запрещается финансирование государством деятельности политических партий и массовых общественных движений, преследующих политические цели, за исключением [illegible] финансирования избирательных кампаний в соответствии с законодательством о выборах народных депутатов.

Вопросы, затрагивающие интересы общественных объединений, в предусмотренных законодательством случаях решаются государственными органами и хозяйственными организациями с участием или по согласованию с соответствующими общественными объединениями.

Статья 7. Республиканские и иные общественные объединения

В Таджикской ССР создаются и действуют республиканские звенья общесоюзных общественных объединений, межреспубликанские, республиканские и местные общественные объединения, а также международные объединения.

К республиканским звеньям общесоюзных и межреспубликанским общественным объединениям относятся такие объединения, деятельность которых в соответствии с уставными задачами распространяется на всю территорию республики и имеющие свои организации на территории Таджикской ССР.

К республиканским общественным объединениям относятся такие объединения, деятельность которых в соответствии с уставными задачами распространяется на всю территорию республики или большинства областей, районов (городов) республиканского подчинения и имеющие свои организации на этих территориях. При этом республиканские политические партии и профессиональные союзы должны иметь своими членами не менее пятисот граждан.

К местным общественным объединениям относятся областные, районные (городские), поселковые и кишлачные.

К областным общественным объединениям относятся такие объединения, деятельность которых в соответствии с уставными задачами распространяется на всю территорию области или большинства районов и городов области, и имеющие свои организации на этих территориях.

К районным (городским) общественным объединениям относятся такие объединения, деятельность которых в соответствии с уставными задачами распространяется на всю территорию района (города), а в г. Душанбе — также большинства его районов.

К поселковым, кишлачным общественным объединениям относятся такие объединения, деятельность которых в соответствии с уставными задачами распространяется на территорию поселка, кишлака.

В необходимых случаях могут быть созданы межрайонные общественные объединения.

Статья 8. Союзы общественных объединений

Общественные объединения вправе на добровольных началах объединяться в союзы общественных объединений.

Порядок образования и деятельности союзов общественных объединений и порядок прекращения их деятельности определяются в соответствии с настоящим Законом.

Глава II. Образование общественных объединений и прекращение их деятельности

Статья 9. Создание общественных объединений

Общественные объединения создаются по инициативе не менее д яти граждан

Общественные объединения, кроме политических партий и проф сиональных союзов, могут создаваться также другими общественны объединениями

Инициаторы создания общественного объединения созывают уч дительный съезд (конференцию) или общее собрание, на котором пр нимается устав (положение, иной основополагающий акт) и образу. ся руководящие органы

Статья 10. Членство в общественных объединениях

Членами (участниками) общественных объединений являются гр дане Таджикской ССР Уставом общественного объединения, кроме литических партий, может быть предусмотрено членство в нем ин ранных граждан и лиц без гражданства, а также граждан других р публик.

Членами молодежных организаций при политических партиях гут быть граждане, достигшие четырнадцатилетнего возраста

В деятельности общественных объединений, кроме политичес партий и профессиональных союзов, в случаях, предусмотренных уставами, могут принимать участие коллективные члены: трудовые к лективы предприятий, учреждений, организаций, объединения гражд

Статья 11 Устав общественного объединения

Устав общественного объединения должен предусматривать:

1) название, цели и задачи общественного объединения,

2) структуру общественного объединения, территорию, в преде которой оно осуществляет свою деятельность;

3) условия и порядок приема в члены общественного объедине выхода из него в случаях, когда объединение имеет фиксирова членство,

4) права и обязанности членов (участников) общественного об динения,

5) компетенцию и порядок образования руководящих органов щественного объединения и его организаций, сроки их полномочи местонахождение,

6) источники образования средств и иного имущества общест ного объединения и его организаций,

7) порядок внесения изменений и дополнений в устав общест ного объединения,

8) порядок прекращения деятельности общественного объедине

В уставе могут предусматриваться и иные положения, относящ к деятельности общественного объединения

Устав общественного объединения не должен противоречить з нодательству

Статья 12. Регистрация уставов общественных объединений

Устав республиканского звена общесоюзных общественных объ нений, а также уставы международных, межреспубликанских, рес ликанских общественных объединений регистрируются в Минister юстиции Таджикской ССР

Устав местного общественного объединения в районе и городе ластного подчинения регистрируется в отделе юстиции исполнител го комитета областного Совета народных депутатов

Устав общественного объединения, деятельность которого рас

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стоачяется на территории г. Душанбе, его районов, а также районов и городов республиканского подчинения, регистрируется в Министерстве юстиции Таджикской ССР.

Для регистрации устава общественного объединения в месячный срок со дня принятия устава (положения, иного основополагающего акта) подается заявление, подписанное членами руководящего органа данного общественного объединения, с указанием места жительства каждого. К заявлению прилагаются устав, протокол учредительного съезда (конференции) или общего собрания, принявшего устав, другие материалы, подтверждающие выполнение требований статей 7 и 9 настоящего Закона.

Заявление о регистрации устава рассматривается в месячный срок со дня его поступления.

Изменения и дополнения уставов общественных объединений подлежат регистрации в том же порядке и в те же сроки, что и регистрация уставов.

Органы, осуществляющие регистрацию уставов общественных объединений, ведут реестр этих объединений.

Общественное объединение либо его организации (органы) осуществляют свою деятельность лишь после регистрации их уставов в порядке, установленном настоящим Законом.

За регистрацию устава общественного объединения, его последующих изменений и дополнений взимаются регистрационные сборы в порядке и размерах, определяемых Кабинетом Министров Таджикской ССР.

Статья 13. Отказ от регистрации устава общественного объединения

В регистрации устава общественного объединения может быть отказано, если устав общественного объединения противоречит статьям 4, 5 и 11 настоящего Закона либо ранее зарегистрирован устав общественного объединения с тем же названием.

В случае отказа в регистрации устава заявителям сообщается об этом письменно с указанием положений законодательства, которым представленный устав противоречит.

Отказ в регистрации устава общественного объединения может быть обжалован в Верховном Суде Таджикской ССР и рассматривается в порядке, установленном главой 27[1] Гражданского процессуального кодекса Таджикской ССР.

Статья 14. Символы общественных объединений

Общественные объединения могут иметь в качестве символов эмблемы, флаги и вымпелы.

Эмблемы общественных объединений утверждаются их руководящими органами в соответствии с уставами. Эмблемы общественных объединений не могут служить пропаганде целей, указанных в части второй статьи 4 настоящего Закона.

Флаги и вымпелы подлежат государственной регистрации в установленном порядке.

Статья 15. Прекращение деятельности общественных объединений

Прекращение деятельности общественных объединений может быть произведено путем реорганизации (слияния, присоединения, разделения) или ликвидации.

Реорганизация общественных объединений осуществляется по ре-

шениями их съездов (конференций) или общих собраний. Регистрация уставов вновь образованных после реорганизации общественных объединений осуществляется в порядке, установленном статьей 12 настоящего Закона.

Ликвидация общественного объединения осуществляется по решению съезда (конференции) или общего собрания, либо по основаниям и в порядке, предусмотренным статьей 23 настоящего Закона

Имущество общественного объединения, ликвидированного по решению его съезда (конференции) или общего собрания, направляется на цели, предусмотренные его уставом.

Глава III. Права и условия деятельности общественных объединений

Статья 16. Права общественных объединений

Общественные объединения равны перед законом, их права закрепляются в уставах.

Для осуществления целей и задач, определенных в уставах, программных документах, иных актах, общественные объединения свободно распространяют информацию о своих целях и деятельности и в случаях и порядке, предусмотренных законодательством, пользуются также следующими правами:

участвуют в формировании органов государственной власти и управления;

осуществляют законодательную инициативу;

участвуют в выработке решений органов государственной власти и управления;

представляют и защищают законные интересы своих членов (участников) в государственных и общественных органах,

осуществляют иные полномочия, предусмотренные настоящим Законом и иными актами законодательства Таджикской ССР.

Статья 17. Политические партии, массовые движения, профессиональные союзы

Партии, выражая политическую волю своих членов, ставят основными задачами участие в формировании органов государственной власти и управления, а также в осуществлении власти через своих представителей, избранных в Советы народных депутатов

Партии имеют программные документы, публикуемые для всеобщего сведения, партии равны перед законом.

Партии имеют право выдвигать кандидатов в народные депутаты, вести предвыборную агитацию, оформлять группы своих сторонников-депутатов в соответствующих Советах народных депутатов.

Массовые общественные движения преследуют политические или иные цели и не имеют фиксированного членства

Военнослужащие и лица, занимающие должности в правоохранительных органах, в своей служебной деятельности руководствуются требованиями законов и не связаны решениями политических партий и массовых общественных движений, преследующих политические цели

Профессиональные союзы во взаимоотношениях с государственными органами, хозяйственными организациями, кооперативными и иными общественными объединениями представляют и защищают интересы членов профессиональных союзов в области производства, социально-экономической и культурной областях Все профессиональные союзы равны перед законом

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Политические партии и профессиональные союзы имеют только фиксированное индивидуальное членство

Статья 18. Производственная и хозяйственная деятельность общественных объединений

Общественные объединения в порядке, определяемом законодательством, осуществляют производственную и хозяйственную деятельность и создают лишь в целях выполнения уставных задач предприятия и хозрасчетные организации, обладающие правами юридического лица.

Доходы от производственной и хозяйственной деятельности общественных объединений не могут перераспределяться между членами (участниками) этих объединений и используются только для выполнения уставных задач; допускается использование общественными объединениями своих средств на благотворительные цели, даже если это не указано в их уставах.

Создаваемые общественными объединениями предприятия и организации вносят в бюджет платежи в порядке и размерах, установленных законом.

Статья 19. Собственность общественных объединений

Общественные объединения, их организации могут иметь в собственности здания, сооружения, жилищный фонд, оборудование, инвентарь, имущество культурно-просветительного и оздоровительного назначения, денежные средства, акции, другие ценные бумаги и иное имущество, необходимое для материального обеспечения деятельности, предусмотренной их уставами В собственности общественных объединений могут также находиться издательства, другие предприятия, благотворительные заведения; создаваемые за счет средств этих объединений в соответствии с целями, указанными в их уставах.

Законодательными актами Союза ССР и Таджикской ССР могут устанавливаться виды имущества, которое по соображениям государственной и общественной безопасности либо в соответствии с международными договорами не может находиться в собственности общественных объединений.

Денежные средства общественных объединений формируются из вступительных и членских взносов, если их уплата предусмотрена уставами; добровольных взносов и пожертвований, поступлений от проведения в соответствии с уставами лекций, выставок, спортивных и иных мероприятий, лотерей, доходов от производственной, хозяйственной и издательской деятельности; других не запрещенных законом поступлений

Политические партии и массовые общественные движения, преследующие политические цели, не вправе получать финансовую и иную материальную помощь от иностранных государств, организаций и граждан

Политические партии ежегодно публикуют свои бюджеты для всеобщего сведения

Собственность общественных объединений охраняется законом.

Правомочия союзов и входящих в них объединений по владению, пользованию и распоряжению имуществом, принадлежащим этим союзам и входящим в них объединениям, определяются уставами союзов общественных объединений

Статья 20. Средства массовой информации и издательская деятельность общественных объединений

Общественные объединения вправе учреждать средства массовой

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информации [illegible] деятельности [illegible] в соответствии с законодательством Союза ССР и Таджикской ССР о деятельности в средствах массовой информации

Глава IV. Контроль за деятельностью общественных объединений. Ответственность за нарушение законодательства

Статья 21. Контроль и надзор за деятельностью общественных объединений

Финансовые органы осуществляют контроль за источниками доходов общественных объединений, размерами полученных ими средств и уплатой налогов в соответствии с законодательством о налогах.

Надзор за исполнением законов общественными объединениями осуществляют органы прокуратуры.

Государственный орган, зарегистрировавший устав общественного объединения, осуществляет контроль за соблюдением положений устава относительно целей деятельности общественного объединения. Регистрирующий орган вправе требовать от руководящего органа общественного объединения представления принятых решений, направлять своих представителей для участия в проводимых общественным объединением мероприятиях, получать объяснения от членов общественного объединения и других граждан по вопросам, связанным с соблюдением устава общественным объединением.

Статья 22. Основания ответственности

Нарушения законодательства об общественных объединениях влекут уголовную, административную, материальную и иную ответственность в соответствии с законодательством Союза ССР и Таджикской ССР.

Ответственность за нарушение законодательства об общественных объединениях несут виновные в этом должностные лица государственных и общественных органов, а также граждане.

Общественное объединение, в том числе не зарегистрировавшее свой устав, в случае нарушения законодательства об общественных объединениях несет ответственность в соответствии с законом.

В случае совершения общественным объединением действий, выходящих за пределы целей и задач, определенных его уставом, или нарушающих закон, руководящему органу этого общественного объединения может быть вынесено письменное предупреждение органом, зарегистрировавшим устав общественного объединения, или прокурором.

Статья 23. Ликвидация общественного объединения в случаях нарушения им требований устава или закона

Общественное объединение ликвидируется по решению суда в случае совершения общественным объединением действий, предусмотренных частью второй статьи 4 настоящего Закона.

Суд может ликвидировать общественное объединение при повторном в течение года совершении действий, предусмотренных частью четвертой статьи 22 настоящего Закона.

Имущество общественного объединения, ликвидированного по решению суда, может безвозмездно обращаться в собственность государства.

Ликвидация общественных объединений, действующих на территории Таджикской ССР, производится по решению Верховного Суда Таджикской ССР по представлению Прокурора Таджикской ССР или органа, зарегистрировавшего устав общественного объединения.

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Глава V. Международные связи общественных объединений. Международные общественные объединения. Международные договоры

Статья 24. Международные связи общественных объединений

Общественные объединения в соответствии с их уставами могут вступать в международные общественные (неправительственные) объединения, поддерживать прямые международные контакты и связи, заключать соответствующие соглашения.

Статья 25. Международные общественные объединения

Общественное объединение, созданное в Таджикской ССР, признается международным, если его деятельность в соответствии с уставом распространяется на территории Таджикской ССР и одного или более иностранных государств.

Если в состав международного общественного объединения, созданного за границей, входит в качестве коллективного члена общественное объединение, созданное в Таджикской ССР, устав последнего также подлежит регистрации в соответствии с настоящим Законом.

Общественное объединение, распространившее свою деятельность на территорию иностранного государства, представляет в Министерство юстиции Таджикской ССР свой устав с необходимыми изменениями и дополнениями.

Общественные объединения, целями которых являются укрепление мира, развитие международного сотрудничества, иные виды гуманитарной деятельности, могут пользоваться льготами, устанавливаемыми законодательством.

На деятельность созданных на территории Таджикской ССР отделений (филиалов и других структурных подразделений) общественных объединений иностранных государств распространяются положения настоящего Закона.

Статья 26. Международные договоры

Если международным договором Таджикской ССР и СССР установлены иные правила, чем те, которые содержатся в настоящем Законе, применяются правила международного договора

Президент Таджикской ССР К. МАХКАМОВ.

12 декабря 1990 года, город Душанбе
№ 171

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П О С Т А Н О В Л Е Н И Е
ВЕРХОВНОГО СОВЕТА ТАДЖИКСКОЙ ССР

О введении в действие Закона Таджикской ССР "Об общественных объединениях в Таджикской ССР"

В связи с принятием Закона Таджикской ССР "Об общественных объединениях в Таджикской ССР" Верховный Совет Таджикской Советской Социалистической Республики п о с т а н о в л я е т:

I. Ввести в действие Закон Таджикской ССР "Об общественных объединениях в Таджикской ССР" с I января 1991 года.

Впредь до приведения законодательства в соответствие с названным Законом акты законодательства в части, касающейся общественных объединений, применяются, поскольку они не противоречат этому Закону.

2. Установить, что положения Закона Таджикской ССР "Об общественных объединениях в Таджикской ССР" о регистрации уставов (положений, иных основополагающих актов) общественных объединений распространяются на уставы общественных объединений, созданных до введения в действие этого Закона. Уставы этих общественных объединений регистрируются до 31 декабря 1991 года, при этом правило части четвертой статьи 12 о предоставлении устава на регистрацию в месячный срок со дня его принятия не применяется.

Особенности регулирования положений о регистрации уставов профессиональных союзов и контроле за их деятельностью, содержащиеся в статьях 12,21,22 и 23 Закона Таджикской ССР "Об общественных объединениях в Таджикской ССР" предусматриваются законодательством о профессиональных союзах.

3. Совету Министров Таджикской ССР:

издать и опубликовать в печати правила рассмотрения в соответствии с Законом Таджикской ССР "Об общественных объединениях в Таджикской ССР" заявлений о регистрации уставов республиканских звеньев общесоюзных общественных объединений, а также межреспубликанских, республиканских и местных общественных объединений; определить порядок взимания и размера сборов за регистрацию уставов общественных объединений;

привести решения правительства Таджикской ССР в соответствие с указанным Законом.

Председатель Верховного Совета
Таджикской ССР

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ЗАКОН
РЕСПУБЛИКИ ТАДЖИКИСТАН

445 **О внесении изменений и дополнений в Закон Республики Таджикистан «Об общественных объединениях в Республике Таджикистан»**

В целях совершенствования законодательства Верховный Совет Республики Таджикистан постановляет:

1 Внести в Закон Республики Таджикистан «Об общественных объединениях в Республике Таджикистан» следующие изменения и дополнения

1 Название главы II изложить в следующей редакции

«Глава II. Образование общественных объединений, приостановление и прекращение их деятельности»

2 Дополнить Закон статьями 11¹, 22¹ следующего содержания

«Статья 11¹ **Приостановление деятельности общественных объединений**

Деятельность общественного объединения приостанавливается по основаниям и в порядке, предусмотренным статьей 22¹ настоящего Закона

Приостановление деятельности общественного объединения означает запрет на пользование статусом юридического лица, беспрепятственное распространение в любом виде информации о своей деятельности, пропаганду своих программных идей и целей, участие в формировании органов государственной власти и управления, осуществление законодательной инициативы, учреждение средств массовой информации, проведение митингов, уличных шествий, демонстраций и собраний, кроме предусмотренных уставом общественного объединения заседаний руководящих органов объединения»

«Статья 22¹ **Основания и порядок приостановления деятельности общественного объединения**

По представлению прокурора или органа, зарегистрировавшего устав общественного объединения, суд может приостановить деятельность общественного объединения на срок до 3 месяцев в случаях

— однократного грубого нарушения устава общественного объединения,

— признания Комитетом конституционного надзора Республики Таджикистан несоответствующими Конституции Республики Таджикистан отдельных норм устава общественного объединения,

— нарушения общественным объединением прав и законных интересов граждан,

— существования другого общественного объединения, имеющего то же название или символику, либо такого объединения, прекратившего свою деятельность не позднее чем за год до обращения в суд

По сообщению общественного объединения об устранении нарушений суд в месячный срок рассматривает вопрос о снятии приостановления деятельности общественного объединения»

Президент Республики Таджикистан **Р НАБИЕВ**

11 марта 1992 года, гор Душанбе
№ 600

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ANNEX H

"CENTRAL ASIAN NGO NEWS"

Central Asian NGO NEWS

June 1996

East Kazakstan's Green Party Rises from Ashes of Chernobyl

In 1992 ten young men, many of them veterans who helped build the concrete sarcophagus that sealed the Chernobyl reactor, officially registered the Green Party of East Kazakstan as a non-governmental organization in Ust'-Kamenogorsk Their experiences at Chernobyl and afterwards contributed to their belief that a productive economy and healthy environment are inseparable

In its first four years, the Green Party, now numbering 40 members, has translated that belief into action For example, the party has

- Raised funds to install a scrubber in the smokestack of an asphalt plant,
- Bought and planted trees,
- Established a thriving environmental information center,
- Published its own environmental materials,
- Printed reports, laws and regulations for the East Kazakstan Department of Bio-Resources and Ecology,
- Developed workshops on environmental issues, and
- Served as a catalyst for grassroots collaboration in the oblast

Finding Resources It takes resources to be this active, and the Green Party has been particularly creative in marshalling diverse resources, including United States Peace Corps Volunteers, grants in cash and in kind and proceeds from marketing services and publications

In 1994, two Volunteer environmental advisors arrived from the U S Peace Corps at the request of the Green Party to help achieve its goals The party offered the Volunteers free housing in return for service

After much discussion with the Volunteers, the Green Party accepted their advice to establish a center that would provide sorely needed environmental information to individuals, businesses and other groups in the East Kazakstan Oblast This center would also serve as the party's first office

On 1 March 1995, the party's Presidium adopted a resolution establishing the Green Futures for Rudny Altai Center The party successfully sought space for the center from the oblast, donated its own resources and sought grants for resources it could not provide itself

In May 1995, the party received a grant of nearly $30,000 from the American Legal Consortium (ALC) to finance five activities 1) establish and operate the community information center, 2) publish and disseminate four issues of a quarterly newsletter on environmental issues, 3) conduct seminars and workshops to improve the competence of interpreters/translators on environmental issues, 4) introduce environmental education and methodologies to high school science curricula and in the workplace, and 5) assist at least five local NGOs in organizing, registering and securing project funding Among other uses, this grant helped fund the purchase of a computer, laser printer and photocopier

Green Party Chairman Sergei Smirnov (left front) with other NGO leaders at workshop conducted by Green Futures for Rudny Altai Center

Other resources that the center has successfully mobilized are a donation from ISAR (formerly the Institute for Soviet-American Relations) for an e-mail account, a grant from Counterpart Consortium for more computers and 11 public seminars, and the assistance of additional U S Peace Corps Volunteers

Continued on page 2

Commentary: The Role of NGOs in Building a Civil Society

Non-governmental organizations (NGOs) have a vital role to play in the democratic, social and market transition of the Central Asian Republics

In furthering democratic transition, NGOs can help educate fellow citizens — including, importantly, youth — about their rights and responsibilities in a civil society NGOs can participate actively and positively in the government process at local, oblast and national levels to advocate legislative reforms, assist ministries and parliaments with legislative drafting, monitor and publicize government implementation of enacted laws and encourage government transparency and accountability

In the economic domain, NGOs can train entrepreneurs, including women, represent the interests of farmers, miners and other producer groups, and work for the

Continued on page 2

Published by the American Legal Consortium, a Chemonics International program funded by the U S Agency for International Development

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Восточно-Казахстанская партия "зеленых" зарождается из пепла Чернобыля

В 1992 году группа из десяти молодых людей, большинство из которых принимали участие в сооружении бетонного саркофага над Чернобыльским реактором, официально зарегистрировали Восточно-Казахстанскую партию "зеленых" как НПО в Усть-Каменогорске Опыт, полученный ими в ходе ликвидации последствий Чернобыльской аварии и работ, проведенных после нее, укрепил их уверенность в том, что эффективная экономика и здоровая окружающая среда неотделимы друг от друга

В течение первых четырех лет партия "зеленых" в настоящее время насчитывающая в своих рядах 40 человек, смогла реализовать это убеждение в виде большого разнообразия интереснейших мероприятий Например, силами партии было осуществлено следующее

- изысканы средства для установки скрубера на одной из труб местного асфальтового завода,
- закуплены и посажены деревья,
- открыт и успешно функционирует экологический информационный центр,
- опубликованы собственные экологические материалы,
- распечатаны отчеты, законы и постановления для Восточно-Казахстанской администрации по экологии и биоресурсам,
- разработаны практические семинары по вопросам защиты окружающей среды,
- НПО выступают в качестве некого катализатора инициатив сотрудничества с общественностью области

Изыскание ресурсов Не секрет, что человеческие и иные ресурсы должны быть активизированы, и партия "зеленых" действительно творчески подходит к вопросу организации разнообразных по своему характеру ресурсов, среди которых добровольцы Корпуса мира США, гранты, предоставленные в виде наличных средств, другого рода поддержка, партия также развивает свою деятельность в сферах предоставления услуг и выпуска публикаций

В 1994 году по заявке со стороны партии "зеленых" в город прибыли два советника по экологическим вопросам Корпуса мира США, с целью оказывать поддержку организации в достижении ее целей Со стороны партии в обмен на предлагаемые услуги добровольцам было предложено бесплатное проживание

После многочисленных дискуссий с добровольцами Партия "зеленых" решает поддержать их инициативу и открыть центр, который бы обеспечивал всех заинтересованных лиц, бизнесменов и другие группы населения Восточно-Казахстанской области столь необходимой им экологической информацией Данный центр также мог бы служить офисным помещением партии "зеленых", у которой до этого ничего подобного не было

1 марта 1995 года президиум партии принял резолюцию об открытии центра "Зеленое будущее Рудного Алтая" Партии удалось найти помещение для центра, часть ресурсов была внесена со стороны самой партии, а на остальную часть был организован поиск средств в виде грантов

В мае 1995 года партия "зеленых" получила грант от Американского юридического консорциума (АЮК) на общую сумму около 30 000 долларов США для финансирования следующих пяти мероприятий 1) открытие и функционирование общественного информационного центра, 2) публикация и распространение четырех номеров ежеквартального информационного листка, освещающего экологические вопросы, 3) проведение практических семинаров для повышения квалификации переводчиков в области перевода экологических и других документов, 4) внесение предмета "экологическое просвещение" и экологической методологии в учебные планы вузов и освещение их на рабочих местах, 5) оказание помощи не менее пяти местным НПО в организации регистрации и изыскании денежных ресурсов На денежные средства предоставленного гранта также было закуплено оборудование - компьютер, лазерный принтер и ксерокопировальный аппарат

