



# Afghanistan Parliamentary Assistance Program (APAP)

## Final Report

November 2011 to March 2013

**DCHA/DG**

**Contract No. AID 306-C-12-0001**

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## Final Report

### Afghanistan Parliamentary Assistance Program (APAP)

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

#### Contact:

David E. Guinn, JD, PhD  
Senior Associate  
Tel.: +1 (518) 443-5453  
Fax: +1 (518) 443-5126  
E-mail: [DGuinn@albany.edu](mailto:DGuinn@albany.edu)

Heather Senecal  
Monitoring, Evaluation and Reporting  
Tel.: +1 (518) 443-5124  
Fax: +1 (518) 443-5126  
E-mail: [HSenecal@albany.edu](mailto:HSenecal@albany.edu)

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## Executive Summary

Since 2004, the State University of New York, Center for International Development (SUNY/CID) has provided technical support and assistance to the Afghan National Assembly via a project variously known as the Afghanistan Parliamentary Assistance Project (2004-20011) and the Afghanistan Parliamentary Assistance Program (both referred to by the acronym APAP). APAP has fallen under three distinct contract mechanisms: an IQC task order (2004-2011), a Cooperative Agreement (2011) and a contract (2011-2013). The first and third mechanisms have also involved a series of extensions. While APAP remained constant partner with Parliament since 2004<sup>1</sup>, the goals and approach of APAP has changed over the years. This change over time has corresponded with Parliament's emerging needs, their capacity/skills growth and the institutions overall development.

The information provided in this final report details the contract period 30 November 2011 to 31 March 2013. This phase of the project was to support the USAID/Afghanistan's Intermediate Result of Strengthened governance and service delivery at national and sub-national levels. APAP promoted this IR through technical assistance and training to MPs, parliamentary staff, leadership office, and the National Assembly Commissions to strengthen legislative capacities, oversight, abilities and constituency representation. The goal of this technical assistance was to build upon previous effects and further strengthen the National Assembly's ability to operate as a strong, independent and effective legislative, representative and oversight body.

In May of 2012 the National Assembly signed a Memorandum of Understanding (MOU) formally recognizing the value that CSOs can bring to the parliament was signed with a representative group of Afghan CSOs. After three months of careful negotiations supported by APAP technical staff, the memorandum was signed on May 14, 2012. The MOU allows Parliament to draw upon the subject matter expertise offered by a variety of CSOs to support its legislative, oversight and representation roles. As members consider various proposals and policy positions they will be able to benefit from the CSOs who, following the MOU, are to be allowed to sit and contribute during committee sessions.

Equally, the MOU represents a milestone in the development of the NA of Afghanistan, with the potential to make its functions more transparent and open to public scrutiny, a key aspect of a parliament in a democracy. Further, as the CSOs are to be allowed access to the NA, this provides them with an opportunity to advocate on key national interest matters. CSOs will also be able to access documents and legislative proposals timeously and in a much more transparent manner.

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<sup>1</sup> There was an interruption of three weeks in August/September of 2012 with a close down and restart of the project due to a dispute over the solicitation for a follow-on project.

While the MOU laid the groundwork for positive interactions between the NA and CSOs, translating the MOU into practice remained (and remains) challenging. In terms of implementing the idea of further CSO engagement with Parliament, APAP facilitated a meeting between the CSO-Parliamentary workgroup and the NA to discuss CSO access and accreditation to Parliament and the expanding the list of CSOs under the MOU (between Parliament and CSOs). The workgroup would like to broaden the umbrella of CSOs included in the MOU so as to assure that all of the NA commissions can be supported by CSOs actively working in different policy areas that the commission works in and that those CSOs can have access to that commission. Mr. Khudai Nazar Nasrat, Secretary General of the Secretariat of the WJ welcomed the idea the idea of expanding the list of CSOs and assured the CSOs of his support. He told the participants that the WJ has begun to implement the provisions of the MOU by letting a number of CSOs participate in plenary and commission sessions of the Parliament. In doing so, however, he noted that there had been a number of complaints about the behavior of CSO representatives in the meeting and requested that the CSOs develop a code of conduct for their members on how to properly conduct themselves while participating at the plenary and commission sessions. He further informed the participants that based on the limitation of space in the gallery and committee rooms, the secretariat can issue a single ID card by the name of organization. Working out these details remained incomplete at the time this contract ended.