Центр успешно мобилизовал предоставленные организацией ISAR (ранее известной как Институт советско-американских

Основатели партии "зеленых" участвуют в семинаре проводимом центром "Зеленое будущее Рудного Алтая"

отношений) ресурсы в виде пожертвования для подключения к электронной почте Грант от Каунтерпарт Консорциума позволил закупить дополнительное количество компьютеров и разработать программу проведения одиннадцати общественных семинаров Был подключен к работе еще один доброволец Корпуса мира США

Деятельность центра Год спустя со времени своего основания центр стал одним из популярных мест обучения, планирования и общения Обычно двери его открыты с 8 00 до 18 00 шесть дней в неделю Центр предлагает своим посетителям ознакомиться с широким спектром имеющихся публикаций, включая работы из Польши, России, переведенные материалы таких американских организаций, как Сиерра Клуб, и фондов предоставляющих гранты на территории республик СНГ В распоряжении Центра также имеются книги, памфлеты и статьи как на русском так и на английском языках, безвозмездно предоставленные ISAR и Информационной службой США (USIS) Центр оказывает помощь частным школам малому бизнесу благотворительным организациям, ученым, изобретателям и библиотекарям в получении информации, планировании экологических проектов оформлении заявок на получение займов и грантов Большинство перечисленных услуг предоставляется бесплатно Тысячи часов работы жертвуются со

Продолжение на стр 4

Комментарий: Роль НПО в процессе построения гражданского общества

НПО призваны играть одну из ведущих ролей в процессе демократических, социальных и рыночных преобразований происходящих в республиках Центральной Азии

В свете дальнейших демократических преобразований НПО могут оказать содействие в повышении образовательного уровня граждан, включая и что немаловажно просвещение молодежи в вопросах их прав и обязанностей в гражданском обществе НПО также могут принимать активное и позитивное участие в государственных процессах на местном областном и республиканском уровнях, способствуя продвижению законодательных реформ оказывая помощь в работе министерств по разработке новых законопроектов следя за исполнением принятых законов государственными органами и способствуя их большей открытости и отчетности

В плане экономическом, НПО способны обучать предпринимателей в том числе и женщин представлять интересы фермеров, шахтеров и других производственных групп населения плодотворно работать над принятием и соблюдением соответствующих стандартов, призванных стоять на защите прав

Продолжение на стр 4

Публикуется Американским юридическим консорциумом программой «Кемоникс интернэшн» финансируемой Агентством международного развития США

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ANNEX I

"INNOVATIONS AND IMPACTS: SUCCESS STORIES OF CENTRAL ASIAN NGOs"

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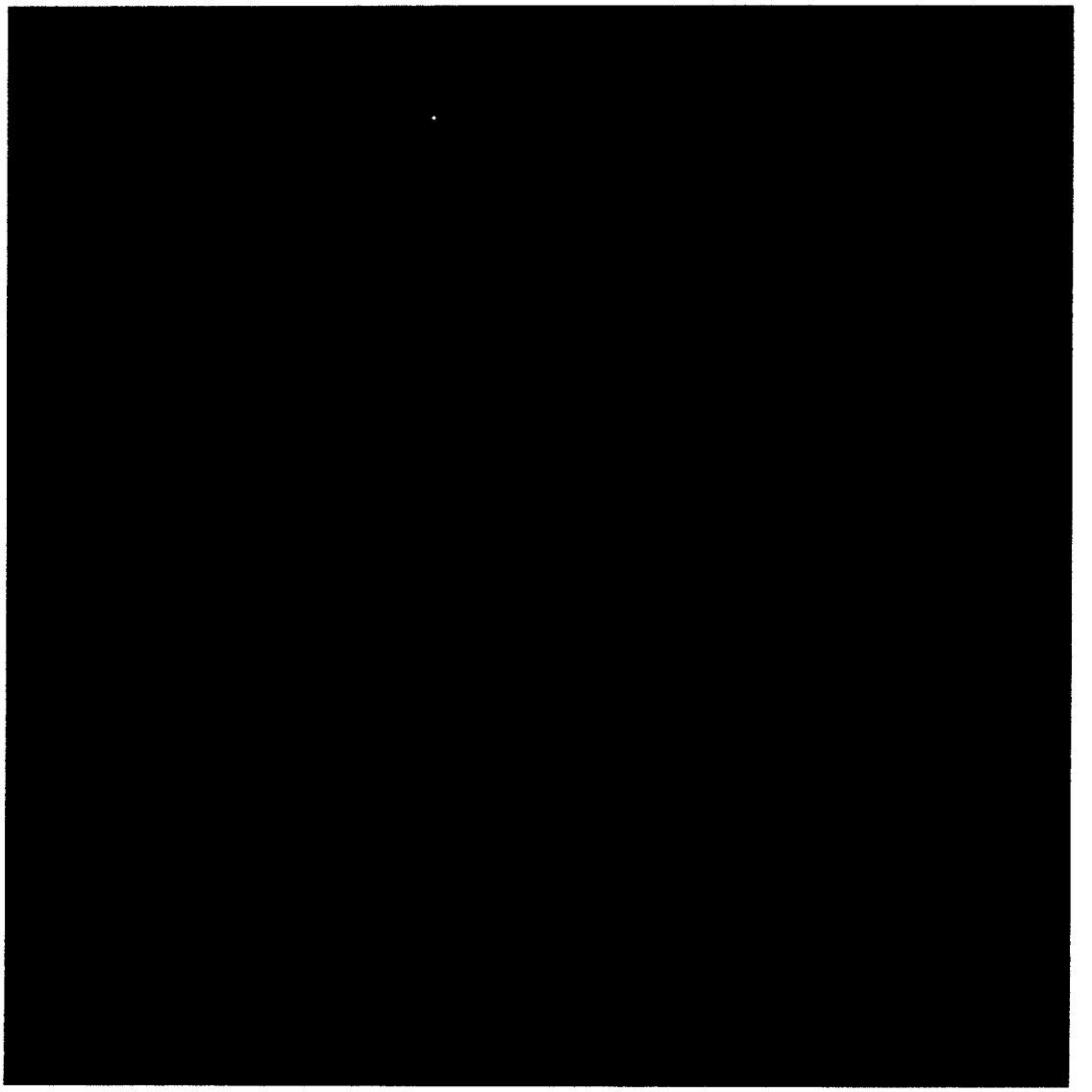
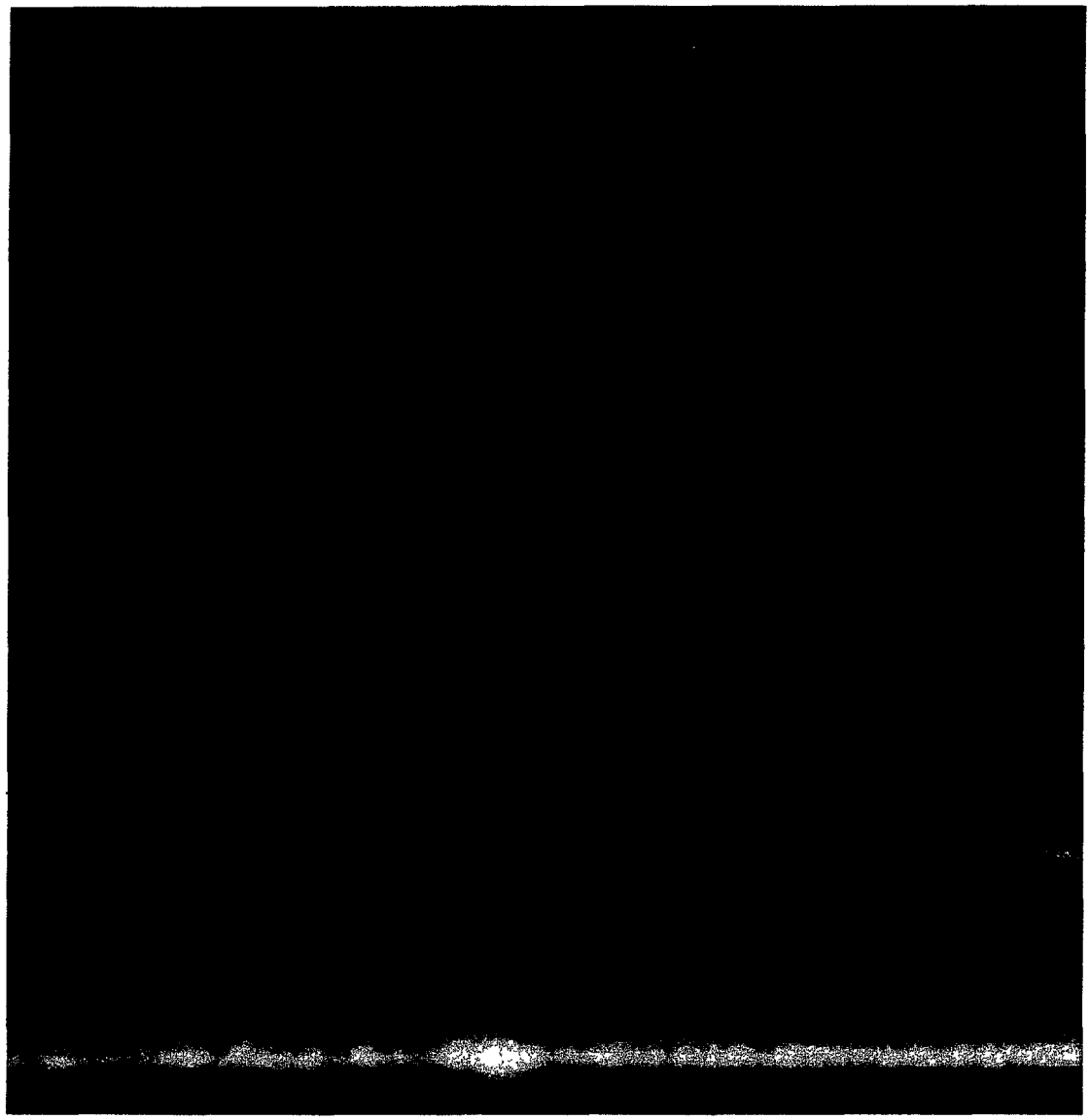
Innovations and Impacts:
Success Stories of Central Asian NGOs



American Legal Consortium, a program of Chemonics International Inc.,
funded by the United States Agency for International Development

Новаторские идеи и достижения:

опыт успешной деятельности центральноазиатских неправительственных организаций



Американский юридический консорциум
Программа осуществляется фирмой «Кемоникс Интернашенал» и финансируется Агентством США по международному развитию (USAID)

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ANNEX J

LEGISLATIVE AND POLICY CHANGE IN CENTRAL ASIA

CHEMONICS INTERNATIONAL INC

ALC GRANT RECIPIENTS ADVANCE LEGISLATIVE AND POLICY CHANGE IN CENTRAL ASIA

ALC conducted a survey of its grantees following our September, 1996 NGO Assembly held near Almaty, Kazakstan to measure concrete NGO impacts on legislation or other government actions The important achievements detailed below are drawn from this survey, and from Chapter 2, "Improving the Legal Framework," of our recently published book, *Innovations and Impacts Success Stories of Central Asian NGOs*

Kazakstan

- The *AGRO Private Farmers' Association* convinced local assemblies and the elected council in Taldy-Korgan oblast to transfer idle lands from state ownership to the private sector

- The *Kazakstan-American Bureau of Human Rights* has had considerable influence on the passage of the national law on amnesty, improvements to the government's program on the protection of human rights, the incorporation of international human rights standards on treatment of prisoners into Kazakstan's criminal code, and the narrowing of the range of offenses punishable by death according to national law. Another ALC grantee, *Legal Development of Kazakstan*, proposed national standards for the improvement and protection of human rights that were incorporated into national law.

- *Consumer's Advocate Public Center* participated in drafting sections of the Kazakstan Supreme Court's instructions to lower courts on the protection of consumers' rights

- The *Association of Independent Electronic Mass Media of Central Asia* has prepared amendments to Kazakstan's law on advertising to make it more congruent with international standards, successfully lobbied parliament not to pass legislation which limited media freedoms, and lobbied parliament on needed amendments to the law on copyrights

Kyrgyzstan

- *Fund UKUK* has led a steady, participatory campaign for NGO law reform Its draft law on NGO reform, currently under review, will, if approved, greatly improve the legal climate for NGO operations in Kyrgyzstan.

- When a prominent official of Osh's Department of Internal Affairs wrote an article defending denial of due-process protections to children convicted of certain crimes, ALC grantee *Bureau Of Children's Rights* asked the Procurator to intercede The Procurator proceeded to publish a rebuttal of the official's position, declaring it in violation of Kyrgyz law

- By mobilizing other NGOs in successful letter-writing campaign to the Upper House of Parliament, the *Kyrgyzstan-American Bureau of Human Rights and the Rule of Law* blocked the President's attempt to extend his term to the year 2001 by parliamentary vote

Tajikistan

- The *Hudzhand Philosophical Society* successfully lobbied the local council of Kairakum to ensure that disabled citizens and pensioners received priority access to foodstuffs supplied by humanitarian organizations.

Turkmenistan

- The *Dashkovuz Ecology Club* successfully campaigned to reduce state-sanctioned hunting for endangered species and increase fines for poaching, and produced a packet of materials on measures to combat the smuggling of endangered species that the Ministry of Internal Affairs reproduced and distributed to local authorities.

Uzbekistan

- The *Pavlodar Consulting Information Center* convinced the Oblast Akim to cease certain new construction in violation of the local law on environmental protection and to enforce the national Law on Protection of Consumers' Rights in the oblast.

- The *Tashkent City Collegium of Advocates* contributed to the issuance of the Presidential Decree on the Establishment of Preferential Taxation (July 15, 1996), mandating a 23% reduction in the rate of social security taxes paid by NGOs.

- In November, 1996, leaders of the *Public Research Center* and *Ecolog Unity* were selected as the sole NGO representatives on a joint NGO/government committee to draft Uzbekistan's national NGO law, to be submitted to Parliament in January, 1997.

ANNEX K

FACT SHEET ON ALC LEGAL INFORMATION SYSTEMS

CHEMONICS INTERNATIONAL INC

BUILDING SUSTAINABLE LEGAL INFORMATION NETWORKS IN CENTRAL ASIA

Over the past two years, the American Legal Consortium (ALC), a USAID-funded project of Chemonics International Inc., has helped create successful, sustainable legal information networks in Kazakstan and Tajikistan that have enhanced and accelerated public access to legal information and deepened the development of civil society in the region. The work is a major component of the 3-year Central Asian Republics Rule of Law Program developed by USAID's Europe and NIS Bureau.

What are the networks?

The networks consist of two partnerships of respected libraries in Kazakstan and Tajikistan, respectively, that have joined forces to provide legal practitioners, law professors and students, nongovernmental organizations (NGOs), government officials and the general public with improved access to legal information -- law books, legislative databases, and legal periodicals -- through use of local core collections, computer and email technology, and trained professional librarian assistance.

Who are the members of the networks?

In Kazakstan, the network consists of the Library of the National Academy of Sciences, the Adilet Higher School of Law, the Institute of State and Law, the Kazakstan State Juridical Institute, and a recent addition, the Parliamentary Information Service. In Tajikistan, the network members are the Firdowsi National Library, the Institute of Philosophy and Law of the Academy of Sciences, and the Tajikistan State University Law Faculty. Each network has an institutional 'hub' that houses equipment and resources that are jointly owned by the network members. In Kazakstan, the hub is located at the Academy of Sciences. In Tajikistan, the hub is at the Firdowsi National Library.

Why are the networks needed?

Secrecy and a profound lack of public access to legal and other information characterized the communist era. Library holdings were limited, and access severely restricted by librarians. In a post-communist society, the explosive growth of information and the region's developmental needs make broad and reliable public access to legal and legislative texts and databases an imperative.

What kind of assistance did ALC provide?

ALC contributed advisory assistance, training and physical inputs. Advice to network managers focused on strategic planning, acquisitions policy and customer service. Librarian training, in turn, emphasized computerized cataloguing and research. ALC-financed physical resources included Russian- and English-language legal treatises, legal periodicals, electronic databases of Central Asian, Russian and U.S. legislation, computers, printers, and photocopiers.

1133 20th Street NW Suite 600 Washington, DC 20036 Telephone 202-955-3300 Fax 202-955-3400

How are the networks managed and operated?

Each network is bound together by a legal Partnership and Cooperation Agreement specifying the rights and responsibilities of the member institutions. A Management Board with two representatives from each institution governs each network by consensus decision-making. Incentives for maintaining the network partnership are furnished by provisions that make each member's retention of network materials and equipment contingent on its continuing membership.

How did the networks build donor and user confidence?

Early on, the networks built up their credibility with both donors and customers by offering quality services that responded to market demands, and by emphasizing that systems were in place to ensure financial and operational sustainability. Market responsiveness (and entrepreneurial acumen) was demonstrated by the networks' willingness to service the needs -- on a fee basis -- of those foreign and domestic investors eager for copies of local and regional legislation. Systems evidencing financial and operational soundness included network budgets that included significant member contributions of employee salaries and physical space, as well as banking arrangements with institutions that had well-established reputations for financial probity.

How did ALC facilitate network sustainability?

ALC developed a sustainability plan for the two networks that included (a) creation of a distinct organizational network identity and structure distinguishable from those of the participating individual member institutions; (b) properly maintained and regularly replenished physical resources; (c) properly trained network managers and librarians, possessing the right skills, attitudes, and behaviors; (d) financial resources sufficient to cover each network's recurrent costs after ALC's departure; and (e) effective publicity and nurturing of a positive reputation so that the user communities would value and make use of each network's facilities and services. To help ensure that the plan's objectives would be realized, ALC devoted substantial amounts of effort and time to training of staff, launching of fundraising, and creation of Advisory Committees of prominent representatives of host governments, law firms, and donor organizations. As an additional transition tool, ALC created an "Owner's Manual" for each network, providing data on procurement of materials, equipment and maintenance services

What have been the results?

Since becoming operational earlier this year, the two legal information networks have attracted heavy customer usage and, through dedicated fund-raising efforts, have ensured their near- and medium-term financial sustainability. Both networks have collected sufficient funds to cover all anticipated costs for their first year of post-ALC operations. UNHCR, Eurasia Foundation and Soros Foundation have made major grants to both networks The United Nations, the American Bar Association and USAID's IRIS Commercial Law Project have donated valuable foreign and international materials. UNHCR, UNDP and the World Bank are all actively supporting medium-term financial planning for the networks. And similar networks directly modeled on the ALC prototype are being established in Kyrgyzstan and Uzbekistan.

ANNEX L

CASE STUDY ON ALC LEGAL INFORMATION SYTEMS

A SUSTAINABLITY SUCCESS STORY: ALC'S LEGAL INFORMATION SYSTEMS

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November 30, 1996

EXECUTIVE SUMMARY

i. This paper presents a case study of the design and launching of a successful technical assistance initiative to foster sustainability of host-country institutions. The institutions being presented are legal information systems or networks of local law libraries in Kazakstan and Tajikistan. The technical assistance project which supported the establishment and sustainability of these systems was the Central Asian Republics Rule of Law Project, financed by the United States Agency for International Development (USAID) and executed by Chemonics International of Washington, D.C., doing business for purposes of this project as the American Legal Consortium (ALC).

ii. The Rule of Law Project has operated in the five Central Asian Republics; Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan for three working years (December 1993 through November 1996). Committed to supporting democratic, market and social transitions through strengthening legal infrastructure, the project has invested substantial human and material inputs to developing local legal information resources.

iii. The rationale underpinning this investment was the perception, widely shared in the local and international legal communities, that the building of civil societies in Central Asia could be significantly enhanced and accelerated by creating free public access to legal and legislative information. In order for government officials, judges, lawyers and law firms, non-governmental organizations (NGOs), local and foreign businesses, law professors, scholars and students all to do effective work, they should have ready access to current, reliable local and comparative foreign legal information. Yet the pervasive situation which existed across the region before this Project exerted a positive influence was an acute shortage of such information, aggravated by the virtual inaccessibility of what little information did exist.

iv. To begin to redress these constraints, ALC joined forces with a series of respected libraries in Almaty, Kazakstan and Dushanbe, Tajikistan. Over a period of one and one-half years concluding in September 1996, the Project contributed to these local legal information institutions technical assistance inputs including materials (law books, legal periodicals and legislative databases), equipment (computers, printers and photocopiers), training and on-site advising. As reciprocal contributions to these working partnerships, the recipient libraries donated physical space and professional librarians.

v. Four libraries were assisted in Almaty and three in Dushanbe. In order to strengthen these institutional participants' capacity to exchange information and to adapt new service attitudes and behaviors, individual libraries were linked into cooperative systems or networks. Each resulting system, one in Almaty and one in Dushanbe, formed a Management Board and formalized operating rules in a Partnership Agreement. Each selected as its center or hub a prestigious, conveniently located institution: the Library of the National Academy of Sciences in Almaty; Firdowsi National Library in Dushanbe.

vi. With strong encouragement from USAID, ALC and its local counterpart institutions devoted serious attention from the outset of these parallel system-building efforts to laying the groundwork for both systems' post-ALC sustainability. A sustainability action plan was formulated and implemented. Its key components were the systems' human resources, physical resources and financial resources.

vii. Crucial in the attainment of these systems' sustainability were Advisory Committees established by the Management Boards. These Committees had the triple role of contributing to system credibility in government circles and the legal community; giving informed feedback on needed legal information materials and services; and mobilizing effective sustainability fund-raising campaigns. To achieve these multiple objectives, Committee membership was structured to include senior host-government officials, law professors and lawyers, NGO representatives, and donor-agency representatives.

viii. By the end of ALC's involvement in legal information resources development in August 1996, these mutual efforts had produced impressive results. Both legal information systems were fully operational: stocked with materials, staffed with trained librarians, managed by local leaders, advised by prominent persons, and attracting steadily increasing numbers of diverse users. Equally promising, their fund-raising campaigns had succeeded in generating sufficient revenues to cover all anticipated recurrent costs for the first full year of post-ALC operations, and in identifying concrete leads to more substantial funding for the medium term beyond that first year.

ix. This case study reports these developments in detail, acknowledging mistakes as well as attainments. In the belief that achieving institutional sustainability is of top-priority interest to development-assistance donors, contractors and beneficiaries, the study concludes by attempting to extract practical lessons from this success story about sustainability planning, phasing, staffing, budgeting and fund-raising -- all of which might fruitfully be considered for adaptation in other sectoral and geographical contexts.

x. While this paper is solely the author's responsibility, he acknowledges with genuine gratitude the pioneering, persevering work contributed to this institution-building effort by professional colleagues and counterparts.

A Sustainability Success Story: ALC'S Legal Information Systems

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A SUSTAINABILITY SUCCESS STORY: ALC'S LEGAL INFORMATION SYSTEMS

A. THE SUSTAINABILITY CHALLENGE

1. Every institution-building technical assistance project aspires to leave in place upon its completion one or more sustainable host institutions. With the possible exception of one time-only disaster relief efforts, it is difficult for a sponsoring agency to justify technical assistance's sizeable investments in personnel, procurement and training if the impact of those inputs is going to fade into insignificance soon after their withdrawal. The sustainability challenge is straightforward enough: to bolster the host institution so that its improved operating efficiency can survive and flourish independently without further injections of technical assistance. However, as the evidence of the past thirty-plus years of development assistance makes irrefutable, this is much easier said than done.

2. Three core host-institution assets or capabilities are critical for sustainability:

(1) Local managerial and technical personnel with requisite skills and "ownership";
(2) Adequate physical resources; and
(3) Adequate financial resources.

3. This paper presents a brief case study of the design and launching of one successful sustainability campaign.[1] After introducing the project background and context, the study reviews the technical assistance team's sustainability needs assessment and resulting action plan. It then summarizes how that plan was implemented, with achievements, surprises and pitfalls along the way. Finally, it offers sustainability lessons derived from this experience which may be of practical value to other technical assistance providers, donor agencies and host institutions across Central Asia and beyond.

B. THE CASE STUDY'S BACKGROUND AND CONTEXT

4. The project which provides the context for this sustainability study is the Central Asian Republics Rule of Law Project, a three-year (1994-96), five-country (Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan), $7.8 million, legal technical assistance effort financed by the United States Agency for International Development (USAID). The contractor, Chemonics International, Inc. of Washington, D.C., does business in Central Asia under the name of the American Legal Consortium (ALC). The Project's overall purpose is to contribute to democratic and market transition in the region by helping to strengthen the legal infrastructure. Main

[1]Since the paper is written soon after campaign launch, the reported early earmarks of sustainability which are overwhelmingly positive, will have to be monitored to confirm that this initial promise is maintained.

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activity components during its three-year tenure have included constitutional and legislative advising and drafting, parliamentary development, judicial development, non-governmental organization (NGO) development, and legal information resources development.

5. The Project's legal information resources development component which is the focus of this paper was designed to respond to the perception that free access to legal and legislative information is a prerequisite for legal development in a democratic society and a market economy. In contrast to this assumption, the pre-Project conditions prevailing in Central Asia were characterized by an acute shortage of such information and such access. What few legal and legislative materials existed in print were closely held by governmental institutions, beyond the effective reach of private-sector institutions and of citizens. Librarians tended to see their role as guardians rather than reference and research assistants. Security, not service, was the watchword.

6. To address this information gap and blockage, ALC conceived of facilitating the creation, on a demonstration basis, of local legal information systems. Working partnerships of non-commercial, not-for-profit law libraries, these networks would be inspired by a shared commitment to promoting the free flow of legal and legislative information. In order to help strengthen the rule of law and civil society, the systems would serve mutually reinforcing objectives :

(1) Collecting and disseminating national, regional, foreign and international legal and legislative materials;
(2) Training professional reference librarians;
(3) Encouraging broad, active use of system facilities and services for legal development (through study and research, legal writing and legislative drafting, teaching, representation and advocacy).

7. Accordingly, the systems' key target user groups included law professors and students, legal scholars, practicing lawyers and law firms, judges and other government officials, local and foreign businesses, NGOs and the general public. In addition to informing and educating citizens about the existing legal framework, these systems could assist members of the legal community to participate effectively and actively in law reform.

8. Two initial venues were selected for these demonstration systems: Almaty, Kazakstan, because that Republic was rapidly recognizing its need for legal information to keep pace with foreign investment and democratic transition; and Dushanbe, Tajikistan because ALC's grant-making and training involvement with law-related NGOs in that Republic developed an early and vocal constituency for legal information resources.[2]

9. Founding membership in these two systems was driven by local institutions' professional

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[2]ALC has subsequently assisted local lawyers and the American Bar Association in Bishkek, Kyrgyzstan in establishing a similar system. The Consortium has also advised interested representatives of host governments and donor organizations in Tashkent and Ashgabad, on forming second-generation networks for Uzbekistan and Turkmenistan, respectively.

28.

stature and enthusiasm for participating in a new working union. In Kazakstan, the local founding partners included Adilet Higher School of Law (the sole private-sector member), the Institute of State and Law, the Kazakstan State Juridical Institute and the Library of the Ministry of Science-Academy of Sciences. The corresponding Tajikistan founders included Firdowsi National Library, the Institute of Philosophy and Law of the Academy of Sciences, and Tajikistan State University Law Faculty.[3]

10. Each local partner institution donated to system operations physical space for system materials and the professional services of librarians. Special responsibilities for maintaining electronic legislative databases and for hosting law-related community forums were assigned to the two system centers: the Academy of Sciences Library in Kazakstan and Firdowsi National Library in Tajikistan.

11. During the start-up phase of the two systems' operations, ALC contributed technical assistance, training, materials and equipment, utilizing USAID financial support. The technical assistance consisted of the expert advisory services of two expatriate lawyers, one of whom was also a professional law librarian, joined on a part-time basis by a third expatriate lawyer, ALC's Chief of Party. Two host-national ALC staff members provided full-time administrative support to this team. Training of the systems' local managers and librarians was provided both in formal workshops and on-the-job. Librarians' training emphasized technical subjects like management of electronic databases as well as attitudinal development of a public-service orientation. System materials procured by ALC included a core collection of Russian- and English-language law books and Russian-language periodical journals at each participating library; and legislative databases from Kazakstan, Kyrgyzstan, Tajikistan, Uzbekistan, Russia and the United States, loaded in servers at each system center and accessed electronically by the other partners through closed networks. Supporting equipment furnished to each local partner included a computer and printer, a modem for e-mail networking, and a photocopier.

12. These two networks, then, were the local institutions whose post-Project sustainability ALC was committed to facilitate. USAID's Regional Mission, the contractor's client, made such sustainability its top priority and, in fact, a prerequisite for releasing system-development funds in the first place. While this donor expectation contributed to an initial impasse in technical assistance implementation -- because ALC insisted that sustainability had to be locally driven and hence could only gain momentum during, not before, the provision of technical assistance services -- in time the contractor and the donor agreed upon a mutually acceptable compromise. A sustainability needs assessment would be undertaken by ALC and a sustainability action plan designed before inception of services and funding. Then the viability of that plan would be confirmed through initial implementation, before ALC withdrew from system participation and USAID simultaneously transferred legal title to materials and equipment to the local partner

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[3]As discussed below in the context of system expansion and bank accounts, in Dushanbe the Tajikistan Legal Information System was subsequently strengthened by inviting as a fourth local member the independent Association of Judges. Meanwhile, the Kazakstan System has very recently benefitted by adding to its institutional members the Kazakstan Parliamentary Information Service.

institutions. Due to AID/Washington funding cutbacks, that withdrawal date was advanced by three months to end-of-August, 1996, so ALC's sustainability challenge became more pressing and required results more imminent.

C. ALC'S SUSTAINABILITY ACTION PLAN

13. ALC's sustainability needs assessment identified five system components or attributes that had to survive and function independently of further technical assistance support if each system were to have a realistic prospect of post-Project sustainability:

(1) An organizational identity and structure distinguishable from those of the participating individual member institutions;

(2) Physical resources, comprising space, books and other legal materials, and equipment (hardware and software), all maintained and periodically replenished;

(3) Human resources, comprising system managers and librarians, available and with appropriate technical knowhow (knowledge, skills, attitudes and behaviors);

(4) Financial resources sufficient to cover each system's recurrent costs, after the ALC Project budget had financed initial purchase of materials and equipment plus associated start-up costs; and

(5) Effective publicity and a growing positive reputation so that the community is aware of, values and makes use of system facilities and services.[4]

14. ALC's action plan expressed the technical assistance team's judgment that sustainability of these two legal information systems would not prove to be exclusively or even primarily a question of money. The argument was that the financial resources anticipated to be necessary to cover recurrent costs would be relatively modest and readily mobilized.[5] Yet without successfully transferred managerial and operational knowhow, combined with growing "market demand," the systems were likely to wither, or at best to see their disparate members revert to pre-Project practices soon after Project expiration, even if continuing funding were secured.

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[4]It will be noted that items (1) and (5) in this list expand the generic components for host-institution sustainability described in Paragraph 2, above. The additions were required by the special nature of these legal information systems: as integrated associations of sovereign institutions; and as public-access information service providers in social, political and economic environments where such accessibility was virtually unprecedented.

[5]Although this positive assessment was not endorsed at the time by either the local partners or USAID, it in fact proved to be fully warranted, as detailed in Paragraph 67 and Footnote 12, below.

15. The plan also anticipated -- again, correctly as it turned out -- that system sustainability would be largely a local phenomenon: the mix of resources and constraints influencing sustainability would vary markedly between Almaty and Dushanbe. To respond effectively to these varying influences, plan implementation in each venue would have to be appropriately customized.

16. The action plan called on ALC and its counterparts within the local partner institutions to commence joint work immediately on plan implementation. In other words, as the systems were being constructed, their future independent operation must influence every management decision, even while ALC remained fully engaged. The metaphor for handover must be a gradual slope, not a catastrophic cliff.

1. *A Distinct Organizational Identity*

17. One of the plan's bedrock concepts was that the participating local institutions' best prospect for sustainability was through secure, continued affiliation. To a large degree, the system itself was a sustainability instrument. As noted in passing above, ALC and its local counterparts were acutely aware that free public access to legal information -- certainly foreign and international but even domestic -- was a novelty for Central Asia, and not necessarily a welcome one for all parties in power. Equally unprecedented in these local environments was a commitment to managerial and financial autonomy, certainly for public-sector law libraries. So the network or system structure was deliberately developed, both to ease users' access to legal materials and to give participating member institutions moral and technical support as they strove to provide unaccustomed services. These services were thought more likely to overcome old prejudices, resentments and inertia if each participating institution did not have to tread these new paths alone.

18. Yet while close working cooperation among partner institutions seemed a prerequisite for system sustainability, in fact there was little precedent for such cooperation in either of ALC's demonstration venues. To the contrary, isolation and even rivalry had been the prevailing norms, with distrust particularly characteristic of relationships between public-sector and private-sector law faculties and their libraries.

19. In addressing this management challenge, the action plan considered a range of structural options. At one extreme, it rejected the non-threatening allure of ad hoc, purely voluntary, unstructured cooperation between pre-existing institutions. Such near-autonomy was judged to present serious risks to achievement of system objectives. The separate institutions were uniformly unaccustomed to offering unrestricted public access, having always catered to closed constituencies of law professors and students or to government bureaucrats. They were unlikely to open doors and keep them open without encouragement and support from peers. A loose cooperative arrangement without a visible locus and distinct identity might have difficulty attracting user patronage and contributors' revenues. Providing decentralized technical assistance to seven disparate local institutions would also be beyond ALC's manpower and time constraints. Perhaps most telling, a formless arrangement might leave individual member institutions more vulnerable to possible future government criticism or pressure than would a more structured

association known and appreciated by a wide spectrum of the legal community.

20. At the other extreme, creating a unified new corporate entity was considered unnecessary and unwieldy. It might be perceived by the member institutions as a displacing or competitive threat. Fully combining public- and private-sector "shareholders" might prove cumbersome and time-consuming. A totally unified system might be expensive to house and staff, diverting scarce resources from more pressing needs. And if formed expressly to receive foreign grants, such a system might be criticized as a self-serving construct of outside interests, and as perpetuating financial dependency instead of spurring local autonomy.

21. For these reasons, the plan recommended and the local partner institutions adopted a middle-ground organizational solution. Both systems were structured as cooperative partnerships of sovereign institutions. Both were deliberately designed around hub institutions or centers: the Academy of Sciences Library in Almaty and the Firdowsi National Library in Dushanbe. These centers were selected for their national and community prestige, for their easily accessible geographic locations, and for their non-law library status.[6] The latter criterion might seem ironic. But in fact it enabled ALC and the systems to avoid selecting any law library as a hub, so that the other law libraries did not feel diminished or disadvantaged.

22. Each System's direction was exercised by a Management Board composed of two representatives from each participating local institution. By meeting together on a bi-monthly basis for ALC's final year of tenure, these representatives could grow accustomed to cooperation by practicing it. All policy-making authority over system operations was allocated to these Boards. Each local partner was encouraged to appoint one senior administrator and one senior librarian to its delegation. In this way, the delegations could speak with confidence on behalf of their respective principals, and yet technical expertise would also be present at the management table.

23. Although this is getting slightly ahead of the story, Management Board powers and responsibilities were recorded in a Partnership & Cooperation Agreement drafted by ALC and its local partners for each legal information system. This operating contract became the documentary baseline for all management decisions. In addition to management guidelines, the Agreement addressed each system's purpose and intended users, its parties, their contributions and responsibilities, authorized representatives and operating personnel. It expressly provided for institutions to join and leave the system, again with the intent that the Agreement would continue as another sustainability tool after ALC's withdrawal.

24. The Agreement was especially crucial because the two systems were not registered with their respective host governments as formal legal entities. In Kazakstan in particular, legal

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[6]An additional hub objective of USAID and the U.S. Embassy in Tajikistan was to utilize the centers as meeting places for democracy-related events, quite apart from their library functions. This secondary role was always the subject of some concern for ALC and the center librarians, in part because law-library reading rooms and community meeting rooms were not clearly compatible facilities.

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counsel advised that it was unclear whether public- and private-sector institutions could formally affiliate to establish new joint legal entities. The consensus appeared to be that only registered NGOs could affiliate in a system or network which itself sought registration. The Kazakstan System could not pass this test since three of its four local partner institutions were government agencies. In Tajikistan, entitlement to registration seemed more promising but procedures were deemed likely to be protracted. In both jurisdictions the potential tax liabilities of registered associations were unclear, even though their work and that of their institutional members were non-profit. Accordingly, both networks elected to move forward without creating new corporate entities.[7]

2. *Needed Physical Resources*

25. The action plan anticipated that post-Project sustainability of the two systems' physical resources would be relatively easy to achieve since the primary capital investment in materials and equipment was being made by ALC during its tenure. Also, local partner institutions had installed security protections (door and window bars) and temperature controls during that period. This front-end procurement would limit physical sustainability to acquisition of modest quantities of books for expansion and replacement, renewal of periodical and database subscriptions, maintenance and repair of equipment, and purchase of consumable supplies (paper, toner, diskettes, etc.). To be sure, these recurring costs could be considerable, but the main physical plant would already be in place and fully paid for.

26. One sustainability challenge relating to physical resources was very much of concern to ALC and USAID when the action plan was being drafted in November of 1995. That was the risk that system resources might "walk away," either during or soon after the expiration of ALC's technical assistance services: either because a participating local partner institution might cease to cooperate in system activities or public-access commitment; or because a partner's parent ministry or agency might covet and requisition ALC-provided equipment. Defections or diversions during ALC tenure were accordingly discouraged by language in the Partnership Agreements retaining USAID's legal title to the books and equipment during that tenure, and conditioning local partners' use of those resources upon USAID's satisfaction. As for potential problems after ALC's tenure, the action plan recommended that any partner's withdrawal from active involvement in the system, or its failure to maintain system resources, should trigger the system's repossession of those resources, for redistribution to other founding members or to new members of an expanded network. The latter recommendation was ultimately implemented in USAID's transfer-of-title letters to the partners, which took effect simultaneously with the expiration of ALC involvement.

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[7]At this writing, the Tajikistan System's Management Board is reexamining the merits and feasibility of seeking registration.

3. *Skilled Human Resources*

27. The action plan recognized that the human resources key to system sustainability would be preparing local managers and librarians during ALC's tenure for independent exercise of their respective functions after ALC's withdrawal. Techniques recommended by the plan for executing this knowhow transfer combined formal training in workshops with on-the-job modeling of attitudes and behaviors considered necessary for management and operation of public-service legal information facilities. Crucial management-skills training topics were anticipated to include strategic planning and sustainability management. In turn, the systems' local librarians were thought to need training in computer operations, database and on-line catalogue management, and e-mail transmissions.

28. Interestingly, the plan missed the mark in placing heavy emphasis on training a surplus population of librarians in order to cope with attrition driven by trainees' new marketability. At least to the present, all the systems' original librarians, without a single exception, have judged it more attractive to remain with their present employers than to venture into unknown territory. As discussed below, however, in the context of recurrent costs, one factor influencing that loyalty has undoubtedly been salary supplements, a sustainability inducement which the plan did recommend.

4. *Adequate Financial Resources*

29. By the time of ALC's withdrawal of technical assistance support to the two legal information systems, its Project had invested some $300,000 in system start-up costs: approximately half for materials acquisition, training, purchases of equipment and supplies, and infrastructure upgrades; and a similar amount for the long-term expert services of a legal information manager (focusing on counterpart relations, community support development, management training and strategic planning) and a legal information specialist (working on materials and equipment procurement, equipment installation, electronic networking and librarian training).

30. The action plan preliminarily estimated annual recurrent operating costs, following Project expiration, at $36,000 for the Kazakstan System and $22,000 for the Tajikistan System, with the difference largely attributable to one extra local partner institution in the Kazakstan System and generally higher Almaty prices. The main budget line items identified in these projections were materials acquisition (including expansion, replenishment and database subscription renewals), librarian training and retraining, equipment maintenance and repair, supplies, telecommunications services, and contingencies. As discussed below in the context of plan implementation, these initial estimates would require significant inflation by the time the actual sustainability fund-raising campaign got under way. (See especially Paragraph 50 and Footnote 10).

31. On the basis of preliminary analysis and community soundings, the plan identified a half-dozen available sources of potential system revenues (or in-kind contributions) to cover these anticipated recurrent costs:

(1) Budget contributions from system member institutions;

(2) Fee-for-service charges, including (a) commercial users' payments for database access, electronic network access, compilations and analysis of legislative materials, and/or research assistance; (b) general users' payments for photocopying, printing and e-mailing; and (c) proceeds from system-supported desktop publishing;

(3) Books and materials donated by foreign publishers, libraries and foundations;

(4) Annual giving by system-mobilized community support groups, prominently including law firms, foreign investors, and foreign embassies, perhaps bolstered by proceeds from special community fund-raising events;

(5) Rental of system-center space for community forums; and/or

(6) Grants from American, international and other foreign projects, foundations and other donor organizations.

32. Member institutions' budget contributions, over and above continuing donation of space and labor, were considered by the plan to be well-suited to cover utility costs (electricity, heat and telephones) where system facilities were integrated with host-institution services; and also training costs where the principal beneficiaries were institution employees. User fees, appropriately skewed to target commercial users with the ability to pay, were anticipated to contribute significantly to defraying the cost of database maintenance, equipment maintenance and repair, supplies purchases and system telecommunications. Materials donations could help finance replenishment and additional acquisitions. Annual giving was identified as the likely principal source for funding all system costs, especially if prominent corporate and institutional donors could be enlisted to fund-raise as well as to give. Space rentals were classed as a small source of revenues, requiring reconciliation with host-institution and government policies, staff schedules and libraries' commitment to maintaining quiet environments. Grants were recognized as offering the systems the distinct advantage of generating large sums in lumps. But grants' potential offsetting disadvantages identified by the plan included the need in some cases for the recipient to be legally registered as an NGO; sometimes onerous reporting obligations; the one-time-only nature of the award, ill-suited to cover recurrent costs; and some grantors' reluctance to cover routine administrative costs, as opposed to special grantee events, publications or other work products. Without having attempted any survey analysis, the plan preliminarily anticipated that user fees and annual giving support might contribute the largest share of Kazakstan System costs; and grants would comprise the largest share of Tajikistan System costs. The overall prediction was that raising funds in needed amounts would be feasible as soon as the systems were up and running and had something to show donors and to begin earning user fees.

5. *Effective Publicity and a Credible Reputation*

33. ALC's action plan emphasized the necessity of using publicity effectively to strengthen each

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system's sustainability: by informing users (many of them fee-paying) that the systems existed and were of value; by demonstrating to annual givers and other donors that the systems were being used; and by inducing system member institutions to stay involved and maintain their substantial in-kind contributions. User profiles and needs assessments were recommended, in order to establish and adjust system acquisitions and services policies to respond to client priorities. The plan proposed that system services might have to include user education, both with regard to asking appropriate legal research questions and to using electronic equipment. Finally, the plan suggested that, in addition to initial "we are open for business" publicity, each system should also develop "early successes" statistics, reports, exhibitions, etc., to facilitate informed strategic planning, persuasive fund-raising, government acceptance and sustained partner-institution enthusiasm.

D. IMPLEMENTING THE SUSTAINABILITY ACTION PLAN

1. *Creating Networks and Anchoring Hubs*

34. Although ALC was convinced from the outset that, "if the local partner institutions did not hang together they would surely hang separately," those institutions' representatives on the two systems' management boards took much longer to accept the merits of close operational affiliation. As board meetings were convened every two or three weeks over the course of the final year of ALC's tenure, several bases for inter-institutional suspicions were revealed. One was the latent distrust between the Kazakstan System's public-sector and private-sector law faculties. Another was the suspicion among "satellite" partners in both systems vis-a-vis those systems' centers.

35. These sensitivities took time and mutual effort to assuage; residual center/satellite differences proved particularly resilient. For example, the librarians at both general-purpose libraries selected as system centers seemed to accept more quickly the systems' commitment to free access to the general public. (However, in practice both centers are performing only infrequently the democracy-forum role desired by USAID, in particular because both host cities have ample alternative meeting venues). Meanwhile, the satellites understandably resisted relinquishing their self-concept as specialized collections for privileged academic and professional populations. With hindsight, ALC remains firmly convinced that these neutral hub selections were crucial for system consolidation and sustainability.

36. As noted, the regularly convened management board meetings became testing grounds for forging intramural trust and cooperation between member institutions. Having a year to grow together proved crucial. Over this period, ALC consciously modified its role from system creator and chief enthusiast to technical advisor and withdrawing partner. ALC had considered being only an outside helper from the outset, and indeed USAID's Project Officer had been most comfortable with that option. However, our decision, which in practice was vindicated, was that we could best model cooperative management behavior from inside the system, in effect sitting at the board table rather than at the back of the room. This placement allowed our technical assistance team to actively participate, without trespassing. And it reduced our status to that of

equal partner, rather than experts holding ourselves above the fray and aloof.

37. To allay members' unstated but apparent concerns that their sovereign rights might be overridden in the systems' management boards, a policy of decision by consensus was adopted and recorded in the Partnership Agreements. In most cases, this meant that closure took longer than might have decision-making by majority vote. And occasionally, the absence from a board meeting of both the representatives of a single member institution delayed prompt action. But the requirement of unanimity also reassured each institution and its system representatives that decisions could not be taken on their behalf without their consent. On balance, this procedure was clearly a confidence- and loyalty-building instrument.

38. The one instance where this requirement of unanimity could have provoked a crisis occurred in Dushanbe, where three institutional members felt the need to insist that the fourth member proceed immediately with installation of books and equipment in its system facility, after protracted delays. In a display of uncharacteristic brinkmanship, this majority proceeded to the point of threatening to repossess the procrastinating partner's materials unless corrective action commenced immediately. As it turned out, the procrastinator took the threat seriously and complied with the ultimatum, thereby avoiding a possible contractual dispute in a situation where repossession might be challenged as invalid for lack of unanimity.

2. *Expanding and Maintaining Physical Resources*

39. It is only honest to report that this was one area of action plan implementation where ALC had significantly underestimated practical problems. Early on in management board deliberations, for example, there emerged an apparent disconnect between the priorities of local partner institutions and ALC. Whereas the technical assistance team saw the key sustainability challenges as human -- namely, developing the requisite managerial and librarians' skills, attitudes and behaviors -- our local partners were unanimously more focused on ensuring that they received their fair share of books and equipment. With hindsight, in an economy of scarcity, this preoccupation with material acquisitions was understandable and defensible. So if ALC had grasped this point and moved more quickly and efficiently to procure and place these assets, it is likely that local partners' enthusiasm for cooperation might have been intensified and accelerated.

40. Swifter installation of the electronic legislative databases and hookup of the system-wide networks accessing those databases might also have allayed satellite partners' jealousy towards the centers. (Due to their considerable expense, the databases were installed only in center servers, but e-mail networks gave the other partners direct access to those databases without going through center librarians).[8]

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[8]It was not feasible to let the satellites simply copy the entire databases and install them in their own facilities. Several database software packages contained electronic guards blocking total duplication, and ALC, as a rule-of-law project, was not prepared to sanction overt piracy of vendors' intellectual property.

41. Facilities' security was soon recognized as a major problem. One Dushanbe partner institution lost its system-provided computer, printer and photocopier when burglars ripped a steel door from its anchoring concrete walls, during daylight on a weekend in the heart of the Academy of Sciences! Theft insurance in Dushanbe being non-existent, ALC had to substitute used equipment to get this facility back up and running.

42. Depletion of system consumables (printer and copier paper and toner) progressed at a rate far greater than anticipated, in large measure due to abuses of system facility hospitality by personnel of parent host-government agencies. System librarians felt they lacked the authority to resist such demands, nor was it thought practical to assess such heavy users with fees-for-service. The eventual and not totally satisfactory sustainability response to this exploitation was to establish a fee schedule for printing and copying which assumed that government users would have to be given a free ride and therefore attempted to recover all consumables costs from private-sector users.

43. Perceived by system librarians and ALC as presenting a much more serious potential threat to sustainability was the rumored interest of parent ministries in both Republics to requisition and remove system equipment as soon as ALC withdrew from participation. Two strategies were employed to discourage such raids. USAID's transfer-of-title letters (Paragraph 26, above) made an explicit condition of transfer (accepted and acknowledged by the recipient's countersignature) each recipient institution's pledge to continue use of system-procured books and equipment exclusively for system purposes. Any attempt by an institution or its parent body to divert or remove such materials would automatically trigger repossession by the other partners. The second technique was to recruit to the systems' advisory committees senior representatives of government agencies having control or influence over the ministries anticipated to be most tempted to raid.[9]

44. A final tool employed by ALC to facilitate sustainability of system physical resources was an "owner's manual" providing local partner institutions with full procurement details (sources, prices, shipping details, etc.) for all books, periodicals, databases and equipment purchased on their behalf by ALC. Also included in this practical guide was information on equipment repair and maintenance services.

3. *Building Local Managerial and Technical Capacities*

45. As anticipated by ALC's action plan (Paragraph 27, above), system management workshops proved stimulating vehicles for demonstrating how foreign institutions approached similar management problems, and, not incidentally, for promoting team-building among each system's managers and librarians. One week-long seminar by a Columbia University Law School Librarian provided by subcontractor MetaMetrics, Inc.,covered a range of sustainability topics

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[9]In Dushanbe, this moral support was reinforced by a letter to the Government drafted by the U.S. Ambassador on the occasion of title transfer, expressing his appreciation for the Government's public commitment to System sustainability.

from acquisitions policy to fund-raising. Another training series conducted by an American management consultant resident in Almaty and specializing in strategic planning for non-profit organizations, brought abstract principles down to earth. Still, however, many of these concepts were novel for the systems' local leaders. All were experienced managers or librarians in their own institutions. But none were accustomed to managerial and financial autonomy, managing in loose coalitions, or approaching communities for financial support. So again, on-the-job practice in board meetings, proposals to donors, and receptions for VIP patrons provided the best channel for enhancing the requisite skills and confidence.

46. In this context, the systems' advisory committees turned out to present both a boost and a risk for the management boards. The committees were formed to perform multiple roles, all directly contributing to sustainability: to help generate financial and other community support for the systems; to inform their communities of system services and capabilities; and to give feedback on system performance and materials. Accordingly, in order to accomplish these objectives, three categories of committee members were recruited: respected supporters who could endorse the systems' value; persons with connections to financial sources; and representatives of key user groups who could give informed feedback. The resulting bodies in both system cities were impressive collections of high-ranking host-government officials, lawyers and businesspeople, NGO leaders, and representatives of international donor organizations.

On the positive side, this arrival of experienced advisors to facilitate the process of uncoupling the systems from technical assistance dependence was invaluable. Local partners' board members interacted with these leaders on a frank and regular basis, engaging in mutual managerial problem-solving. The offsetting risk was that most of these advisory committee members were powerful executives accustomed to being in charge. Interestingly, this predisposition manifested itself in two different directions in Almaty and Dushanbe: the Almaty Committee's enthusiasm looked as if it might spill over into hypercritical intimidation; the Dushanbe Committee, meanwhile, gave evidence of willingness to take over from the Board there the lead responsibility for System policy-making and management. During the brief get-acquainted period of initial interaction between boards and committees, a tacit process of feeling each other out and even jockeying for position was observed by the ALC team. However, by playing the "honest broker," ALC was able to encourage both boards to reassert their authority and both committees soon learned to help without interfering. Thus, quite apart from their pivotal fund-raising roles discussed below, the systems' advisory committees became exciting, if tacit, instruments for the local managers' human-resource development.

47. Training of librarians also presented ALC's team with surprises. Our computer-proficient technical assistance personnel, local as well as expatriate, quickly learned that their librarian counterparts lacked even elementary computer skills. So well before on-line cataloguing or e-mail communications could be taught, basic keyboard and word-processing familiarity had to be secured. Moreover, it soon became apparent that basic English-language skills would be invaluable for local librarians charged with stewardship of bilingual legal materials collections and with providing research and reference assistance to foreign, as well as local, system users. All this training could not be squeezed into ALC's final year of technical assistance tenure, especially since our two chief advisors were shuttling back and forth twice a month between Almaty and Dushanbe. In the end, therefore, a concerted program of continuing computer and

English-language training for system librarians was built into the calendar and budget for post-ALC sustainability.

48. One final human-resource development issue with significant sustainability implications was the Tajikistan System's decision to engage the professional services of a staff person as System Coordinator. ALC and the new array of donors strongly favored this engagement: to take over the system secretariat role previously played by ALC; to relieve system librarians of demands for administrative services which they were unqualified to perform; and to reassure potential and actual donors that their resources would be well monitored and administered on a day-to-day basis. Two considerations made this recruitment more problematic than ALC had anticipated. One was the librarians' resentment that a salary higher than their own system honoraria would be required to attract well-qualified candidates for the Coordinator's position. The other was the board's initial inability to create coherent terms of reference for the position. Between the extremes of a retired judge as public-relations figurehead and a young secretary to type and seal envelopes, it took time to hammer out a mutually acceptable definition of role and tasks. What ultimately moved this debate beyond impasse was a donor's offer to fund full salary and equipment for the Coordinator. Since the Kazakstan System has taken no parallel initiative, it will be interesting to compare how the two systems make out with their post-ALC administration.

4. *Fund-raising for the Short and Medium Term : Budget and Advisory Committees*

49. Fund-raising became the central focus of both systems' preparations for "life after ALC." Especially because USAID was looking to pledged revenue flows to confirm the wisdom of their transferring title to books and equipment, but also because, quite apart from USAID's agenda, system managers knew they had upcoming operational bills to pay, the fund-raising challenge magnetically captured the attention and energies of management boards, advisory committees and ALC's technical assistance team.

50. As a point-of-departure for their funding campaigns, both boards updated and revised the preliminary annual operating budgets sketched out by ALC in its action plan nearly a year before. This collaborative computing effort proved of immense practical value. As a start, of course, it gave system spokespersons a solid basis for articulating funding needs to prospective donors. But equally important, it empowered and fully engaged the local partner representatives in detailed cost-estimating. Librarians knew what honoraria they needed to supplement grossly inadequate government salaries ($3/month in Dushanbe, when paid, which was usually in arrears). They knew what photocopying paper and toner cost on local markets. They knew how many books were normally lost or damaged and had to be replaced over a year of operations. The new budgets, in short, were no longer ALC constructs but local products. In addition, by identifying promising categories of funding in each community, and potential donors within each category, local partners became less awed by the prospect of having to raise tens of thousands of dollars in support. (For example, setting fees to generate $10,000 from services to users over the course of a year was less daunting than contemplating an aggregate annual operating budget of

$146,000).[10]

51. It did not follow, however, that the local partners' representatives ever became totally comfortable with personal involvement in fund-raising. With the single prominent exception of the Rector of Adilet Law Faculty in Almaty, no board member in either system had ever had to confront donors and ask for contributions. None of the librarians in state institutions was pleased with the prospect of having to ask users to pay cash for photocopies or printouts. Market transition might be inevitable but that did not make it welcome or familiar for these conditioned civil servants. Here again, the advisory committees proved absolutely essential. They demonstrated not merely that many community organizations -- including law firms and donor agencies -- routinely made contributions to worthy causes; but also that success in approaching such organizations could be measurably increased with the right personnel, figures and timing. Both boards literally rehearsed their fund-raising messages and presentation skills before the committees, with committee members as vigorous but familial critics. ALC too was central in this coaching process and in modeling presentation conduct for companion local managers. ALC's known imminent departure gave the team a valid rationale for facilitating sustainability funding without self-interest. Donors readily grasped why we cared and could ask us frank questions which might not have been voiced to system representatives who would be "remaining in town".

52. One of many positive contributions made by the Kazakstan System's Advisory Committee was their strong suggestion that that Board prepare a three-year, medium-term operating budget and not limit its attention to the immediate hand-over funding which was ALC's and USAID's priority. The resulting exercise forced this System's managers to address such real issues as annual inflation and plans for expansion. This foresight also directly influenced the United Nations High Commission for Refugees' (UNHCR) decision to offer the possibility of substantial multi-year support beyond an initial, immediate grant of $20,000 (See Paragraph 66).

53. To take another example, it was again a Kazakstan System Advisory Committee member who recommended that that System's fund-raising budget prominently display in-kind contributions of the host institutions (primarily librarian salaries and centrally located physical space). His point was that this inclusion would dramatize to potential outside donors how much value the libraries themselves were "bringing to the table." Repeatedly, his judgment was confirmed. In the same spirit and context, both budgets' inclusion of projected fee-for-service revenues reinforced this strong self-help commitment by all the local partner institutions in both systems. And so further did the budgets' inclusion of the value of donated books -- a sizeable

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[10] The corresponding Tajikistan System Year-one budget, which excluded line items for host institutions' in-kind contributions of librarians' salaries and rent-free library premises, was $43,000. The major recurrent-cost categories in both these budgets were personnel (including librarians' training and honoraria), materials acquisition (including purchase of additional and replacement books, donations of books, renewal of periodicals subscriptions, and renewal of legislative database subscriptions), equipment and supplies, and contingency allowances. The Tajikistan System budget additionally included funds for a System Coordinator's salary and equipment.

slice of materials acquisition needs.

54. In both system cities, the advisory committees alerted the boards in advance that prospective donors would be vitally interested in the systems' provisions and procedures for protecting and monitoring donated funds. Since the systems were not themselves registered legal entities, they could not open independent bank accounts in either Republic. This lack of legal personality and of a repository for receipts was certain to make donors nervous. The solution, in both venues, was to open a system sub-account within the existing commercial bank account of the one system member which was a registered legal entity: Adilet Law School in Almaty and the Association of Judges in Dushanbe. Moreover, both of those institutions had professional accountants on their staffs and had well established reputations for financial probity.

55. As advisory committees' enthusiasm and involvement palpably increased in the first weeks following their recruitment, much of their energy shifted from merely critiquing or advising to actively contributing funding. Although advisory committee recruitment guidelines had made it explicit that no such contributions were required or expected, committee members soon began to commit institutional grant funds from their own organizations, to approach promising donors and to help organize major fund-raising events. Together with ALC's initiatives, the committees' experience and contacts served to fill the outreach gap created by the fund-raising reticence of system managers and librarians.

5. Fund-raising for the Short and Medium Term : Strategies and Tactics

56. Both during the fine-tuning of fund-raising campaign design and during initial campaign implementation, system managers and their advisors developed a number of interlinked tactics which contributed significantly to revenue generation, and hence to system sustainability. One such tactic was to secure an early, visible linchpin grant. For both systems this boost came from the Soros Foundation. The Foundation contributed $12,000 in Almaty and $7,500 in Dushanbe for post-ALC materials acquisition: replacement of lost or damaged books; purchase of additional books; and renewal of periodicals subscriptions. This gesture benefitted the systems in several ways. It served as a public vote of confidence in the systems by a respected international donor. It gave confidence too to the skeptical boards that they could raise serious money for their systems. Formulating the grant proposal to Soros was good fund-raising practice for system managers; the instrument served as a prototype for subsequent approaches to other donors. And being able to cite Soros support when making those other approaches reassured donors that they need not be pioneers in investing in this local institution: a convincing answer was ready to respond to the (sometimes tacit) inquiry, "Who else is giving?"

57. System managers were quick to perceive and exploit different fund-raising opportunities presented by the Almaty and Dushanbe environments. Thus, for example, in Almaty, the presence of 57 accredited diplomatic missions and of diverse international law and accounting firms represented promising candidates for contributions. In Dushanbe, by way of contrast, no comparable numbers of such institutions were present; but an active Aid Coordination Unit co-chaired by the United Nations Development Program (UNDP) and the World Bank constituted an alternative, powerful focus for that system's fund-raising attention.

58. Yet while venue-specific fund-raising tactics were appropriate, the systems also learned to take advantage of key donors' region-wide perspectives. The two Soros programs in Kazakstan and Tajikistan operated independently of one another. But UNHCR was mounting an aggressive, centrally coordinated region-wide law reform program. By deliberately cultivating that program's coordination team as it made the rounds of national capitals, and by informing itself about UNHCR's regional interest in legal information services as first manifested in Kyrgyzstan, ALC was able to help both systems to persuade this donor to make their facilities the anchor of UNHCR investments in Tajikistan and Kazakstan.

59. In that same spirit, the systems' fund-raising campaigns rapidly became adept at matching system budget needs to donors' own priorities. Seizing on those priorities as targets of opportunity, system fund-raisers were able to make it easier for donors to give, by fitting contributions to the systems into the donors' existing program plans. Thus, in Almaty, for example, the World Bank was contemplating launching a major law-reform technical assistance project in early 1997. That project would need speedy access to local legislation. So while the Bank had no significant discretionary resources for flat grants or gifts to the Kazakstan System, a fee-for-service consultancy by System librarians providing legislative texts and research assistance was a win/win solution. Meanwhile, in Dushanbe, UNDP had been contemplating, without early success, the establishment of a local legislative translation service and publication of a periodical gazette, so that international agencies and foreign investors could have access in English to Tajik laws and regulations. The Tajikistan Legal Information System was already inputting that legislation, in Russian, into its own electronic databases. It was thus able to persuade UNDP to establish its translation service within and as a complementary unit of the established System. This merger avoided disruptive competition and promised to generate significant fees from sales of translated documents to help cover System operating costs.

60. As an extension of this matching theme, system fund-raisers discovered that specific line items in their recurrent-cost budgets were of greater or lesser appeal to particular donors. In Dushanbe, again, UNDP was eager to pay for further development of the legislative database but not for librarian training or honoraria. UNHCR, on the other hand, was keen to support that training, especially in advanced computer skills and English-language competence, as well as the honoraria deemed necessary to create incentives. Eurasia Foundation was strongly attracted to making it possible for the Tajikistan System to hire and equip a full-time coordinator.

61. The preceding examples, and others, confirmed the appeal to donors of giving to a "going concern." Central Asia remains a relatively new, unfamiliar territory to most foreign and international development organizations. Far safer for them to add their resources to established, respected, solvent systems than to risk starting up something totally from scratch.

62. An overarching guideline for all components of the systems' fund-raising campaigns was to appeal to the relevant parties' self-interest. This grounding embraced system insiders as well as campaign targets. System managers, for example, saw the obvious value to their institutions of a steady income stream to expand and replenish materials and equipment. The librarians, in turn, appreciated the campaign budgets' inclusion of training and honoraria line items. As already mentioned, specific donors were most responsive when system funding appeals coincided with their own program plans. Almaty law firms and accounting firms, when approached to

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contribute, tended to focus on that System's rapidly growing collection of English-language materials, which spared them the effort and expense of assembling in-house duplicative collections. This recognition of the importance of self-interest was some time in coming, and not totally welcome to some members of ALC's technical assistance team. These dedicated professionals had assumed and hoped that free local access to legal information and building civil society would have the same strong allure for counterparts and donors as for themselves. What they quickly learned, however, was that philosophical commitments are less likely to open wallets, at least in an environment with little tradition of private, philanthropic giving, than are perceived immediate tangible benefits. Bringing fund-raising messages down to earth produced immediate, irrefutable results.

63. One campaign effort which was largely unsuccessful was the attempt to attract funding from local private-sector institutions, primarily law firms and businesses. The systems had included local institutions in the campaign's target populations in order to deflate any perception that only foreign and international interests found the systems of value. Initially, it appeared as if these attempts were bearing fruit with the local legal and business communities in Dushanbe. To date, however, those hoped-for contributions have not materialized. One deterrent may have been the obvious enthusiasm of foreign and international donors in that city for supporting the system. Why should we part with scarce resources, local entrepreneurs may have been asking themselves, when the foreigners are queuing up? In both systems, host-national lawyers, law professors, government officials and NGO leaders are making important contributions to system management by serving on the advisory committees. But thus far no parallel financial investments have been forthcoming.

64. This local contributors tactic was but one component of a broader strategy to steadily diversify the systems' financial portfolios: both in terms of attracting multiple categories of resources and in terms of attracting multiple donors within each category. Already mentioned, in this context, has been the inclusion in system fund-raising budgets of host-institution in-kind contributions, donated books, and fee-for-service revenues to supplement donors' gifts and grants. And within that donor population, a deliberate effort was made to attract private-sector and public-sector contributions, for-profit and non-profit contributions, bilateral and multilateral contributions. This diversity not only demonstrated to other prospective contributors the systems' broad appeal and utility. It also reduced the risk that any single donor could exert undue influence on system policies or priorities[11].

65. In all campaign contacts and fund-raising appeals, timing proved crucial. All large donors have annual program budgets and funding cycles. When a system could tap into such cycles at convenient moments for a donor, otherwise unlikely support became possible. The most prominent example of this synchronicity was the UNHCR/Kazakstan situation when that donor, as the result of an unsuccessful investment in another sector earlier in the year, found itself with unanticipated surplus funds which it had to "use or lose" as the end of its fiscal year approached.

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[11]As a variation on this theme, one extremely welcome initiative in Dushanbe was the offer from a local *public-sector* institution, the High Economic Court, to contribute funds from its materials acquisition budget to the Tajikistan System's procurement of commercial law materials.

This serendipity induced UNHCR to rapidly and positively respond to the Kazakstan System's request for funding support. So also the periodic scheduling of Eurasia Foundation Board meetings made it possible for the two systems to get quick responses to their grant requests, although that same timing also forced rapid mobilization of grant proposal-writing and submission.

66. In a related development, UNHCR/Kazakstan created a stimulating challenge for that system by offering to treat the system's performance in spending the initial, quick-disbursing UNHCR contribution as a demonstration of financial management maturity. In its response to the system's initial funding request, UNHCR specifically indicated its readiness to return to the negotiating table on 1 January 1997 to discuss much larger, multi-year funding support, provided that the first tranche was well spent. Closely analogous was the revelation by Soros Foundation and EU/TACIS that multiple "windows" were available to the systems for phased approaches. Small sums could be quickly made available by both these organizations to help cover immediate needs. But specialized grant programs were also in place to support larger, longer support.

67. The possible availability of both short- and medium-term resources, of course, married perfectly with the systems' multi-year financial planning. (Paragraph 52.) With needed funds already contributed or pledged to cover both systems' recurrent costs during their first year of post-ALC operations,[12] sustainability horizons can already be extended to address second- and third-year needs.

68. As a refinement of that medium-term planning, the system advisory committees in both Almaty and Dushanbe encouraged board members to distinguish between sustainability and time self-sustainability. Their point was that system dependence on outside funding sources, and

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[12]For the Almaty System, at this writing $122,000 of the $146,000 estimated to be necessary for Year-One sustainability has already been raised (Only $10,000 for routine telecommunications expenses and $13,000 as a reserve contingency allowance remain unfunded. And follow-through on an October demonstration of System capabilities conducted for Almaty's diplomatic community is expected to close much of this outstanding gap). The major contributors to this early success have been host institution in-kind contributions ($52,000), the Soros Foundation ($12,000), the Eurasia Foundation ($20,000), UNHCR ($20,000), various book donors (including the IRIS Commercial Law Project, the American Bar Association, the United States Information Service, UNDP and foreign embassies) ($6,000), and projected fee-for-service revenues ($12,000).

For the Dushanbe System, $39,000 of the needed $43,000 has been raised, with only a $4,000 contingency allowance remaining unfunded. the major contributors have been the Open Society Institute/Soros Foundation ($7,000),the Eurasia Foundation ($15,000), UNHCR ($5,000), UNDP, through the Aid Coordination Unit ($7,000), various book donors (UNDP, OSCE, ABA and USIS) ($1,000), and projected fee-for-service revenues ($4,000). In addition, UNHCR is procuring and placing in the system Center a $20,000 heavy-duty photocopier. And, as reported above, UNDP will be staffing and equipping within the system Center a revenue-generating legislative translation and publishing service.

especially grants, was reasonable and even essential in the short run. It was unrealistic to expect new, non-profit legal information associations to immediately be able to earn enough revenues to cover all their recurrent costs. Surviving was enough of an achievement without demanding instant financial autonomy. Looking beyond the immediate future, however, the advisors counseled that both systems should set significant, if not total, financial independence as a priority goal. In Almaty, for example, the World Bank's Resident Representative sitting on that advisory committee offered to work with the system board to raise sizeable corporate contributions from foreign investors with the specific aim of building up an endowment fund to support future operations from interest earnings. In Dushanbe, simultaneously, UNDP proposed that its new legislative translation service to be established within the system center should be deliberately designed to generate sufficient sales and service revenues over time to help make the service and its host system self-sustaining.

69. These fund-raising notes have been set out at some length in order to demonstrate the richness and dynamism of these legal information systems' sustainability initiatives and achievements. Clearly, the insights and inputs of the expert advisory committees have been invaluable. Certainly, some opportunities have been overlooked and some tactical errors made along the way. But the fact that both systems, by their own efforts, were essentially fully funded for their first full year of operations within one month of the withdrawal of technical assistance, is impressive by any standard, even more so in Central Asia.

E. BUILDING SUSTAINABILITY: THE MAIN LESSONS LEARNED

70. In order to extract from this analysis sustainability lessons of possible value to and adaptation by other technical assistance practitioners, their clients and counterparts, a summary table may be useful. In this chart, the numbers in parentheses refer to the paragraph numbers in the case study where the relevant points were discussed and developed.[13]

LESSONS LEARNED BY ALC ABOUT BUILDING SUSTAINABILITY

SUSTAINABILITY PLANNING, PHASING AND STAFFING

(1) Start sustainability planning and plan implementation early in the technical assistance relationship and proactively involve host-institution managers and technicians in both of these activities. (36, 50).

[13]To ALC, each lesson is interesting and significant. The lessons are not listed in any order of priority.

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(2) Integrate sustainability preparations fully into technical assistance advising; don't wait and tack them on as a sequel. (36).

(3) Build towards local counterparts' independence and control in phases in the managerial, technical and fund-raising domains; construct a hand-over "slope," not a "cliff". (36).

(4) Respect host institutions' legitimate interest in material acquisitions; avoid development-assistance piety. (25, 39).

(5) In multi-partite host institutions like the Legal Information Systems, respect individual partner institutions' legitimate concerns about getting swamped by other organizational interests or not getting their fair share of benefits; work with determination to address those concerns and to demonstrate the benefits of affiliation. (17-22, 34-37, 38, 40).

(6) Again, in multi-partite host institutions, examine carefully applicable local laws regarding associations' legal form and registration. (24).

(7) Detect potential threats to sustainability posed by host-institution relationships with parent bodies and other powerful parties, as well as by rival institutions; work to deflect and defuse those threats. (26, 42, 43).

(8) Prepare and hand over practical operational manuals and like management tools to ease host institutions' assumption of administrative functions previously performed by the technical assistance team. (44).

(9) Help host institutions consider the merits, risks and affordability of hiring professional staff to help assume those same secretariat functions of the technical assistance team (48).

(10) Design and conduct focused, selective in-service training for host-institution managers and technicians. (27, 45).

(11) Form and utilize advisory committees and like community-support bodies to complement and supplement the capabilities and activities of host-institution managers. (46).

BUDGETING SUSTAINABILITY AND FUND-RAISING

(12) Budget thoughtfully and realistically, and with active local counterpart participation, for sustainability's recurrent costs, preferably for the medium term as well the short term (30, 50, 52).

(13) Accept and work around public-sector host-institution managers' and technicians' likely aversion to personal involvement in fund-raising. (51, 55).

(14) In sustainability budgets and in related fund-raising approaches to prospective donors, include and emphasize the value of host institutions' self-help contributions. (53)

(15) Respect and address donors' legitimate concerns for safe stewardship of donated funds. (54).

(16) Before proceeding to market organizational services, demonstrate and publicize the host institutions' capabilities, services and value to the community; make key constituencies aware and appreciative of what the institution has to offer them, before asking those constituencies to contribute to its support. (33).

(17) Solicit and publicize early linchpin grants. (56).

(18) Recognize and exploit venue-specific fund-raising resources and opportunities; custom-tailor each community's fund-raising campaign to that community's relevant interests and constraints. (57).

(19) Recognize and exploit regional donors' region-wide funding agendas. (58).

(20) Match host-institution funding needs to donor priorities. (59, 60).

(21) Recognize and exploit the appeal to donors of contributing to a going concern. (61)

(22) In all fund-raising activities, respect and address the self-interests of all concerned parties, including host-institution managers and technicians as well as prospective donors. (62). (23) Where feasible, solicit and attract local funding to complement and supplement foreign and international support. (63).

(23) Proactively diversify the host institution's financial portfolio, attracting different resources and different sources. (31, 32, 64).

(24) In all fund-raising appeals, pay attention to timing, especially with reference to donors' funding cycles and deadlines. (65).

(25) Seek phased contributions, especially to expand funding support after having demonstrated prudent stewardship of modest initial tranches. (66, 67).

(26) Recognize and accept the distinction between fund-raising goals of sustainability and self-sustainability. (68).

ANNEX M

CENTER FOR LEGISLATIVE DEVELOPMENT PLAN

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CENTER FOR LEGISLATIVE DEVELOPMENT

February 2, 1995

Malcolm Russell-Einhorn
Project Supervisor,
Central Asia Rule of Law Project
Chemonics
2000 M St., N.W , Suite 200
Washington, D C. 20036

Dear Malcolm:

Enclosed is the Center for Legislative Development's Institutional Needs Assessment for the Legislature of the Republic of Kazakhstan.

As we agreed in our last meeting, the last part of the report identifies and rationalizes the areas we consider important for the development of the Kazakhstan legislature. We have not specified the activities in these areas because we think that these activities should be jointly developed with the modernization committee. As we also agreed, the report outlines an immediate course of action whereby a representative of CLD will travel to Almaty to present the report to USAID/K and the Kazakhstan legislature This person will also participate in the identification and selection of the members of the modernization committee. He will also set up a tentative schedule for their proposed visit to the United States as indicated in the report. As an outcome of this visit, CLD and the modernization committee will prepare an action plan to be approved by the Kazakhstan legislature after clearing it with Chemonics and USAID/K

In our meeting, we discussed that I will be the person to go to Kazakhstan to present this report. However, after I talked with Reef, I find her suggestion that this visit be undertaken by Dr James Kent is appropriate. The rationale is that Dr. Kent is already a familiar face to the legislative leadership and, therefore, his presence constitutes a continuity necessary to this first phase of the development of the plan of action. After the visit to Albany and the development of the detailed plan of action, and after the modernization committee members have had a chance to work with me here in the United States, then my visit to Almaty becomes more palatable. I will then be in a position to justify the plan of action and the budget to USAID/K

and to the legislature as the modernization committee may see fit. I am sure this approach will be more productive for the initiation and success of this project.

Sincerely,

Abdo I. Baaklini
Director

Enclosure

cc: J. Kent

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CENTER FOR LEGISLATIVE DEVELOPMENT

INSTITUTIONAL NEEDS ASSESSMENT FOR THE DEVELOPMENT OF THE LEGISLATURE OF THE REPUBLIC OF KAZAKHSTAN

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January 1995

Rule of Law Project
Contract number CCN-0007-C-00-4004

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I. EXECUTIVE SUMMARY

This Institutional Needs Assessment for the Development of the Legislature of Kazakhstan known as the Supreme Soviet has been created as an overarching framework for addressing the Legislature's most critical developmental and modernization needs. The overall program description has been divided into separate components and discrete activities to facilitate this process. The Center for Legislative Development's (CLD) recommended implementation priorities are clearly defined in the Institutional Needs Assessment.

The field research for this Assessment was conducted in Almaty, Kazakhstan in December 1994 by Dr. James Kent, an expert from the Center for Legislative Development (his trip report is attached) The American Legal Consortium (ALC) provided the Center with considerable research support and documentation (materials attached).

This Assessment was written by the Center and should be considered to be a working paper. It has not as yet been reviewed by the Legislature or other relevant parties The design and coordination of the work was the responsibility of Professor Abdo Baaklini, who provided the theoretical and programmatic justification and rationale of this assessment and proposed projects.

The Assessment is based upon a **rationale for legislative development** that legislatures in presidential systems must be properly informed and institutionally capable of tackling, jointly with the executive branch, complex issues facing their societies and that an uninformed legislature is doomed to either merely ratify proposals and decisions initiated by the executive, or engage in protracted debate and obstructionist strategies. This rationale holds that the way a legislature organizes itself and its resources directly impacts on its ability to perform its functions.

The Assessment also contains an overview and a summary institutional analysis of the Legislature's structure and organization.

This Assessment and the activities recommended to implement it were developed using a systematic legislative development strategy to strengthening the legislature's organization The Assessment enumerates the critical variables that affect the implementation of its strategy.

The activities recommended in this report are divided into five major components, including a component on Institutionalizing the Legislative Development Process, an Organizational and Human Resource Development component, a component to Improve Institutional Linkages; an Administration and Management component; and an Information Support component. Each component is divided into separate but related activities All proposed activities contain a general program description. The report concludes with the immediate implementations steps recommended by the Center for Legislative Development.

II. THE RATIONALE FOR LEGISLATIVE DEVELOPMENT IN KAZAKHSTAN

The Center for Legislative Development has spent more than two decades assisting dozens of legislative bodies throughout the world in developing mechanisms that allow them not only to conduct their work expeditiously, but also to determine and meet their own institutional needs. While the Center's work is solidly founded in theory and research, it is highly practical in its application.

It is the Center's philosophy, borne out by historical experience, that a strong legislature is fundamental not only to political and social development, but also to economic growth. Investors, both foreign and domestic, seek a business environment in which the rules of the game are known, and in which there is an established procedure for changing those rules that allows for compromise and negotiation but does not depend on the whims of any individual or small group. This is virtually an operational definition of an effective, professional legislature.

But an effective, professional legislature is important for more than just economic reasons. In every society, differences of opinion exist or emerge about what the society's values should be, and about how the society should protect, change, or revitalize its values through public policy. It can be very difficult to resolve those differences and then to translate those solutions into public policy. To do so in a peaceful and orderly way requires the presence of a forum in which debate can occur and in which negotiation and compromise are legitimated and regulated, and in which the resulting action can occur quickly This, too, is virtually an operational definition of an effective and professional legislature.

To play a constructive role in contemporary societies, legislatures in presidential systems must be properly informed and institutionally capable of tackling, jointly with the executive, complex issues facing their societies An informed legislature is more capable of constructively participating in the evaluation of alternative public policy proposals, and possesses the necessary ingredients to reach agreements and avoid fatal confrontations and impasses with the executive.

A legislature that is not equipped to handle the complexities inherent in the various public policy choices facing contemporary societies is doomed to play one of two roles: either it ratifies proposals and decisions initiated by the executive without informed debate, or it engages in protracted debate and obstructionist strategies that exacerbate problems without really constructively contributing to a solution. If it ratifies executive initiatives without questions, it relegates itself to a rubber stamp body, loses its legitimacy, and denies the executive an important input into the consideration of public policy. In brief, it forfeits the rationale for its existence.

If it engages in obstructionist strategies without constructively contributing to the solution of the problem at hand, it either risks the prospect of being dissolved or suspended, as was the case with many Third World legislatures, or it plunges the government into a crisis of ungovernability.

The challenge that therefore faces contemporary legislatures is how to transform themselves into a constructive partner with the executive in all the functions associated with governing.

The way legislatures organize themselves and their resources has a direct impact on their ability to perform their various functions. A systematic approach to providing a legislature with resources needed to define or refine its organization is known as a Legislative Development Strategy. **Legislative development is the ability of the legislative institution, acting through its leadership, to study, assess, and identify its needs for resources and information, to formulate plans and programs to acquire those needed resources, and to continuously assess those needs and develop its resources for the purpose of reaching political agreements with the executive.** In an open political system with fair elections, the ultimate purpose of legislative activities is the reaching of agreements in the context of change and competition, without institutional disruption or disintegration. Any program aimed at strengthening democratic institutions in Kazakhstan through legislative development should seek to achieve the following desired outcomes:

1. Develop within the legislature the institutional capability to study and assess its needs and prioritize programs to meet those needs.

2. Help in the acquisition of resources to develop plans to address those needs identified through technical assistance, training and education, research, and other joined activities.

3. Help in the development of the necessary theories and orientations that marshal resources required to forge and conclude agreements within the context of an evolving and changing society. Agreements by definition are temporary answers to perennial questions. Political systems are not designed to permanently solve those questions or problems. The questions that the political system deals with are constantly being reformulated, necessitating constant reformulation of the agreements reached.

The proposed programmatic activities are intended to enable the legislature to perform the following constitutionally mandated functions: representation and constituency services; participation in the formulation of public policy; review, revision and adoption of the Republic's budget, overseeing of the work of the executive; and, instilling in society the values associated with an open and democratic political process. The Kazakhstan Legislature performs other functions such as training and socialization of political leadership, incubation of ideas, legitimization and political socialization in general. These functions require certain capabilities that the legislature needs either to develop or upgrade. This report articulates a strategy for the development and upgrading of those capabilities.

The process used for developing this Assessment reflects the philosophy and experience of the Center for Legislative Development. It is not possible to develop a meaningful project in isolation from the real events in the nation. Each country is different, and each country changes

over time. Therefore, a meaningful project to strengthen a legislative institution cannot rely simply on the blind application of abstract theories, even if the theories are very good. No template fits all countries at all times.

The project as such will not solve the many financial and social dilemmas facing Kazakhstan. The project, however, will help to build a parliamentary institution that can effectively and efficiently determine what the problems are, deal with them promptly and openly, and maintain a positive public reputation as an important element in the democratic structure of government.

The Center's task so far has been to initiate discussions in Kazakhstan of some central issues in legislative processes in order to help the Supreme Soviet identify its needs and set priorities for the program. Our task is not only to deliver particular services for a definite period, but also to leave behind a legislative body that is aware of itself as an institution and can diagnose and address its own institutional needs. This is done partly through training and technical assistance, but also through the building of linkages between the parliament and other legislatures, and between the parliament and other institutions in the country, such as universities and interested citizen groups.

The assessment process began with distribution of an introductory paper on legislative issues to the leaders and senior staff of the Supreme Soviet. This was followed by meetings at which specific ideas were exchanged. The Center for Legislative Development then prepared this institutional needs assessment and proposed programmatic activities which will be reviewed and commented on by legislative leaders and staff The final implementation plan will be agreed upon in early 1995 through consultations with project staff and members and staff of the Supreme Soviet.

III. THE SUPREME SOVIET OF THE REPUBLIC OF KAZAKHSTAN

The Supreme Soviet is the national legislative body of the Republic of Kazakhstan, which became independent in 1993. The Constitution of the Republic specifies a five-year term for members. The Supreme Soviet is unicameral, although there has been some recent discussion about establishing a second chamber.

The President and Vice President are elected together as a ticket, but separately from the legislature. With the consent of the Supreme Soviet, the President appoints the Prime Minister and other members of the Cabinet of Ministers. The Cabinet of Ministers has constitutional and statutory powers independent of the President, although Cabinet members serve at the President's pleasure.

The Kazakhstan Constitution does not specify several basic characteristics of the Supreme Soviet, including, for example, the number of members and the method of election. Instead, the

Supreme Soviet must pass a "constitutional law" to specify these matters. A constitutional law is one that is explicitly intended to fill in the blanks left in the Constitution; it requires the approval of two thirds of the members of the Supreme Soviet. The new Constitution handles several other issues this way, including for example court jurisdiction and election laws.

The Supreme Soviet has not yet enacted its constitutional law, and is now operating under the explicit constitutional provisions supplemented by a resolution adopting rules of procedure. At present, the Supreme Soviet has 177 deputies, 42 (24%) representing oblasts (an oblast is a political subdivision of a republic in the former Soviet Union) and nominated by the President to the "state list" and 135 representing territorial districts. Of the latter group, 60 (34% of the total) were self-nominated, and 74 (42% of all members) were put forward by parties or public organizations (the results of one seat are being contested). The Constitution forbids "creation of political parties on a religious basis."

Of the Supreme Soviet's 177 members, 105 are identified as Kazakh; 49 as Russian; 10 as Ukrainian with other nationalities making up the balance. Although Kazakh is the official state language, legislative proceedings are conducted in both Kazakh and Russian. In plenary sessions, simultaneous interpretation is available to members.

Deputies have the right to establish formal groupings of at least ten individuals for the purpose of expressing a unified position on issues. Groupings based on political parties or movements are called "fractions"; others (based on issues) are called "groups." Deputies can belong to only one fraction, but may belong to any number of groups. At present, five fractions and four groups are recognized. In terms of voting patterns, three major blocs have formed, but they do not coincide very well with the structure of fractions or groups:

* The Pro-executive bloc, about 37% of the members, generally supports the interests and initiatives of the executive branch. They are primarily Kazakh, highly educated, and from the Almaty area.

* The Opposition bloc, with about 40% of the members, is perhaps somewhat misnamed. These deputies generally support the economic reform and political democratization goals of the Government, but differ on tactics and timing. This bloc is very heterogeneous.

* The Undecided bloc, nearly a fourth of the legislature, is the centrist swing vote, but has little cohesion, leadership or definition as a bloc. It is heavily Kazakh.

Deputies receive a salary of 6500 tenge a month (about $115) and housing in Almaty. The compensation is roughly comparable to a cabinet minister's. Deputies are expected to be full-time legislators. They are not allowed to hold any other government position or to "engage in entrepreneurship" during their terms of office. The Supreme Soviet meets in plenary session at

least twice a week, and attendance is mandatory (although it is not clear what happens to a member who is excessively absent). Deputies must be present in person to vote.

Structure

The presiding officer (Speaker) is elected from the membership of the Supreme Soviet. To be eligible, a person must be "in command of the state language," which is Kazakh. There is a similar requirement for President of the Republic.

The current Speaker, Abish Kekilbaev, has appointed three Deputy Speakers. The Constitution contemplates the existence of Deputy Speakers, but does not specify their number. Each of the Deputy Speakers oversees the work of several standing committees:

* Deputy Speaker ZINAIDA LEONT'IEVNA FEDOTOVA:
  Constitutional Legislation and Human Rights
  Legal Reform, Legality, and Law and Order
  State Building and Regional Policy
  International and Interparliamentary Relations

* Deputy Speaker KUANYSH SULTANOV:
  Social Defense of the Population
  Health
  Science, Education, and New Technologies
  Culture, Press, Mass Media, and Public Organizations
  National Security and Defense

* Deputy Speaker MARAT TURDYBEKOVICH OSPANOV:
  Economic Reform
  Agriculture and Production
  Ecology and Natural Resources
  Budget and Finance
  Industry, Energy, Transport, and Communications
  Construction, Architecture, and Housing
  Oversight Chamber

A Coordinating Council was set up to organize and oversee the work of the legislature. It includes the Speaker, the Deputy Speakers, all committee chairs, the chair of the Oversight Chamber, the head of the Secretariat, and the leaders of each registered fraction and group. Others who may join the Council with the right to vote include the President of the Republic, the President's Personal Representatives to the Parliament, the State Advisor, and the Vice President; the Prime Minister and the Minister of Justice; the presiding judges of the Constitutional Court,

the Supreme Court, and the Higher Arbitration Court; the chair of the Electoral Commission, the Procurator General, the Chair of the National Bank.

The Coordinating Council organizes preparation for plenary sessions, assigns work to committees, and confirms certain staff positions. Unlike its predecessor, the Presidium, the Coordinating Council has no authority outside the legislature.

The Secretariat has seven members. Its chief and deputy chief are current members of the Supreme Soviet; the other five are former legislators. Its primary mission is to assist legislators in formulating requests for staff services and generally to act as liaison between the deputies and the various staff organizations.

Staff

Staff of the Supreme Soviet are assigned to several groups. The Apparat employs 300-400 people; its leader is appointed by the Coordinating Council to a five-year term that coincides with the parliamentary session. In addition, each deputy is entitled to two staff members, which they may appoint with permission of the Speaker. Usually one of these is stationed in Almaty and one in the home district. Each of the 15 committees has approximately ten consultants appointed by the committee chair with approval of the Speaker. The Oversight Chamber has 36 staff members, and the Secretariat another 10. A central personnel office in the Apparat maintains records on all legislative employees.

There are seven major divisions of the Apparat, whose directors are appointed by the Coordinating Council:

* The General Department handles recordkeeping, documents, and most printing and duplicating.

* The Section for Legislative Analysis reviews proposed legislation to ensure constitutionality and conformance with existing laws.

* The Information and Analytical Center operates the library and conducts policy research for the members of the Supreme Soviet.

* The Organization Department is in charge of logistics and arrangements for meetings and sessions.

* The Protocol Section organizes certain meetings and looks after protocol.

* The Publishing and Editing Section prints and distributes a weekly bulletin of legislative and executive enactments and other publications.

* The Press Section provides information to the press and the public about the Supreme Soviet.

The Board of Financial and Economic Affairs is a separate legislative staff organization that assigns office space and parking spaces, arranges and maintains deputies' housing in Almaty, and owns and maintains the motor vehicles of the legislature. Its head is appointed in the same manner as the head of the Apparat.

Resources

The Supreme Soviet seems to have an adequate supply of physical space, although it is tight; some staff offices have had to move out of the main parliament building. The main legislative chamber is large and adequate to the need, with some gallery space. There is an electronic voting mechanism, but it does not display the votes of individual members except on the Speaker's terminal.

Committee chairs have individual offices; most deputies share an office with one or two others. Each deputy has a telephone, although most are not able to make long-distance calls. Many deputies have computers, and there are plans to install a computer in each deputy's office. However, there is no network connecting them. Photocopiers are available, but Apparat regulations require the permission of a deputy speaker for most copying and faxing.

Established only three years ago, the legislative library is relatively small--three rooms and about 10,000 volumes. It is used frequently by deputies and staff; its director estimates that the legislative library is able to meet only about 20% of demand. If the legislative library cannot meet the need, the patron is referred to the National Library. However, the legislative library computers are not connected to the National Library.

The legislative library's holdings are mostly economic, sociological, legal, and parliamentary publications and periodicals concerning the countries of the former Soviet Union and written in Russian or Kazakh. According to the library director, additional publications on the same topics, translated into Russian, would be very helpful in meeting the needs of deputies and staff.

Functions of the Legislature

What makes a legislature effective and professional? The Center has found that an effective professional legislature is one that can perform four key functions:

1. LAWMAKING--determining suitable topics for lawmaking, having bills drafted quickly and accurately, and arranging committee processes and plenary debate and floor processes that permit full consideration but also allow prompt action;

2. BUDGETING--setting limits on government spending, ensuring that spending reflects and enforces policy priorities, and promoting the long-range fiscal health and integrity of the public and private sectors of the national economy;

3. OVERSIGHT--using a wide range of methods to ensure that laws and programs are implemented at reasonable cost, in compliance with legal requirements, and with results that are both effective and just;

4. CONSTITUENT SERVICE--by personal intervention or corrective legislation, helping members of the public who are having difficulties receiving services to which they are entitled or are otherwise being unjustly treated.

1. The Lawmaking Function

In the minds of both legislators and the public, lawmaking is the first duty of a legislative body. It is the legislature that sets the limits of both public and private behavior, authorizes the collection and expenditure of public funds, and represents the people in translating differences of opinion into statements of public policy through negotiation.

Structure

Processes and structures for lawmaking must ensure that all interested parties know and can attempt to influence legislation. Debate must be thorough, but eventually a policy decision must be made Therefore, lawmaking processes and structures must balance the needs for full deliberation and prompt action.

One of the questions raised in the Supreme Soviet was whether a legislature of two chambers would be an improvement over the current unicameral structure. A bicameral legislature has several different effects, either of which may be an advantage or a disadvantage, depending on the goals:

* It allows for more than one type of representation. For example, the U.S. Congress has two chambers so that the Senate can represent states as such, while the House of Representatives thinks of itself as representing individuals to a greater extent. The British Parliament's lower house represents all the voters, while its upper house is composed of the royalty and its representatives.

* It slows down the legislative process, since proposals have to go through two separate approvals.

* Because any proposal can be completely stopped by either chamber, it favors inaction over action and small, conservative change over rapid and radical change.

* It strengthens the executive at the expense of the legislature, since the executive can play one chamber off against the other.

Some deputies and staff asked whether the current size of the Supreme Soviet, 177 members, is too large or too small for a truly professional legislature. There is, however, no universally "correct" size for a legislative body. In the United States, for example, state legislative bodies are as small as 20 and as large as 400. The United States House of Representatives has 435 voting members and several nonvoting delegates.

In a smaller legislature, each member has more constituents and probably has to serve on several committees. On the other hand, a smaller legislature may be somewhat easier to administer from a purely technical point of view. In a larger body, each member has fewer constituents and usually has fewer committee assignments. This may improve subject-matter specialization, but may encourage members to take a narrower view of their constituents' interests.

Most states and countries have simply set the size of their legislative bodies and then made their administrative and political arrangements accordingly. The size of the body is less important than making sure the other elements of the institution are set up to support the body, whatever its size.

Bill Drafting

The lawmaking process begins when someone has an idea that a public policy must be adopted or changed. However, not all public policy ideas require a law; some small changes might be implemented through changing the rules of a particular ministry, for example.

Once a decision is made that the legislature should act, someone must draft a bill--that is, translate the policy statement into the form of a proposed law. Bill drafting is a rather specialized skill. A bill drafter must have the ability to:

* Research all existing laws to find out which laws must be changed to accommodate the new policy;

* Translate general social or technical policy ideas into specific legal concepts; and

* Write a bill quickly that is in the correct form and that ordinary people can understand.

At the present time, most bills in Kazakhstan are drafted by ministry experts to reflect the policy desires of the Cabinet of Ministers. However, a slowly increasing number are being prepared by working groups which may consist entirely of deputies or may include ministry representatives. Bills may be introduced in the Supreme Soviet by any deputy, the President, the Cabinet of Ministers, the Supreme Court or the Higher Arbitration Court.

The research that must precede the actual drafting is somewhat difficult in Kazakhstan for several reasons. One is that the statutes are not yet codified (arranged by subject matter), which makes for problems in trying to make correct amendments to the current law. Court decisions are not compiled either, so that judicial interpretations of existing law are not readily available to persons trying to draft new laws. Legislative histories--records of what happened in previous legislative sessions--are similarly sketchy. This means that it may not be clear what the legislature intended by an existing law, or how the law may have been amended on its way through the process.

Each bill is examined by the Section on Legislative Analysis to determine its conformance with the Constitution and existing laws. Because there are relatively few lawyers in the Supreme Soviet, the review by the Section on Legislative Analysis is quite important. The Section has only 14 staff positions, not all of which are filled, so its workload is considerable. Its location, in offices across the street from the main legislative building, makes the review process more cumbersome than perhaps it needs to be.

Committee and Plenary Processes

At the same time as the review by the Section on Legislative Analysis, the bill is examined by the committee that deals with that topic. The Section and the committee prepare their comments, and the draft is then distributed to other committees. All comments are forwarded to the Coordinating Council, which then determines whether the bill is ready for floor discussion.

When a bill comes to the floor, all members receive a copy. However, they frequently do not receive copies prior to the day scheduled for floor action. In addition, members do not routinely receive copies of the relevant comments prepared by the committees or the Section on Legislative Analysis.

Plenary sessions are generally regarded as being open to the public. However, admission to the Parliament building is controlled and persons wishing to attend sessions or visit members must receive a pass. Sessions can be closed rather easily and without stating a reason. There are also provisions for secret votes in certain circumstances, which are not made clear. Floor debate can be curtailed by a simple majority vote at any time. There are no rules for committee proceedings, and no explicit authority for committees to adopt their own rules.

Legislative Information Needs

Legislatures live on information. Correct, up-to-date, unbiased information is needed at virtually every stage of every function; wrong information leads to bad decisions. Furthermore, the information required almost always resides somewhere else--in the files of executive agencies or private businesses, or in the minds of academic or other experts. Legislatures rarely collect data themselves. Instead, they must usually reorganize, analyze and share the data to make it useful for legislative needs.

In addition to some of the specific legal and legislative information noted above, the Supreme Soviet has a continuing need for current information on economics, sociology, and science and technology. This need is met partly by the legislative library. Sharing information would be facilitated considerably by establishing a computer network at least within the Supreme Soviet. For example, this would allow deputies to have immediate access to committee comments on pending bills. Connecting the Supreme Soviet's computers to international networks would further strengthen the legislature's ability to collect and compile information that would be useful in making policy decisions.

Establishing relationships with universities in the nation would give the Supreme Soviet access to highly skilled researchers. In many cases, this would allow the legislature to have information without adding to its own staff.

Public Information and Access

Lawmaking in a democracy is not just a governmental process. Citizens, both individually and as organized interest groups, must have opportunities to know and to influence what the legislature is considering. This process has three aspects:

* For the public to <u>know</u> what is happening, the legislative process must be fairly open. That is, citizens should be able to find out what proposals have been introduced, when they are scheduled for action, and which deputies or committees are in charge of the proposals. Legislative schedules should be published in advance and members of the public should be able to testify on proposals at some point in the process.

* For the public to <u>influence</u> what is happening, it is necessary to have clear legal standards about what kinds of influence are proper. For example, laws might regulate the kinds of gifts that lobbyists or other individuals can give to legislators.

* For public officials to be <u>accountable</u> to citizens, people should be able to find out what actions have already been taken, and how their particular representatives voted on each proposal. Meetings should be open for public attendance, and

> transcripts and voting records should be available to the public as quickly and inexpensively as possible. In addition, the most important private business interests of public officials should be disclosed publicly in order to avoid conflict between the professional duty of officials and their personal interests.

Members and staff of the Supreme Soviet have expressed interest in meeting these needs as one step to becoming a professional legislative body. In some cases, they have been interested in possible models of legislation or guidelines. For other issues, there may be a need for equipment, such as stenographic equipment or computer resources.

2. The Budget Function

The budgetary process is in many ways the central process of government. Most public activities and all public agencies require money, and almost all would like more than is made available to them. Therefore, governments must raise money and then distribute it among the various authorized activities in a way that balances fiscal possibilities with programmatic needs. As the money is being spent, activities and results must be monitored so the information can be used in preparing the next budget. The legislature has an important role at every stage of the budget cycle, because it is in the budgetary process that an effective and speedy process for balancing and negotiating different interests is most crucial.

The budget is due at the Supreme Soviet on August 1st of the preceding year Once the budget comes to the Supreme Soviet from the Council of Ministers, it is referred to committees and handled like any other piece of legislation.

The Kazakhstan budget is in two parts, the Republic budget, for central government expenditures, and the local government aid budget. However, sometimes it is not clear whether a given activity is meant to be a central or local responsibility. Also, local administrators apparently sometimes incur obligations that bind the central government.

The budget process in Kazakhstan is not well designed to allow a meaningful legislative role. The budget document is not organized by program, agency, or object of expenditure, and there is no way to cross-index to any of these categories. The budget contains no performance measures, staffing levels, or other benchmarks.

The entire budget is resubmitted and re-enacted frequently, sometimes 10-15 times per year; for 1995, at least three versions of the budget were adopted before the fiscal year began. Sometimes these changes are attributed to inflation, but they often contain adjustments to the tax laws and changes in lines as well as inflation increases. Revenue estimates are thrown off by substantial uncollected taxes, and expenditure estimates are thrown off by frequent emergencies.

Legislative and executive budget staffs struggle with these limitations, trying to apply guidelines and meet deadlines. Nonetheless, the form of the budget makes it very difficult to control or even compare expenditures, let alone monitor and evaluate programs. The size of the budget deficit or surplus cannot be readily determined. A joint legislative-executive working group is now working on a new budgeting law, as well as a comprehensive financial management law that will incorporate revenue collections, cash management, and accounting procedures.

3. The Oversight Function

Policy is not really made when a new law is passed. Policy is fully realized only when the policy is implemented. Many obstacles can prevent a good law from becoming a good program. Legislative oversight is the collection of activities the legislature uses to find out how the laws are being implemented, what the results have been, and what corrective actions may be needed.

Oversight includes a wide range of activities. It can be as simple and informal as a telephone call to a ministry, asking why a particular constituent's case was handled in a certain way. It can be as complex as a six-month study using dozens of people to find out what has happened in a specific program. In between these extremes are financial audits, committee investigations, and staff analysis of data collected from agencies or citizens.

Legislative oversight in Kazakhstan is the responsibility of the Oversight Chamber. (Its designation as a "chamber" rather than a committee means among other things that its budget comes directly from the Republic budget rather than through the Supreme Soviet's.) The Chamber has 12 members, all deputies, and 32 staff, all of whom are stationed in Almaty. The Oversight Chamber has been very active in financial and compliance reviews, and has made recommendations of both broad and narrow scope in connection with its reports.

As of December 1994, the Oversight Chamber is seeking to expand its authority beyond reviewing items in the Republic Budget. It would like authority to review collection of taxes and tariffs, to scrutinize private banks that hold public funds, and to look at the local government side of the budget. If the proposed amendments are enacted, the Chamber will also be able to look into the disposition of state property, including mineral resources, and to comment on the Government's annual financial and budgetary reports.

There is some confusion about the Oversight Chamber's role in the governmental structure--apparently reviews can be requested not only by legislators, but also by the Cabinet of Ministers and the heads of state enterprises. A new plan is under consideration that would clarify the scope and lines of authority for the Oversight Chamber's work. The new arrangement, if enacted as anticipated early in 1995, will also clarify the requirement of cooperation with the Chamber's data-gathering efforts and provide formal follow-up requirements to help ensure that oversight results and recommendations actually bring about changes in operations.

4. The Constituent Services Function

Legislators like to help people. In fact, that is often why they choose to enter politics in the first place. Sometimes government agencies may treat people unjustly. This can occur because officials are abusing their power or neglecting the interests of the people, but sometimes the officials are helpless because the law specifically requires a certain action. In either case, an interested legislator may be able to help.

Effective constituent services improve the fairness of government, provide oversight information about program flaws, and lead to increased public support and prestige for the legislature. Ineffective or corrupt constituent services, such as seeking special exemptions and considerations favors for people who are not entitled to receive them, have exactly the opposite effects.

For one week each month, no committee or plenary sessions are scheduled so that deputies can return to their homes to meet with their constituents. Article 67 of the Constitution specifies that "A deputy of the Supreme Soviet. . . is the representative of the people of the Republic." This is generally taken to imply that deputies are not to take the narrow view that they represent only the district or interest group that selected them. In any case, citizens are beginning to contact deputies to ask for assistance.

Some deputies have expressed interest in beginning to address such questions as:

* Will there be assistance available from the Apparat or other central staffs, or must members' own aides handle the entire constituent services workload?

* Which constituent services are proper and which are improper? Will this function be monitored and enforced by some arm of the legislature?

* Can any measures be devised to prevent members from drowning in constituent services work? Once citizens find that they have a path for their complaints, there will be increased traffic on that path.

* Will statistics about citizen complaints be compiled and used in determining the need for a formal oversight review or a revised law? Who will do this?

Other Key Considerations

Legislatures have unique needs--after all, a legislative body is almost the only human organization that has no right to select its own members. Its members must be able to vote intelligently on perhaps hundreds of pieces of bills covering the whole spectrum of public policy,

but they usually also develop specializations in subjects or issues. In addition, they must share a certain amount of basic information about legislative processes, structures, rules, and traditions.

The legislative staff, though relatively small compared to the executive staff, must have a wide variety of skills and a broad range of knowledge. The attitude of legislative staff members is also important. Staff are often more permanent and more knowledgeable than the deputies. Nonetheless, they must always remember and respect the fact that the staff must serve the legislature, but never try to dominate it.

1. Institutional Identity

A legislature is more than just a group of people. It is an institution of government whose every action shapes the nation's future. Its structures and processes must accommodate and facilitate its current political role, but must also build and maintain the high level of public support and respect needed for a stable democracy.

It is important that members and staff know and respect the history and traditions of the legislative body, and that they understand the nature and importance of the defined roles of the different branches of the government. Sometimes these values are transmitted to new members and staff during orientation programs or through publications of the legislative body.

It is also necessary to establish a process for dealing with individual members or staff who fail to act in accordance with the institution's norms and needs. Possibilities range from informal advice and counseling, social ostracism, withdrawing certain information or privileges, to formal censure or expulsion. Each legislative body must become aware of what its own unique norms are; no two legislatures are alike, and many times the norms are unspoken. Legislatures have also made a broad range of decisions about how to transmit and enforce those norms.

A legislature that believes strongly that it is professional and effective will open more of its deliberations and documents to the public and to the press. Public access improves accountability, but can also allow for unfair misinterpretation. Some legislatures declare all their works and words public. Others restrict certain types of proceedings and documents from scrutiny, although these restrictions are usually temporary or time-limited.

In Kazakhstan, the Supreme Soviet is still in the process of defining itself, its norms and its place in the social and political structure of the nation. Partly as a result, basic documents such as a member's handbook or directory have not been prepared, ethical norms have not been firmly established, and openness to the press and public is not consistent. Members and staff have expressed strong interest in developing all of these features in the near future.

2. Legislative Management

Not all relationships in a legislature involve substantive political negotiation or processing of legislation. The legislature itself is a complex institution that requires devoted attention to its administration and management. A legislature which is poorly managed will find itself unable to undertake its substantive tasks promptly and efficiently. Also, the legislature has some obligation to set an example of good management to the executive and judicial branch agencies it oversees.

Much of the Supreme Soviet's staff organization structure has been carried over from the previous constitutional arrangement. As a result, some deputies raise questions about the independence of the staff and apparent overlap of staff functions. The Secretariat exists primarily for the purpose of establishing and maintaining the needed connections among leadership, deputies, committees, and staff organs. Most members and staff we spoke to expressed great interest in such topics as the organization of staff organs and the relationship of deputies to staff.

A proposal has been made to establish a Committee on the Affairs of the Supreme Soviet. Such a committee might undertake to consolidate the structures and responsibilities of the various staff organs, as well as oversee other aspects of reform and professionalization.

3. Intragovernmental Relations

A legislature which wishes to be effective must pay close attention to its relationships with other governmental entities. The legislature and the executive must be able to disagree without permanently disrupting the working relationship that both need. This occurred in Kazakhstan in Spring 1994 when the Supreme Soviet was dissolved.

The legislature must receive reliable information and assistance from other branches and levels of government. However, the legislature must not become so dependent on any one source that it is unable to function if that entity withholds cooperation.

The President of Kazakhstan has appointed two officials who act as legislative liaisons for the Office of the President. These two also sit on the Coordinating Council. Some deputies say they are not certain this maintains the proper separation of legislative and executive powers.

No specific body of the Parliament, except perhaps the Coordinating Council, is responsible for managing the legislature's relationship with the President, the cabinet, and the judicial branch, or with local governments as such. The Committee on State Building and Regional Policy, however, has legislation on these topics within its jurisdiction more often than most other committees.

The Supreme Soviet has no formal arrangements with postsecondary education institutions, either to assist in staff and deputy training and development or to conduct requested policy

research. As such arrangements are made, it will be important for the legislature to balance its need for services and information with its responsibility to regulate and oversee these institutions.

4. Relations with the Press and the Public

To achieve and maintain the respect of the public, legislative processes must be open, accessible, and well articulated to the public and the press. It is not useful to the legislature or the citizenry for the legislature to try to conceal most of what it does. However, the press and public may still misinterpret, or even deliberately distort, legislative records and documents. This can also damage the legislature's reputation. It is difficult to maintain open and cordial relations with the public and the press while still controlling as much as possible the flow and interpretation of events and news.

At present, the Press Section of the Apparat handles routine press matters for the Supreme Soviet. Distribution of requested documents is also handled by the Apparat. Individual members also maintain relationships with specific correspondents and publications. Several members expressed a desire for more formal training or workshops in how to deal with the press and public.

At the same time, it may be desirable for members of the press to become better informed about the constitutional, social, and economic importance of the legislative body. The Supreme Soviet has been dissolved once, and press stories sometimes appear with such headlines as "Who Needs the Parliament?" While criticism of elected officials is an important, and even honored, role of the press, it would be advisable to make sure that correspondents, editors, and publishers at least understand the basic principles of constitutional government.

5. Interparliamentary Relations

It is useful for a legislature to maintain contacts with other legislative bodies in the region and throughout the world. Quite a few substantive policy issues and legislative procedural dilemmas are common to many legislatures; finding out how others have dealt with the issues can save much time, money, and frustration. Because the institutional and political needs of legislatures are unique, it is more helpful for members and staff to talk to their professional counterparts than to academic experts or executive branch practitioners.

The Kazakhstan Supreme Soviet has a Committee on International and Interparliamentary Relations which coordinates these affairs for the legislative body. Connections with parliamentary bodies in the former Soviet Union are generally strong, and connections with others are earnestly sought. Electronic connections through the Internet and similar arrangements would be very helpful.

IV. THE SUPREME SOVIET'S VISION

It is important that a project such as this be more than a list of unrelated activities. First, the legislative body must decide on its role and vision, then it must assess its current status. Activities of the project can then be designed to fill in the gaps and allow the legislature to fulfill its place in the structure of government and society.

The Supreme Soviet of the Republic of Kazakhstan is committed to becoming a professional legislature. Its members are not allowed to hold other jobs, so they can devote their undivided attention to making and analyzing public policy for the Republic. The Supreme Soviet has recognized that this commitment means that legislators and staff must not only be on duty, but must be professionally trained and developed so that they can perform their many functions.

The Supreme Soviet wishes to be a strong and equal partner in the government, not in competition but in cooperation with the other branches of government The parliament wishes to be a forum for national consultation and decisionmaking. It is therefore committed to making its processes more open and accessible to citizens and the media.

In this way, decisionmaking that affects all the people of the Republic will involve a body that represents many different interests and ideas. The Supreme Soviet seems less concerned with the need to act as a check on arbitrary power than with the need to participate actively in the shaping of public policy.

Therefore, the parliament sees its major needs as:

* the ability to acquire or generate information;

* the need for a strong and responsive staff to assist in collecting and analyzing information, and in converting ideas into legislation or other instruments of legislative action;

* the fostering of committee and plenary processes that balance speed with the need for full consideration; and

* the development of members and staff who have full appreciation for the political and social role and organizational culture of the Supreme Soviet.

If these elements can be encouraged, the Supreme Soviet will succeed in its goal of becoming a professional and effective legislative institution where differences and disagreements can be respected and appreciated, but where people can still work together to make needed decisions.

V. PROGRAMS

Key Elements

A viable strategy of legislative development involves the interplay of several key elements to insure its success. Often legislative development is confused with legislative modernization. In modernization, the emphasis is placed on the acquisition of modern equipment and information systems. While this facet is important in certain contexts, it is not the critical variable in a successful legislative development program. Other factors must be present before equipment and modern information systems become relevant to legislative development.

The following critical elements are necessary for the successful implementation of the programmatic recommendations discussed in this project.

1. *A commitment by the leadership of the Legislature to a strategy of legislative development must be present.* The first part of the programmatic recommendations discusses the means of institutionalizing this vision and commitment in the face of ever present change.

2. *A successful strategy of legislative development rests on the provision of appropriate structures and relationships within the legislature and on the availability of qualified people to occupy those structures and enrich those relationships.* It may come as a surprise to some that as much emphasis is being placed on structures and relationships as on qualified human resources. Our working experience with and study of legislatures around the world indicates that quite often the presence of qualified staff does not necessarily mean that they are being appropriately utilized and involved in the legislative process. In our judgement, the question that needs to be asked is not whether to have qualified staff or not; rather, the key questions are what type of staff (functionally), and more importantly, what type of structures and relationships need to be developed so that the staff is properly utilized by and supports the legitimate decision makers, i.e., the elected members.

   Within this perspective, this Plan recommends two types of programmatic components. One is a technical assistance component, which addresses a whole array of issues connected with staffing and structural patterns, information systems and organizational development. These issues cover both staff and members and the relationship between the two. Such relationships also take into consideration the legislator's needs as an individual, as a member of a political party and as a member of a committee within the legislature.

   Once the elements of the initial technical assistance component are in place, the second component addressing the development and recruitment of qualified staff becomes important. The elements of this component include a series of short, medium and long term training programs and workshops in legislative techniques and technologies, budgetary capabilities, oversight and policy analysis relevant to the discharge of the functions of the

Kazakhstan Legislature. These elements are developed throughout the recommendations discussed below.

3. *As part of the legislative development strategy articulated in this plan, two relationships are of specific interest: the relationship with those institutions that may provide the legislature with needed information and those that shape the public's image of the legislature.* In many cases, the same institution may perform both functions. A legislature is a forum where all public issues relevant to a policy are debated, reformulated and decided. By its nature, a legislature is an open institution with amorphus boundaries. It is constantly interacting with its environment. For a legislative development strategy to succeed, it is important for the legislature to systematize those relationships. This plan elaborates on the relationships that need to be developed with universities, research institutes, professional associations and the media. The universities and the research centers socialize and train future generations of leaders and the concerned citizenry. They jointly, with professional associations, generate substantial information relevant to the public debate within the legislature.

   The media has a similar function; it generates valuable, timely information, articulates the concern of significant groups within society, and shapes the public's image and appreciation of the work of the legislature. This plan envisions involving individuals from those institutions in its technical assistance and training programs, and in the provision of information of relevance to the Supreme Soviet.

4. *While modern and efficient management practices are not a necessary function of a strong legislature, a legislature in the process of development needs credible and efficient management practices.* In such a legislature there is a symbiotic relationship between the legislative and the administrative functions of the institution. The legislative development strategy articulated in this plan involves a change in the work culture of the institution. One can not modernize the legislative culture without changing the administrative culture. This Plan articulates a series of activities and steps intended to create a modern and efficient management system in the Supreme Soviet.

5. *Physical facilities and equipment become a strategic variable only when the above variables are in place.* Members and staff need appropriate work space and equipment to discharge their functions. The complexity and rapid pace of modern information systems require equipment that can store, manipulate, access and retrieve information in a timely manner and in the appropriate format. This Plan elaborates on some of the needs in this regard.

With the above critical elements as a basis, the following outline of activities are recommended in this Institutional Needs Assessment for institutionalizing the development of the Supreme Soviet of Kazakhstan.

Institutionalizing the Legislative Development Process

For a legislative development effort to be sustained over the long term, the Legislature must have mechanisms in place to insure continuity and a shared development vision.

1. Development of the Committee on Development of the Supreme Soviet

This project proposes the creation of the Committee on Development of the Supreme Soviet. This modernization committee will be comprised of legislative leaders representing the key political groups in the legislature supported by senior staff. This project endeavors to promote a philosophy of legislative development shared by all parties involved. An important aim of the project will be the building of relationships between the project and the Committee representatives in order to create a common vision for the legislative development of the Supreme Soviet.

To adequately perform its functions, a legislature must engage in a constant process of adaptation of its structure, staff and services in relation to its evolving needs. Factors such as new legislative technologies and the increasing complexity of society are placing constantly greater demands on legislators. This committee will facilitate the legislature's ability to gather and synthesize information on the future needs of the Parliament. This committee could, for example, prepare proposals for major acquisitions, human resource development programs, and present recommendations and studies to the Supreme Soviet for review, amendment, and approval.

This committee would oversee the provision of technical support and training for human resources development so as to guarantee an administrative philosophy that values legislative modernization as defined by the unique needs of legislatures. It would also coordinate the provision of technical assistance for any computer technology acquired.

This activity will consist of technical assistance to design the mission and structure of this committee to develop its relationship with other units in the Supreme Soviet and provide training for its staff. The basic activity of workshops and policy dialogues will be conducted in the United States. The project will include a two-week visit to Albany, Washington, D.C. and possibly other state legislatures. Participants will include selected members of the Committee. The participants will be exposed to the subject of legislative development in comparative perspective. The result of the first policy dialogue will be the final implementation plan.

2. Graduate Study Program

An essential component of any legislative development program is the development of staff resources to such a level that the institution as a whole benefits from their advanced degree

of knowledge and the techniques they possess. This can be done only through a program to develop human resources at an in-depth level. This activity would enable people to master specific skills and develop comprehensive understanding of the nature and processes involved in legislative development and the relationship and rationale among the various components. Thus it is expected that an initial group of 2 staff members be formed to insure the sustainability and continuity of legislative development.

This activity would be carried out through graduate study at The University at Albany, SUNY for two Kazakhstanis, who would be agreed upon by the Committee on Development of the Supreme Soviet. The candidates would acquire an in-depth knowledge of legislative development, of operational theory and working techniques, and of specific professional tools such as policy analysis. It is critical that the Supreme Soviet would secure agreements with the candidates to insure that they would be able return to work in positions of professional responsibility.

Organizational and Human Resource Development

The institutionalization of the developmental process requires appropriate structures and qualified persons in those structures. The activities described below are organized according to the roles that the Kazakhstan Supreme Soviet plays. They address the structural and human resource needs of the legislature.

1. Budgetary Role

The budget process lies at the heart of the Republic's political process, and it is here that the legislature plays a critical role in helping to shape and determine the nation's priorities. This activity entails the design and implementation of ways and means to strengthen the Supreme Soviet as an effective and responsible participant in the Republic's budgetary process. This would include the development and training through workshops of professional fiscal staff; technical assistance in the development of organizational structures and relationships; development and use of budgetary information systems; and member orientation. This would be achieved through technical assistance in the organization of the budget function, and training in budgetary techniques, carried out mainly through workshops and internships.

2. Oversight Role

In a democratic society governed by the rule of law, the legislature and its members are indispensable political counterweights to the bureaucracy. Legislator-politicians must establish effective control over the bureaucracy which invariably tends to both conceal its actions and attempts to usurp the power of other political institutions. It is not enough for a legislature to enact programs and policies into law; it must

keep a constant vigil to ascertain that the bureaucracy is implementing the legislatively approved programs as intended and to take corrective actions as necessary. Since legislative oversight is not a discrete activity, but occurs in conjunction with other activities of the legislature, such as budgeting, policy making and others, it is often neglected as an important activity.

This activity would provide technical assistance in the design and organization of the oversight function and its relationships to the other interrelated legislative functions. It would also provide training in oversight techniques and opportunities.

3. Public Policy Role

A third area of importance is the role of legislatures in public policy. It is in this important function that the legislature determines public policy not directly related to public expenditures, such as human rights, environment, consumer relations, etc. This activity aims at augmenting the capability of the legislature in its law-making function by providing policy analysis support for the legislators.

To do this, it would be necessary to equip the Supreme Soviet with analytical skills, demonstrate specific techniques for providing the information to legislators, and provide the leadership with models as to how research and analytical staff are typically organized in legislatures. These activities would be directed at developing the capability of providing policy analysis support for the members, and to develop a rationale to organize this new function and to place it in the organizational structure. This would be achieved through technical assistance in the design of the unit and workshops for members and professional staff in policy/bill analysis. Finally an internship would be developed and executed for development of staff skills.

4. Constituent Services

Although constituency services are intricately associated with the representational function of a legislature, in many countries they are either misunderstood or implemented in a questionable manner. Constituency services are often associated with corruptive favors and access to state resources that are not legitimate. Therefore, when it is performed, it is usually considered a "second class" function. It is important to emphasize this function and explore the legitimate ways of conducting these services.

Constituency services, the resources needed, and the manner in which these services can be delivered would be the subject of series of workshops. These workshops would expose the members and staff to the ways legislatures perform this function, how it relates to a member's constitutional function, what are the types of

legitimate services and how to effectively organize staff resources to perform these services. The general idea would be to cover all the members of the Supreme Soviet and their personal staff. In addition, technical assistance would be provided to help in the design and implementation of the structures, processes and relationships needed to perform this function.

5. Other Legislative Techniques and Technologies

Besides these major areas of institutional interest, there are a number of activities that are relevant to the way legislatures perform their functions and duties that can be enhanced to improve the way the legislature performs as a whole. Among these are:

* bill drafting and indexing;
* legislative/parliamentary procedures;
* legislative office organization;
* plenary and committee management;
* legislative reference including codification of legislation and judicial decisions; and
* lobbying.

To enhance these activities, training programs consisting of workshops could be developed and implemented. Technical assistance could also be provided related to the organizational problems--especially the interface between such activities and the functions described above, as well as between them. Internships designed to acquaint staffers with new technologies could also be developed and implemented.

Improving Institutional Linkages

The development of linkages between a legislature and other institutions in its environment is crucial. This activity would build mutual understanding and appreciation of the Supreme Soviet by other institutions through the participation of members of the target institutions in the process of modernization of the legislature. This would allow an understanding of the specificities of the legislative process as contrasted to the executive branch. To develop this relationship, it is important that organizations such as members' universities, research centers, and professional associations be selectively included among the targeted audience in the activities described above. For example, members of the Bar Association would participate in a bill drafting workshop, university professors would participate in public policy oriented seminars, and staff of selective

units within the executive branch would participate in seminars in their area of specialization. This exposure would enhance the linkages between the Supreme Soviet and those institutions.

The activity to be carried out under this category is:

1. **Legislative Internship**

One way to start building a stable and constructive relationship between a legislature and the academic and professional community is the implementation of an internship program drawing on students from appropriate local academic institutions. In such programs, students typically work in a variety of legislative offices (members' offices and professional staff offices) for one or two academic semesters. Two direct benefits of the program are the provision of educated and motivated staff assistants for the legislature and the provision of a practical exposure to democratic processes for the students. Indirect benefits include the program serving as a recruitment device for the legislature and as a mechanism for strengthening the institutional ties between the legislature and the participating universities.

Administration and Management

Activities designed to promote administrative and managerial development are of a different nature from the substantive programs. First, because they are aimed at a different clientele: basically the administrative echelon of the legislature. Second, because they deal with administrative and management technologies and processes that are more similar to those existing in the executive branch and the public sector in general. The projects in this category are, therefore, of a more traditional nature.

Under this component, the Center proposes activities related to the improvement of the capability of the administrative and management support structure and processes. These include:

1. **Management Information Process**

The existing system for providing information regarding management and administrative decisions (i.e., information unrelated to the legislative information system) to the Supreme Soviet would be reviewed. In essence, this activity would assist in the design and development of processes and technologies needed to effectively utilize the administrative system.

2. **Financial Information Process**

The existing financial management and budgeting process would be examined and appropriate systems designed and developed. Technical assistance and training would be delivered for both deputies and staff to use the system effectively.

Information Support

A major element in the development of a legislature's capacity to perform its functions, especially the ones related to budget, policy analysis, oversight and law making, is the availability of comprehensive legislative and management information systems with the adequate technology and human resources to operate and utilize them as a whole system. These systems are necessary to provide the Supreme Soviet with the information it needs.

The activities under this component are directed at providing these systems.

1. **Development of a Comprehensive Information System**

A Comprehensive Information System is based on two principal components: (1) the Legislative Component, and (2) the Management/Administrative Component.

The Legislative component of this information system must include:

a) a bill drafting capability;
b) a bill status and reference capability;
c) a public policy analysis capability;
d) an oversight and program evaluation capability;
e) a statutory retrieval capability;
f) a library, documentation, legislative reference (including parliamentary debates) capability, and
g) a recording, registering and transcription system of legislative activities.

The management component of the system includes functions not related to the legislative process that are, in essence, administrative support functions of the legislature. These usually include the following:

a) The maintenance of a comprehensive human resource system;
b) The maintenance of a financial system;
c) The maintenance of a record keeping and documentation system; and,
e) The maintenance of an information dissemination and public relations system.

The purpose of this activity is to develop the technological base and to provide technical assistance to design information processes and systems for the Supreme Soviet to enable them to improve their decision making capacity.

2. **Library Improvement**

The Legislative Library is in the advantageous position of having a qualified staff and a collection that is organized and catalogued. Technical assistance would be provided to the legislature's current library science professionals to develop a strategy for developing additional resources in providing services targeted to the Supreme Soviet's deputies and staff. Particular emphasis would be given to developing new services that would be needed as other staff support services such as policy and fiscal analysis and program evaluation are introduced in the Supreme Soviet, to change the nature and direction (i.e., provides bibliographic research, clipping service, abstracts) of the work of the library so as to transform it into a legislative library. If appropriate, the Library of Congress and the Congressional Research Services would be involved.

The Project would also provide technical assistance on establishing communication links with appropriate databases.

This is a comprehensive list of activities associated with legislative development. Neither the project nor the Supreme Soviet will be able to accommodate all of these needs in the short term. It is important therefore that there be close coordination between the project and the modernization committee to prioritize these activities. This will be the main purpose of the implementation strategy we discuss below.

VI. IMPLEMENTATION STRATEGY

The main purpose according to the Center's approach is to insure that whatever plan is developed is developed by the Supreme Soviet through a process of consensus building. In a legislative arena, this is an important process to insure the viability and sustainability of the project. While the project may provide certain support during the coming two years, the work and the decisions affecting the success of this effort will depend on the contribution and commitment of the Supreme Soviet. It is important therefore to insure that the modernization committee has a broad based representation and that it is composed of members who have the ability to articulate and to promote institutional needs to the leadership and other members. The cooperation and commitment of the senior staff to this project is also vital because many of the actions will be taken by the senior staff.

The immediate implementation step is for the Center for Legislative Development to return to Almaty in February to present our tentative findings to Parliament and to USAID, and to select the modernization committee. Once the committee is formed, the first policy dialogue involving no more than eight people (a mix of members and staff) can take place in March with the final activity being the preparation of an implementation plan that meets the priorities and has the support of the Kazakhstan legislature. Remaining steps follow the plan.

VII. CENTER CAPABILITY STATEMENT

The Center for Legislative Development's capability statement is detailed below.

The Center for Legislative Development, University at Albany, State University of New York, is part of the senior campus of the largest system of higher education in the United States. The State University of New York (SUNY) is an interlocking network of sixty-four colleges and universities distributed throughout the State of New York.

The key unit at the University at Albany for the purpose of this Project is the Center for Legislative Development. The Center was founded in 1970 with the aim of fostering peaceful social and economic growth in developing countries through the encouragement of democratic institutions, particularly legislatures. Not content with the traditional focus of developing assistance to government executive and judicial bureaucracies, the Center has championed the notion of the legislature as a key, but neglected component in the social and economic development process. It rejects the view of legislatures as obstructions to development, focusing instead on crucial policy functions that only legislative institutions can perform.

The Center is part of the Nelson A. Rockefeller College of Public Affairs and Policy, located in Albany, New York. The Center's position within Rockefeller College allows it to effectively utilize the relevant resources of the entire State University system. The Rockefeller College consists of four public policy oriented graduate schools (Public Affairs, Criminal Justice, Social Work, and Information Science and Policy) as well as the Professional Development Program, which designs, develops and administers a wide array of professional development courses and workshops for state and local government officials. In addition, the Provost of Rockefeller College also serves as the Director of the system-wide Nelson A. Rockefeller Institute of Government, which was established to bring the resources of all sixty-four campuses to bear on matters of government policy, operations, and structure.

For the past twenty years, the Center has been in the business of strengthening legislative organizations, at home and abroad, in Central and South America, Africa, the Middle East, Asia, and in Eastern Europe. The Center brings together resources from a wide range of legislative institutions around the world and utilizes an extensive international network of legislators, professional staff, academics, and professional organizations concerned with legislative development. The faculty associated with the Center includes specialists in public administration, political science, economics, public policy, law, decision-making, and systems and information sciences.

More than 700 legislative staff and legislators have graduated from the programs sponsored by the Center. The Center for Legislative Development is the only institution in the world offering academic and/or applied studies in legislative administration, research, and information.

The Center, through its location within the Graduate School of Public Affairs, is able to offer Master of Public Administration (MPA) and Ph.D. degrees in Public Administration with concentrations in Legislative Administration. The Center also offers non-degree programs, legislative institutes, and short-term professional programs for senior staff who prefer not to pursue a degree program.

In addition to the resources that the Center itself brings to the implementation of this Plan, the following organizations with which the Center has collaborated successfully in the past offer potential additional resources for the Project.

The National Conference of State Legislatures is a bipartisan organization created to serve the legislators and staffs of the nation's 50 states, its commonwealths and territories. NCSL provides research, technical assistance, and the opportunity to exchange ideas on the most pressing state issues. NCSL also is an effective and respected representative for the interests of state governments before Congress and federal agencies. NCSL's aims are to improve the quality and effectiveness of state legislatures, to foster interstate communication and cooperation, and to ensure legislatures a strong, cohesive voice in the federal system. NCSL produces a monthly magazine a quarterly newsletter and offers a great many specialized publications, from books to brief summaries of developments through studies of a number of policy areas

The American Society of Legislative Clerks and Secretaries (ASLCS), founded in 1943, is comprised of chief parliamentary officers and staff involved in the law making and administrative processes of state government. The Society undertakes special projects such as the revision of Mason's Manual of Legislative Procedure, the reprinting of Cushing's Law and practice and Legislative Assemblies in the United States of America, and conducts surveys on aspects of legislative procedure, parliamentary rulings, data processing, staff training, utilization and compensation. Currently in excess of two hundred members, representing forty-six states plus certain Atlantic and Pacific islands, attend the ASLCS's annual professional development seminars. Other meetings are held throughout the year. Biennially, the Society meets jointly with its Canadian counterparts.

Other useful resource organizations include the Southern Legislative Conference, the State Legislative Leaders Foundation, the Council of State Governments, and the Council of Europe and European Parliament's European Centre for Parliamentary Research and Documentation.

APPENDICES
INSTITUTIONAL NEEDS ASSESSMENT
LEGISLATURE OF THE REPUBLIC OF KAZAKHSTAN

1. "Deputies Elected to the Supreme Soviet of the Republic of Kazakhstan on March 7, 1994," prepared by Reef Altoma, March 31, 1994.

2. "The Supreme Soviet of the Republic of Kazakhstan: Results of the First Six Weeks of Work of the Parliament, elected on 7 March 1994," prepared by Eric Sievers, June 3, 1994.

3. "The 13th Convention of the Supreme Soviet of the Republic Kazakhstan: Spring Session Results," prepared by Reef Altoma, August 1, 1994.

4. Field notes, October 15, 1994.

5. Field notes, November 3, 1994.

6. Field notes, November 23, 1994.

7. Field notes, November 29, 1994.

8. Field notes, December 10, 1994.

9. December 1994 Trip Report.

The enclosed document is to introduce the project of the Center for Legislative Development in New York, which is being done with the American Legal Consortium. The purpose of the project is to help the Supreme Soviet identify specific changes that may be needed to make the Supreme Soviet a more professional legislative body.

Nobody is expected to answer all the questions in this document--they are only to help guide the conversations with Dr. Jim Kent of the Center for Legislative Development. Soon after his visit, the Center will prepare a draft Action Plan of assistance. After the draft is prepared, members and leaders of the Supreme Soviet will have an opportunity to suggest changes before the two-year project actually begins.

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INTRODUCTION

The Center for Legislative Development has spent more than two decades assisting dozens of legislative bodies throughout the world `in developing mechanisms that allow them not only to conduct their work expeditiously, but also to determine and meet their own institutional needs. While the Center's work is solidly founded in theory and research, it is highly practical in its application. The Center has been able to play a role in the development of national legislative bodies in such disparate states as Brazil, Costa Rica, Hungary, and South Korea.

It is the Center's philosophy, borne out by historical experience, that a strong legislature is fundamental not only to
political and social development, but also to economic growth. Investors, both foreign and domestic, seek a business environment in which the rules of the game are known, and in which there is an established procedure for changing those rules that allows for compromise and negotiation but does not depend on the whims of any individual or small group. This is virtually an operational definition of an effective legislature.

If the legislature is not able to play its role in government effectively, one of two outcomes can be expected. First, the legislative body will become a simple rubber stamp, approving every action of the executive; second, the legislative body can become a mindless obstacle to any change by opposing any initiative of the executive. In either of these cases, democracy suffers and the business and investment climate is harmed.

But an effective legislature is important for more than just economic reasons. In every society, differences of opinion exist or emerge about what the society's values should be, and about how the society should protect, change, or revitalize its values through public policy. It can be very difficult to resolve those differences and then to translate those solutions into public policy. To do so in a peaceful and orderly way requires the presence of a forum in which debate can occur and in which negotiation and compromise are legitimated and regulated, and in which the resulting action can occur quickly. And this, too, is virtually an operational definition of an effective legislature.

What makes a legislature effective? We have found that an effective legislature is one that can perform four key <u>functions</u> by marshalling four types of <u>resources</u> and managing four sets of <u>relationships</u>. The four key functions are:

1. LAWMAKING--determining suitable topics for lawmaking, having bills drafted quickly and accurately, and arranging committee processes and plenary debate and procedures that permit full consideration but also allow prompt action;

2 OVERSIGHT--using a wide range of methods to ensure that laws and programs are implemented at reasonable cost, in compliance with legal requirements, and with results that are both effective and just;

3. BUDGETING--setting limits on government spending, ensuring that spending reflects and enforces policy priorities, and promoting the long-range fiscal health and integrity of the public and private sectors of the national economy;

4. CONSTITUENT SERVICE--by personal intervention or corrective legislation, assisting members of the public who are having difficulties receiving services to which they are entitled or are otherwise being unjustly treated.

The four types of resources legislatures must marshal are:

1. HUMAN RESOURCES--this includes not only staff of the needed numbers and skills, but also professional development of members and especially of those in leadership positions;

2. INSTITUTIONAL RESOURCES--this includes real and perceived constitutional and statutory power and legitimacy to perform the key functions; organizational structures and processes that allow for deliberation and action, perceived legitimacy; and a good institutional public reputation achieved through openness, accountability, and honorable behavior;

3. INFORMATION RESOURCES--access to the information needed for the key functions, as well as ability to organize, store, retrieve, analyze, and share the information as appropriate;

4. PHYSICAL RESOURCES--adequate and well-designed space for both ceremonial and routine functions, necessary and adequate supplies and equipment, and adequate funding.

The four instrumental relationships are:

1. INTERNAL LEGISLATIVE MANAGEMENT--the day-to-day operation of the administrative and policy machinery of the legislature;

2. INTRAGOVERNMENTAL RELATIONS--the way the legislature deals with the President, the Cabinet, lower-level functionaries, the judicial branch, local governments, and the education sector (especially postsecondary education institutions which may help the legislature meet its needs for training and research);

3. PUBLIC AND PRESS RELATIONS--how the legislature tells the public and the press what is going on, how the legislature permits or limits access to legislative documents, and how the legislature deals with questions (and even unjust accusations) about its actions;

4. INTERPARLIAMENTARY RELATIONS--how the legislative body keeps informed about what other legislatures in the region and the world are doing, in both public policy and legislative management, so that lessons learned in other countries can be applied here.

In each of these areas, the most important goal of the project is to help the legislative develop its own ability to decide what it wants, determine what it needs, and then make and implement plans to achieve its objectives. The Center for Legislative Development has done this in the past in three ways:

1. directly providing one-time or short-term information, publications, training, and professional development activities;

2. working intensively with small groups of legislative leaders and senior staff members to help promote long-term interest and ability in the continuing development of the legislature as an institution; and

3 helping legislatures develop institutional linkages both within and outside their own countries so that many resources can be called upon when the CLD phase of the project is over.

Some of the important questions to be addressed about each function, resource type, and relationship are listed below. Each legislature must find its own answers to these and other, related questions. The Center for Legislative Development will facilitate these discussions, and then will use its international network of legislators, staff, and academic experts to help in implementing the solutions.

FUNCTIONS:
1. LAWMAKING

In the minds of both legislators and the public, lawmaking is the first duty of a legislative body. It is the legislature that sets the limits of both public and private behavior, authorizes the collection and expenditure of public funds, and represents the people in translating differences of opinion into statements of public policy through negotiation. Processes for lawmaking must ensure that all interested parties know and can attempt to influence legislation. Debate must be thorough, but eventually policy must be made, so lawmaking processes must balance the needs for full deliberation and prompt action.

Some questions about the lawmaking function include:

1. What sorts of bills will be allowed, who may introduce them, and under what constraints? In addition to constitutional requirements on this subject, some legislatures have chosen to allow committees or executive agencies as well as individual legislators to introduce bills; some have sought to manage their workload by restricting the number of bills a member may introduce; some have set rules consolidating all bills of a certain type into a smaller number of bills.

2 How will bills be drafted? In some legislatures, members draft all bills, others require staff members to do all drafting, while still others have a mixed model. Once a bill is drafted, will there be a mechanism for ensuring that its form and style are compatible with other national laws? Will there be a mechanism for discovering and dealing with any prior, existing laws that would be affected by the proposal? Will it be possible to get an advance opinion on the proposal's constitutionality? If staff members draft bills, how will confidentiality be maintained? If only legislators draft bills, how will similar or identical proposals be coordinated so as to improve legislative efficiency?

3. How will committee work be organized? Some legislatures organize their committees in a way that is virtually parallel to the agency structure of the executive branch, while others decide to organize along issues rather than structures. Which bills will be referred to which committees? May a bill be referred to more than one committee? How will minority views and members of the public be heard in committee? What kind of staff does a committee need, and who should control the staff? If committee hearings are to be held outside the capital as a way of increasing public accessibility, who will make the arrangements?

4. How will plenary sessions be organized? Some legislatures allow noncontroversial legislation to be considered more quickly than bills that are opposed. Who will set the priorities for floor debate and voting, and what will be the process for changing or challenging the priorities? To what extent will members of the public or other elements of government be involved, or even be able to attend, plenary sessions? What records will be kept, who will be able to receive them, and with what restrictions? What kind of staff are needed for the plenary?

5. What kinds of influence may citizens, businesses, or the executive try to exert in the legislative process? Will there be any restrictions on lobbying, and if so, to whom will they apply? What are the ethical responsibilities of members, staff, and others in setting public policy? Who will enforce these codes?

6. Who will gather, organize, and analyze the information needed for lawmaking? Will old laws and bills be available for analysis? What different kinds of information are needed, and what kinds of staff, space, and equipment will be required to ensure the prompt availability of each?

FUNCTIONS:
2. OVERSIGHT

Scholars have recently discovered what people in government have known for years: Policy is not really made when a new law is passed. Policy is fully realized only when the policy is implemented. Many obstacles can prevent a good law from becoming a good program. Legislative oversight is the collection of activities the legislature uses to find out how the laws are being implemented, what the results have been, and what corrective actions may be needed.

Oversight includes a wide range of activities. It can be as simple and informal as a telephone call to a ministry, asking why a particular constituent's case was handled in a certain way. It can be as complex as a six-month study using dozens of people to find out what has happened in a specific program. In between these extremes are financial audits, committee investigations, and staff analysis of data collected from agencies or citizens. Questions about oversight include:

1. Who will conduct formal oversight? Most legislatures divide the responsibilities among standing committees, special permanent committees and special temporary committees, depending on the subject matter, the urgency of the situation, and the other traditions of the legislature. Separate special permanent committees may be set up for financial audits, for performance evaluations, and for special investigations that may involve criminal behavior.

2. What kind of staff will be needed for the types of oversight to be conducted? What skills must they have? Where will they be recruited? Who will select them? Who will control their work, both in terms of scheduling it and reviewing its content?

3. What kind of information will be needed for each type of oversight? Does the information exist, and does the legislature have access to it? If not, what are financial and political issues involved in getting the information? Once the legislature has the basic, raw data, who will conduct any needed analysis to determine what it means?

4. What use will be made of oversight results, and by whom? Will formal reports be issued, and if so, to whom? Will agencies be compelled to comply with, or at least respond to, any recommendations that may result?

FUNCTIONS:
3. BUDGETING

The budgetary process is in many ways the central process of government. Most public activities and all public agencies require money, and almost all would like more than is made available to them. Therefore, governments must raise money and then distribute it among the various authorized activities in a way that balances fiscal possibilities with programmatic needs. As the money is being spent, activities and results must be monitored so the information can be used in preparing the next budget. Many of these steps, and the legislature's role in them, are outlined in the constitution, but there are still many decisions to be made.

The legislature has an important role at every stage of the budget cycle, because it is in the budgetary process that an effective and speedy process for balancing and negotiating different interests is most crucial. Issues in budgeting include:

1. To what extent will the legislature modify the executive's proposals? Even where there seems to be a constitution answer to this question, legislatures have been very creative in giving the executive either more or less latitude. Some legislatures even prepare a separate set of budget estimates to use a basis for their deliberations, while others make only minor adjustments to the executive request in most years.

2. Will some programs receive less scrutiny than others? Some spending is thought of as "automatic" or "uncontrollable"--interest payments are a common example. But some legislatures have found ways of dealing even with these matters in a way that increases the legislature's power and reputation by helping to protect the public finances.

3. How will minority and public voices be heard in the process? Will the entire budget be referred to a single committee, or will the work be distributed? In at least one legislature, every member serves on a subcommittee of the budget committee. Will there be committee hearings? Who will be invited or allowed to testify?

4. As with oversight, what staff and information needs must be met for the legislature to play its proper role? Some parts of the process are highly technical and specialized, while others are rather straightforward.

5. How will the results of oversight activities be used in the budget process? Will agencies have to answer programmatic as well as financial inquiries? Will agencies be punished in the budget process for programmatic shortcomings or wrongdoing?

FUNCTIONS:
4. CONSTITUENT SERVICES

Legislators like to help people. In fact, that is often why they chose to enter politics in the first place. Sometimes government agencies may treat people unjustly. This can occur because officials are abusing their power or neglecting the interests of the people, but sometimes the officials are helpless because the law specifically requires a certain action. In either case, an interested legislator may be able to help. Effective constituent services improve the fairness of government, provide oversight information about program flaws, and lead to increased public support and prestige for the legislature. Ineffective or corrupt constituent services, such as seeking special exemptions and considerations favors for people who are not entitled to receive them, have exactly the opposite effects. Issues in constituent service include:

1. Will members be responsible for dealing with their own constituents, or will the function be centralized? What is the specific responsibility of national list members--should they handle the problems or refer them elsewhere?

2 How will proper and improper constituent services be distinguished from each other? What punishment will improper services incur? Who will monitor and enforce this?

3. What kinds of staff are needed, and who will hire them and control their work?

4. Can any measures be devised to prevent members from drowning in constituent services work? Once citizens find that they have a path for their complaints, there will be increased traffic on that path.

5. Will statistics about citizen complaints be compiled and used in determining the need for a formal oversight review or a revised law? Who will do this?

RESOURCES:
1. HUMAN RESOURCES

Legislatures have unique needs for human resources--after all, it is almost the only human organization that has no right to select its own members. Its members must be able to vote intelligently on perhaps hundreds of pieces of bills covering the whole spectrum of public policy, but they usually also develop specializations in subjects or issues. In addition, they must share a certain amount of basic information about legislative processes, structures, rules, and traditions. Leaders, both formal and informal, also have special training and professional development needs. The legislative staff, though relatively small compared to the executive staff, must have a wide variety of skills and a broad range of knowledge.

The attitude of legislative staff members is also important. They are often more permanent and more knowledgeable than the members; nonetheless, they must always remember and respect the fact that the staff must serve the legislature, but never try to dominate it. Human resources issues include:

1. What number of staff members is needed for each of the key legislative functions as they have been designed by this particular legislature? Most legislative staff members are involved in and trained for more than one function and for more than one issue area. What skills must they have, and how will they acquire the skills? Some skills may be required before someone is employed, but others must be learned on the job. Who will decide what training is needed and who will arrange for the training?

2. Who will recruit the staff, who will assign their work, who will evaluate their performance, and who will have authority to discipline and fire them? In some legislatures, individual members have this authority; in others, a central personnel office has it; in still others, the speaker or a legislative management committee has this authority. In most legislatures, these responsibilities differ according to the type of staff and the nature of their duties.

3. How will the staff be organized? Some staff organizations are supposed to serve the whole body in a nonpartisan way, while others are expected to meet the political needs of members, groups, or fractions. However, legislatures around the world have made differing decisions about which staff organizations serve which masters.

4. What basic information do legislators need about the institution itself, and how will they acquire it? Will there be an orientation program for new members? If so, who will organize it and what material will be presented? What documents or publications should all members own or have easy access to?

5. What will be the formal leadership structure? How will formal leaders be selected and compensated? Which leaders are expected to consider the good of the entire institution, and which are expected only to consider the interests of their regions, parties, issue

groupings? How will the legislature assist and recognize the emergence of informal leaders--persons who do not have formal titles but who do have specific skills or interests that the body needs?

RESOURCES:
2. INSTITUTIONAL RESOURCES

A legislature is more than just a group of people. It is an institution of government whose every action shapes the nation's future history. Its structures and processes must accommodate and facilitate its current political role, but must also build and maintain the high level of public support and respect needed for a stable democracy. Institutional questions include, among others:

1. Do members and staff know and respect the history and traditions of the legislative body? Do they understand the nature and importance of the defined roles of the different branches of the government? How are these values transmitted to new members and staff? Some of this may occur in orientation programs or through publications of the legislative body. What happens to individual members or staff who fail to act in accordance with the institution's norms and needs? Possibilities range informal advice and counseling, to social ostracism, to withdrawing certain information or privileges, to formal censure or expulsion. Each legislative body must become aware of what its own unique norms are; no two legislatures are alike, and many times the norms are unspoken. Legislatures have also made a broad range of decisions about how to transmit and enforce those norms.

2. Does the legislature have enough constitutional and statutory authority to conduct its key functions, to marshal its needed resources, and to manage its important relationships? Is its right and duty to conduct its work recognized and respected by other branches of government and by the public at large?

3. To what degree are legislative deliberations and documents open to the public and to the press? Public access improves accountability, but can also allow for misinterpretation. Some legislatures declare all their works and words public, Others restrict certain types of proceedings and documents from scrutiny, although these restrictions are usually temporary or time-limited.

4. Are structures and processes of the committees and the plenary designed to allow all voices to be heard, while at the same time providing for a way of making a final decision on each question? There is a very wide variety of legislative structures and processes; each legislature designs its own based on how it views its key functions and relationships as well as on the political traditions and history of its own people.

RESOURCES:
3. INFORMATION

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Legislatures live on information: Correct, up-to-date, unbiased information is needed at virtually every stage of every function. Wrong information leads to bad decisions. Furthermore, the needed information almost always resides somewhere else: in the files of executive agencies or private businesses, or in the minds of academic or other experts. Legislatures rarely collect data themselves, although they frequently must reorganize and analyze the data to make it useful for legislative needs. Some basic questions about information resources are:

1. What kind of information is needed for each function? Does it exist, and is it reliable? Who has control of it, and can the legislature get it quickly and easily? To determine this fully in advance would be a major and futile undertaking. Although many needs are known in advance, others emerge only in the course of policymaking.

2. What kind of staff are needed to collect, organize, and analyze the information? Where will they be found, and who will control them? Whoever controls these staff members has considerable influence in the legislative process, so legislatures have devised a wide range of approaches.

3. How will the legislature's needs for information processing equipment change, and how will those needs be met? Some legislatures have developed their own computer capabilities, while others have reached accommodations with agencies of the executive or even the private sector.

4. What information or documents created by or about the legislature will be made available to others? How will these decisions be made? What restrictions will be placed on access? Transmitting information is an important means of establishing and enhancing the legislature's reputation, but it can also become very costly.

RESOURCES:
4. PHYSICAL RESOURCES

Every organization needs space, supplies, and money, and the legislature is no exception. The constitutional rights and duties of membership in the legislature imply that each person must have at least a minimum level of resources, but decisions must be made about what this is level is and who will secure these resources. Questions include:

1. Does the legislature have enough space to do its job, and is the space well designed for its purposes? Ceremonial spaces are not interchangeable with working offices Who decides which spaces will be occupied by whom? In some legislatures, this is done by the speaker; in others, by a committee. A few allow the executive branch to be involved Does the legislature as a whole or do individual members have or need space outside the capital city?

2. What equipment does the legislature need? Will the legislature own or operate motor vehicles, computers, or office furnishings distribution centers? Who will decide how

legislative equipment is to be assigned to individuals or to formal or information organizations within the legislature?

3. What are the basic office supplies needed to conduct legislative business? Will members be allowed to have their names imprinted on their stationery at public expense? Who will decide if members are spending too much?

4. Does the legislature have enough money to conduct its affairs? Does it have independent control of its own budget, or is executive permission required for some things? Funding adequacy and access go to the heart of legislative independence, and legislatures have devised a wide range of formal and informal mechanisms to ensure that these arrangements are satisfactory.

RELATIONSHIPS:
1. LEGISLATIVE MANAGEMENT

Not all relationships in a legislature involve substantive political negotiation or processing of legislation. The legislature itself is a complex institution that requires devoted attention to its administration and management. A legislature which is poorly managed will find itself unable to undertake its substantive tasks promptly and efficiently. Issues of legislative management are many and diverse; they include:

1. What administrative services will the legislature perform for itself, and which will it entrust to others? Some legislatures have their own payroll, purchasing, personnel, and printing offices and regulations. Others use the executive branch or the private sector for all or some of these services. The more services a legislature performs for itself, the more independent it can be. On the other hand, this may involve significant additional expense.

2. Who will be in charge of day-to-day operation of legislative processes, spaces, and equipment? In some legislatures, the speaker is solely responsible; in some others, the various leaders decide things informally; in many others, a special legislative management committee has all or part of the responsibility. Still other legislatures divide the administrative responsibilities up in various ways.

3. Who will approve special expenses such as travel or individual equipment requests for members and staff? Who will audit and monitor the spending of the legislature, and how much of that information will be made public?

4. What will be the arrangements for the security of legislative personnel and offices? Who will make those arrangements? Who will maintain and repair legislative equipment, such as motor vehicles and computers? These issues relate to the legislature's ability to be independent, and to conduct its business in a prompt and orderly manner.

RELATIONSHIPS:
2. INTRAGOVERNMENTAL RELATIONS

Paradoxically, a legislature which wishes to be effectively independent must pay close attention to its relationships with other governmental entities. The legislature and the executive must be able to disagree without permanently disrupting the working relationship that both need. The legislature must be able to receive reliable information and assistance from other branches and levels of government. However, the legislature must not become so dependent on any one source that it loses its ability to function if that one entity withholds cooperation. Intragovernmental questions include:

1. Who will be responsible for managing the legislature's relationship with the President, the cabinet, and the judicial branch? In some legislatures this is primarily the speaker's role, while in others committee chairs or special staff units attend to these issues. What services

or information will be needed from these other branches of government? How will this be secured without jeopardizing legislative independents? What alternative sources are available if cooperation breaks down in certain cases?

2. To what extent will legislators be allowed to approach lower-level government employees for information and services? Many legislators like to seek out such people for help with constituent problems or to gain insight on program operations for oversight purposes. However, some cabinet ministers may wish to restrict such access or to require that all contacts be channeled through or reported to a central legislative liaison office. This helps to ensure that legislators receive prompt and correct information, but also reduces their ability to receive information that does not agree with the ministry's official position.

3. How will the legislature and its members relate to local governments and their officials? What services and information might the legislature need from local governments? What forms of regulation of local governments might endanger good relations between the legislature and local governments? If a legislative committee decides to hold hearings outside the capital, what role will local government officials play?

4. What arrangements can the legislature make with postsecondary education institutions that will help meet legislative staffing and research needs? Who will be responsible for establishing and maintaining these relationships? How can the legislature balance its need for services and information with its responsibility to regulate and oversee these institutions?

RELATIONSHIPS:
3. PUBLIC AND PRESS RELATIONS

To achieve and maintain the respect of the public, legislative processes must be open, accessible, and explained well to the public and the press. It is not useful to the legislature or the citizenry for the legislature to try to conceal most of what it does. However, the press and public may still misinterpret, or even deliberately distort, legislative records and documents. That can also damage the legislature's reputation. It is difficult to maintain open and cordial relations with the public and the press while still controlling as much as possible the flow and interpretation of events and news. Questions include:

1. To what extent will legislative proceedings and documents be available to everyone? Who will manage the distribution of any public records? Since it may be expensive to make records available, it may be necessary to charge a fee. However, this can result in a situation where only affluent people and interest groups have effective access. When that occurs, the legislature may no longer be seen as the servant of all the people and its legitimacy as a democratic institution may be questioned.

2. What do individual members need to know about dealing with inquiries from the press and public? Who will help them to become educated in these matters? What do members of

the press need to know about the legislative process in order to help them present fair and accurate stories? Who will be responsible for disseminating that information?

3. Will press relations be centralized or will all members handle their own press announcements on all subjects? Different legislatures have developed different procedures, often based on the positions of individual members or the specific issues in question.

4 To what extent will individual members be available for personal visits by their constituents? There is a need to balance access with other time demands and with personal security considerations. How often will members be able to return to their districts to meet and speak with their constituents? Legislators need to be in the capital to do much of their business, but they must also get back home and find out about people's needs and preferences.

RELATIONSHIPS:
4. INTERPARLIAMENTARY RELATIONS

It is useful for a legislature to maintain contacts with other legislative bodies in the region and throughout the world. Quite a few substantive policy issues and legislative procedural dilemmas are common to many legislatures; finding out how others have dealt with the issues can save much time, money, and frustration. Because the institutional and political needs of legislatures are unique, it is more helpful for members and staff to talk to their professional counterparts than to academic experts or executive branch practitioners. Questions about interparliamentary relationships include:

1. What other legislatures are most like this one? There may be several answers to this, depending on the questions that are of interest. For example, one country or U.S. state may have a similar geographic and demographic profile, while another might have a similar constitution, and yet a third may be confronting a similar set of political or social issues. How much trouble and expense are involved in establishing and maintaining ties with those legislatures?

2. Which relationships will be formalized through written agreements or memberships in parliamentary organizations? Who will make these decisions, and how will costs be met?

3. Who will be responsible for transmitting information from other legislative bodies to this one? Who will be responsible for determining which solutions from other places are applicable to this legislature? Who will be responsible for answering inquiries from counterparts in other countries?

THOUGHTS ABOUT LEGISLATIVE OVERSIGHT
Jim Kent; 15 December 1994
American Legal Consortium/Center for Legislative Development

The following are some of my thoughts about legislative oversight activities. I hope they may lead to an interesting discussion at our next meeting.

WHY IS OVERSIGHT IMPORTANT?

Government is the only organization in society that is permitted to take money from people by force--if people don't pay their taxes, government can punish them physically by putting them in jail. Furthermore, money paid in taxes is not available for private investment in the economy. This gives government a very important moral responsibility to account to the people for what happened to their money.

There are no cash "profits" from government spending, but there are always results from the spending. Governments provide funds to programs for the purpose of educating children, or arresting criminals, or building highways, or promoting tourism. The spending has made a "profit" if there is an increase in social welfare or public safety or economic growth A program that produces a greater increase in the public good for each tenge is more profitable than one that produces a smaller increase.

Of course, it is difficult to measure a unit of public good. Also, programs have costs that cannot be measured in tenge. For example, when a road is built through a village, the social life of the village is disrupted. This is a cost, but it would be difficult to express the cost in money. Oversight is the entire range of activities that are used to determine the costs and benefits of public programs.

Legislatures conduct oversight because they are responsible to the people for the wise use of public funds. Even if they do not find
wrongdoing, oversight has important benefits. Agencies and individuals probably work harder and smarter if they know they might have to answer oversight questions, just as people behave somewhat better when they believe there is a police officer around the corner.

Sometimes this oversight is very informal. If a citizen is having a problem with some government agency, a legislator may make some telephone calls to find out what is happening Sometimes it is very formal and systematic, like an audit of financial records. Sometimes it is formal but not systematic; an example of this would be a committee holding hearings to investigate some issue.

Many entities of the government conduct oversight activities. Individual legislators may wish to know whether a program is causing problems for their own constituents, a committee may wish to investigate the efficiency of a program for which the committee is responsible, the Oversight Chamber may have identified a problem that is of concern to the whole Supreme Soviet.

Outside the legislative branch, the President's office and each ministry have an interest in finding out which programs are doing well and which are not. In this way they can exercise good

management by improving the programs, and can also protect their political position by solving problems before the problems become public knowledge.

TYPES OF OVERSIGHT

Oversight is broader than examining financial discrepancies and identifying people who have committed illegal acts. We can think of oversight on a scale of increasing difficulty and importance.

1. COMPLIANCE: IS THE LAW BEING OBEYED? This is a basic question; every public agency should at least obey the law. Are funds being used for the proper programs? Are the necessary authorizations received? Are the program's services being provided to the correct people as defined by the law?

We can often find the answers to these questions by simply examining the agency's books and records.

2. EXPENSE: IS MONEY BEING WASTED? Because we take money from people who do not wish to give it, we have no right to waste it. Are too many people employed without enough work to do? Is the agency paying too much for supplies or equipment?

To answer these questions, we must look at the agency's records, but we must also look at the outside market or at other agencies for comparison.

3. EFFICIENCY: IS THE PROGRAM WELL MANAGED? Every agency has some work to do, and should do as much work as possible for each tenge it spends. Efficiency questions are often questions about workload: How many students is each teacher responsible for? How much does it cost to repair one kilometer of highway? How many police officers are supervised by each sergeant?

To answer these questions requires further analysis--we must be able to identify and measure the agency's work, and we must have some standard against which to compare the answers we find.

4. EFFECTIVENESS: WHAT ARE THE PROGRAM'S RESULTS? Efficiency is not the purpose of government programs. We could have very efficient schools by having 1,350 students for each teacher. However, we do not think they would learn very much, and students' learning is the purpose of schools. A program is effective if it is meeting the social needs for which it was intended: Are students actually learning? Are more tourists actually arriving? Are fewer crimes being committed?

To answer these program evaluation questions can require very difficult data collection and analysis. First, we must define the goals, then we must figure out a way to measure them, then we must find a way to collect the information. After that, we must use statistical or other methods to

make sure that the social change was actually caused by the program. However, this kind of measurement is the closest to determining the "profits" of our social investment.

RESOURCES NEEDED FOR EFFECTIVE OVERSIGHT

The citizens are served well by effective oversight, no matter which government agency does the work. However, oversight activities must also meet the criteria of efficiency and effectiveness. Those in charge of oversight must be able to determine their needs and perhaps coordinate their work with other oversight agencies in order to avoid duplication. Furthermore, oversight activities must also show results--that is, findings and recommendations should result in improvements to programs.

1. STAFF NEEDS: The sort of staff who do financial audits are not the sort who do program evaluations, and both of these are different from the sort who might investigate criminal activities. Special training for oversight staff may be needed if the scope of oversight is to be expanded beyond financial and compliance issues.

2. INFORMATION: Access to information is basic to any kind of oversight. When the legislator calls and asks a question, someone at the ministry must provide the answer. When the staff wishes to examine the financial records, those records must be made available. When a study is being conducted about the effectiveness of the tourism program, data on tourism must be located or created. It is not efficient for the oversight body to re-gather data that already exists somewhere else.

The information must be in a useful form. For example, to determine how much money is being spent on a program requires budget and accounting documents that are organized conveniently. When it is not possible to determine what the budget for an activity is, even the most basic questions cannot be answered.

Another aspect of the information need is computer capacity. It is most effective helpful for the oversight body to have its own computer capacity. Efficiency is improved if data can be transferred directly from executive branch computers to those in the oversight organization.

3. ORGANIZATION: It is not possible, and it may not be desirable, to have only one oversight organization. However, the duties and responsibilities of each oversight agency should be clear to everyone. It is best if there are rules about which topics or types of inquiry are appropriate to each oversight unit.

Because the information needs of the various parties may differ, oversight is more effective if each formal oversight unit has only one boss--the Supreme Soviet, the President, the cabinet or a specific minister. It if often possible to coordinate the work of the major oversight agencies, either formally or informally, so that several oversight agencies are not all examining one program or activity at the same time.

THE POLITICAL CONTEXT

It is no surprise that everything that happens in the legislature is political. Politics is how the legislature fulfills its role is society. This means, for example, that even the most clear, obvious and significant findings and recommendations from an oversight report may cause no reaction. It is equally possible that a tentative and uncertain finding may bring about rapid and drastic action. Much depends on the political climate, the timing of the report, and even the personalities of the persons or organizations that are the subject of the report. Scientific evidence is only one kind of evidence that may be considered in the political arena.

It is important to maintain good relations with the executive branch, because that is the only source for most of the data needed for oversight. However, it is also important that oversight reports tell the truth about their findings and recommendations. This balance can be maintained in several ways, both formal and informal. Periodic briefings for legislative and executive leaders is important in maintaining the confidence. Maintaining a detached, professional attitude is another important element. Reports are written in a calm and objective way, stressing that it is more important to solve the problems than to fix the blame.

Another way of building confidence is to give people or agencies an opportunity to respond to reports before the reports become public. Whether I am being accused of a crime or simply of neglect, I want and appreciate a chance to set the record straight. Giving the opportunity to respond improves both the accuracy and the fairness of the oversight process.

No one expects that every oversight recommendation will be implemented. However, the oversight entity can take some of these steps that will help it to be successful more often than not.

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TRIP REPORT

RULE OF LAW IN CENTRAL ASIA

KAZAKHSTAN PROJECT

CENTER FOR LEGISLATIVE DEVELOPMENT

JANUARY 1995

Contract number CCN-0007-C-00-4004

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TRIP NOTES

This trip report details the activities of Jim Kent, consultant for the Center for Legislative Development, during his visit to Kazakhstan in December 1994 on behalf of the Rule of Law project. The Center for Legislative Development (CLD) is a subcontractor on this project. Dr. Kent was in Almaty from December 11, 1994 through December 22, 1994 to conduct a series of meetings with legislators, staff, and other relevant parties to develop a draft action plan for development of the Kazakhstan legislature known as the Supreme Soviet.

Jim Kent and project manager Malcolm Russell-Einhorn arrived in Almaty on December 11, 1994 rather than as scheduled on December 10, 1994 because of airplane trouble. At about the same time, the President of Kazakhstan appeared before the Supreme Soviet and suggested they go into plenary session five days a week instead of their accustomed two. These events combined to make scheduling appointments in the first couple of days difficult.

To facilitate Dr. Kent's meetings, the American Legal Consortium (ALC)staff in Almaty (the field name for the project) had distributed a Russian translation of sections of the CLD brochure (attached) to the leadership. Dr. Kent had prepared a briefing paper (attached) which was used to initiate discussion for the meetings. After Dr. Kent's first meeting with Deputy Kazhibaev, chair of the Oversight Chamber, he prepared a short briefing paper on legislative oversight (attached). What follows this introduction is a list of the meetings with the participants and descriptions of individual meetings.

For most meetings with non-English speakers, Dr. Kent used the American Legal Consortium's interpreter, who was outstanding. The two meetings where he used other interpreters are noted. Reef Altoma, a consultant for Chemonics, attended meetings with Dr. Kent and provided background material on the legislature as an institution and on the individuals involved. The entire ALC staff was most helpful.

MEETINGS:

12/12 1500	NATHAN, D., Ministry of Finance, on budget process and format
12/14 1200	KAZHIBAEV, A., chair of oversight chamber
12/15 1500	ZIMANOV, S., chair of constitutional legislation and human rights; KALMATAEV, M.D., chair of legal reform, legality, and law and order; KIM, Y.A., chair of state building and regional policy; ZHAKUPOV, S.Zh., chair of international and interparliamentary ties
12/16 1500	SHAKENOV, M.K., head of the Supreme Soviet Apparat; ARENOV, M.M., head of the Information-Analytic Center; ZHILENKOV, S.V., head of the Section for Legislative Analysis, SHOPIN, V., head of the Organization Department; CKOROBOGATOVA, J., head of the General Department
12/19 1500	SCALES, John, USAID/Almaty
12/20 1100	ARENOV, M.M., head of Info-Analytic Center
12/20 1200	KAZHIBAEV, A., chair of oversight chamber
12/20 1415	OSPANOV, M.T., Deputy Speaker
12/20 1500	PEREGRIN, A.G. deputy; VORONOV, V.I., former deputy and consultant to committee on constitutional legislation
12/20 1600	SCALES, John, USAID/Almaty
12/21 0910	SULEIMENOV, N.I., deputy and leader of the Secretariat; BERKENOVA, A.A., deputy and deputy leader of the Secretariat
12/21 1400	ABASHOVA, R.D., Deputy Chair of the Committee on Finances and Budget
12/21 1500	SHAKENOV, M.K., head of the Supreme Soviet Apparat; ARENOV, M.M., head of the Information-Analytic Center; ZHILENKOV, S V., head of the Section for Legislative Analysis; SHOPIN, V., head of the Organization Department; CKOROBOGATOVA, J., head of the General Department

NATHAN, David, Ministry of Finance, 12/12, 1500; Jim Kent and Reef Altoma.

Mr Nathan is an expatriate with over 30 years experience with the US federal government and has served that long on the expatriate circuit. He seems to be responsible for budget reform, but he also appears to have some operational duties as well.

The topics of discussion at this meeting focussed primarily on the budget process including the legislative role and staffing, and the role of some executive agencies such as the Ministry of Finance (Treasury) and the Ministry of Economics. The conversation also touched on the tax structure and national and local financial relationships.

Mr Nathan also expressed an interest in participating in the legislative development project.

KAZHIBAEV, A., Chair of Oversight Chamber, 12/14, 1200; Jim Kent and Reef Altoma (we did not use the regular interpreter for this meeting, and the one we used was not very good).

The topic of conversation for this meeting was the Oversight Chamber including its role, budget, and staffing. As it is a "chamber" rather than a committee, its budget comes from the Republic's budget not from the Supreme Soviet's. The Chamber has 12 members and 32 staff in Almaty; its primary role is fiscal oversight. It reviews the use of funds and occasionally recommends changing the law.

The Chamber can only make recommendations based on its expertise and experience in determining what the law requires and how it is being currently implemented--"The deputies make the final decisions." It is also limited by statute to overseeing what is in the Republic budget, not local budgets. Furthermore, they have no authority to look into the disposition of state property including mineral resources.

The major area of concern to Mr. Kazhibaev was the number of overlapping oversight agencies. These agencies include his on behalf of the Supreme Soviet, the individual committees, and various ones in the executive branch. He has introduced a bill to consolidate and define the functions of the oversight agencies. "Today there is too much argument about who's in charge." He is proposing three layers: Supreme Soviet, Presidential, and ministry-level.

His potential interests include: translated materials on oversight, allocation of oversight duties, and budget.

ZIMANOV, S., chair of constitutional legislation and human rights; KALMATAEV, M.D., chair of legal reform, legality, and law and order; KIM, Y.A., chair of state building and regional policy; ZHAKUPOV, S.Zh., chair of international and interparliamentary ties; 12/15, 1500; Reef Altoma, Jim Kent, Malcolm Russell-Einhorn, and staff who unfortunately were not identified.

The topics of interest in this meeting included:

* receiving publications on economic development and public policy, court structures and processes, and constitutions and amendment processes;

* establishing and maintaining relationships with other parliaments;

* learning about committee structures and processes;

* information on lobbying and its relationship to member ethics and such;

* information on open meeting and sunshine laws; and,

* developing a conceptual framework of what the Kazakhstan legislature is to be and what kinds of changes are needed to achieve this.

SHAKENOV, M.K., head of the Supreme Soviet Apparat; ARENOV, M.M., head of the Information-Analytic Center; ZHILENKOV, S.V., head of the Section for Legislative Analysis; SHOPIN, V., head of the Organization Department; CKOROBOGATOVA, J., head of the General Department; 12/16, 1500; Jim Kent, Reef Altoma, Malcolm Russell-Einhorn.

This meeting involved discussing the structure and staffing of the Apparat. The structure currently includes: the Information-Analytic and Legislative Analysis sections; the Organization Department ("organization, supplies, and coordination"); the General Department ("documents and journals"); Office; Protocol; and "Editing and Publishing." Apparently, there are 300-400 people who work for the Apparat; this includes the committee consultants.

SCALES, John, USAID/Almaty, 12/19, 1500; Jim Kent and ALC team.

This meeting took care of ALC business; at the end Mr. Scales asked for a report on the Parliamentary program, but we had run out of time. We made an appointment to come back and see him the following day.

ARENOV, M.M., Head of the Information-Analytic Center; 12/20, 1100; Reef Altoma and Jim Kent.

The stated purpose of this meeting was for Dr. Kent to walk through the Center library, and to discuss some organizational structural questions.

Arenov took the opportunity to present his priorities for our program and those of the Apparat's Organizational Department.

The priorities for the Information-Analytic Center are:

1 Organization of the information flow at various stages in the passage of legislation.
2. Activity of the parliamentary library.
3. Use of computers in legislative information and analysis.
4. Interaction with government agencies (ministries) to get information for the parliament.
5. How to get scientific, sociological, economic, and other analytic research done for the parliament.

The priorities for the Organization Department are:

1. Organizing the lawmaking function.
2. Oversight.
3. Human resources (recruitment and training).
4. General legislative administration.

The library is not very large--10,000 volumes--and was set up only 3 years ago. It is intended for the immediate needs of deputies in economics, law, etc.; otherwise they use the National Library which has about 3 million volumes. The Center's library stocks all the local newspapers as well as many Russian and other Commonwealth publications. Deputies use the Center library a great deal. The staff does not use it much. The deputies would like literature on legislation and legislatures, economics, and copies of other people's laws, all in Russian. The library has a full set of the laws of Kazakhstan, and receives the weekly publication of administrative regulations, new statutes, and presidential decrees.

They have a great deal of data on computers in the Center library. They seem to be networked within the Information-Analytic Center but not throughout the parliament. They would like to be hooked up to the National Library as well as the Internet.

As to structure, Mr. Arenov and the other Apparat Department heads are appointed by the Coordinating Council to 5-year terms coterminous with the Parliament. Their terms expire when the members' terms do. Apparat Department heads must be reappointed by the next Parliament.

Subordinates are hired (or at least approved) by the Speaker. In the Organization Department, there is a central personnel office that keeps records on all legislative employees. The committee consultants (approximately 10 per committee) are selected by committee chairs with the approval of the Speaker. They work for all members of the committee. Deputies select individual aides who are approved by the Speaker. They work exclusively for their own deputy.

KAZHIBAEV, A., Chair of Oversight Chamber, 12/14, 1200; Jim Kent and Reef Altoma.

The topic of this meeting was oversight. Mr. Kazhibaev would like us to do two things for him, BOTH OF WHICH Jim Kent AGREED TO:

1. Review some short amendments they are offering to their existing laws and send comments soon, as they hope to pass these by the end of the year; and

2. Look over the materials they have prepared on their new idea for organizing oversight (Reef Altoma's earlier memo describes the proposed changes) and submit comments some time after the first of the year.

Other topics included the role of his committee vis-a-vis budget reform and other laws, staff training, and authority to track down money that seems to have left the country.

OSPANOV, M.T., Deputy Speaker; 12/20, 1415; Jim Kent, Reef Altoma, and Dorothy Lawrence.

This meeting was to introduce Dr. Kent and to discuss the types of activities to be proposed in a program of legislative development. He was generally supportive.

PEREGRIN, A.G. deputy; VORONOV, V.I., former deputy and consultant to committee on constitutional legislation; 12/20, 1500; Reef Altoma and Jim Kent.

This meeting focussed on a discussion of the legislature's current functions and processes. Areas of interest included: installing a computer network in the legislature for timely access to committee reports; the role of the Apparat in conjunction with the legislature; the role of individual legislators; the power of the Speaker over such items as space assignments and access to information and copying; and access to ministry data bases which currently are available to the Supreme Soviet if purchased. They are interested in learning more about committee and floor procedures for deliberation on legislation, and the bill preparation process, including information flow. There was also discussion of the idea of a Committee on the Affairs of the Supreme Soviet

The group maintained that the Secretariat used to be important, but is now mostly honorary. However, they also said that the Secretariat is the place where legislators and staff obtain records of hearings and voting records, register legislative initiatives (new bills), and apply for housing.

SCALES, John, USAID/Almaty Democracy Initiatives; 12/20, 1600; Reef Altoma, Jim Kent, and Dorothy Lawrence.

This meeting focussed on Mr. Scales's involvement in the project.

His transparency/accountability concerns include:

* Access to ministry information for the Supreme Soviet
* Disclosure and ethics laws
* Sunshine laws
* A possible lobbying law
* A Freedom of Information law, and
* Subpoena power.

SULEIMENOV, N.I., deputy and leader of the Secretariat; BERKENOVA, A.A , deputy and deputy leader of the Secretariat; 12/21, 0910; Reef Altoma and Jim Kent.

This discussion revolved around the role and staffing of the Secretariat. The Secretariat has 7 members--5 retired deputies and these 2 active ones. They have a staff of 10. In the old Supreme Soviet, this used to be an important body. Their main job now is to act as a buffer and liaison between deputies and the Apparat. They provide supplies for activities of the Supreme Soviet, meet the requests of deputies, handle interactions between committees, and keep attendance of the deputies at plenary and committee sessions.

Mr. Suleimenov thinks a Committee of the Affairs of the Supreme Soviet might well take over what he does, "but of course it is up to the decision of the Supreme Soviet what duties they assign in the law."

His areas of interest are:

* Pros and cons of a bicameral legislature, i.e., "Is a two-chamber legislature a good idea?"

* The size of the legislature, i.e., "Is 177 deputies too many, too few, or about right?"

ABASHOVA, R.D., Deputy Chair of the Committee on Finances and Budget; 12/21, 1430; Jim Kent and Reef Altoma.

This discussion concerned the structure and staffing of this committee. Her committee deals with everything economic and financial, including the budget, tax laws, and banking and insurance legislation. They have set up a working group with the Parliament to work on the budget process including budget reform. They are also working on a new law on financial resources, which will define procedures for collections, bank deposits, uniform accounting, etc. They will be getting data from the ministries and then working on the new law. This is being done by a joint executive-legislative work group.

They are also working as part of a joint executive-legislative group on an insurance law. Later this year the President will send down a new banking law, a new Tax Code, and a new Customs Code. All this will be in her committee. The Tax Code will have a very wide hearing before it is sent to the plenary.

SHAKENOV, M.K., head of the Supreme Soviet Apparat; ARENOV, M.M., head of the Information-Analytic Center; ZHILENKOV, S.V., head of the Section for Legislative Analysis; SHOPIN, V., head of the Organization Department; CKOROBOGATOVA, J., head of the General Department; 12/21, 1500; Jim Kent, Reef Altoma.

Discussions during this meeting focussed on the following areas of interest:

* staff structure and deputy-staff relations
* lawmaking process
* legislative-executive relations
* innovations and new ideas
* information flow during the lawmaking process
* activity of the Parliamentary library
* computers in legislative activity
* connecting with ministries to get information
* how to undertake scientific, sociological, and analytic studies for the Parliament
* elaboration, preparation, and legislative evaluation of bills
* legal review of legislation within the Parliament and how it influences a bill's fate
* "peculiarities of juridical devices"
* legislation--balancing speed with legitimacy
* relations of Parliament with mass media
* training legislators and staff

There was also some discussion of the structure and funding of the Office of Finances and Economics which seems is similar to the General Department of the Apparat. According to Shakenov, this Department deals with wages and salaries, transport and repair of vehicles, telephones, and accommodations of deputies (including home repairs); it has its own print,shop, resort, and garage. It is funded separately through the Supreme Soviet budget.

NEXT STEPS

The Center for Legislative Development will use the information that has been gathered and analyzed during this trip to prepare a draft action plan for submission to Chemonics. The plan will outline the Center's philosophy of legislative development and potential programmatic ideas that, if undertaken, will provide the Kazakhstani legislature with the permanent internal capacity to perform its own institutional diagnoses and formulate its own priorities.

ATTACHMENTS

1. Center for Legislative Development Brochure

2. Center for Legislative Development Briefing paper

3. Center for Legislative Development Oversight paper