Another key development in which APAP was directly involved is the increased push for a stand-alone Public Accounts Commission in the Wolesi Jirga. Since 2009, SUNY/CID had been promoting the development of a Public Accounts commission. In that the formation of such a commission required a substantial revision of the WJ Rules of Procedure, as an interim step, APAP worked with the Budget Commission chair to form the Public Accounts Subcommittee in May of 2012. The PASc immediately began to prove its value. It very actively reviewed the 1390 Qatia Report, questioned ministry officials on their development budget execution rates, made recommendations to the Budget and Finance Commission regarding instituting a policy to question and/or interpellate ministers who have less than a 50% development budget execution rate and investigated government contracts.

In February of 2013, as part of a World Bank funded study tour arranged and organized by APAP, members of the subcommittee traveled to Australia Parliament with the learning objective of improving the transparency and accountability of public finances and state assets. There they met with the Australian budgetary and audit institutions and the related parliamentary committees to learn and discuss their oversight processes. The subcommittee members had an opportunity to see how the public financial management institutions work closely together to improve quality of public finances and government services to its people. *As a result of this study tour the delegation from Parliament renewed their goal of establishing a dedicated oversight commission or a public accounts commission within the Wolesi Jirga.* While this goal will entail not only revisions to the WJ's Rules of Procedure, it will face political maneuvering as well as members jockey to be on what might become one of the most powerful commissions in the Lower House

In an independent evaluation of the APAP project, Democracy International (DI) noted the project's impact on the budget process saying that "APAP played a significant role in making parliament more effective in engaging the Executive on the budget."<sup>2</sup> During the budget deliberation in Parliament, both Houses call ministry of finance officials to explain budget line allocations and question the status of donor funding expectations in the budget as well as the government's development project priorities in the budget. DI noted a real demand for budget information from commissions. Illustrative of this demand, in 2010 there were approximately four requests for APAP supported sectorial analysis. By 2012, the number of requests tripled to twelve.

Also reflecting the long term effect of APAP's support for the budget process was the announcement that Afghanistan was one of the fastest improving countries budget transparency. In the biennial Open Budget Survey for 2012, the transparency score increased from 21 points out of 100 in 2010 to 59 for 2012 – a 133% jump.<sup>3</sup> In 2008 it had received a score of 8. Moreover, the average score of the 100 countries studied was 43. In the report, Afghanistan's "Legislative Strength" was ranked as "Moderate," and in comparing the National Assemblies strength within the budget process with others in the South Asia region (Afghanistan, Bangladesh, India, Nepal, Pakistan, Sri Lanka) only India's achieved a rating of "Strong."

The Wolesi Jirga's approach to the Electoral Law illustrates the level of development within its legislative role achieved by the National Assembly in recent years with the assistance of APAP. Beginning in late 2011, the parliament repeatedly approached the government asking for it to submit a new electoral law – a practice commonly adopted by the National Assembly when it recognizes the need for new legislation. Despite repeated assurances, the government continued to delay submitting a new electoral law, missing a number of public deadlines for its delivery. In response, in 2012 the WJ Women's Commission began holding hearings on the electoral law and drafting a new member's bill of the electoral law. While the government's submission of a new law ended the push for the member's bill, the mere fact that the commission would take this initiative – particularly in relation to a bill that everyone knew would be high contentious and of significant concern to the government – represents a significant assertion of parliamentary prerogatives.

Equally significant was the way in which the Wolesi began its review of the government proposed electoral law. Instead of simply reviewing the law as presented, as would have been common in the past, the commissions, with APAP assistance, created a detailed analytic matrix on the law, breaking it down by individual articles and presenting alongside each article (in tabular form) relevant extracts of the prior law, the existing draft of the member's bill, and proposals or commentaries on those provisions as offered by experts and CSOs in prior hearings on the electoral law.

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<sup>2</sup> Democracy International, *Afghanistan Parliamentary Assistance Program Evaluation: Final Report* USAID August 2012.

<sup>3</sup> Afghanistan, *Open Budget Survey 2012* <http://internationalbudget.org/wp-content/uploads/OBI2012-AfghanistanCS-English.pdf> (accessed 4/30/2013)

## Project Background

It is impossible to discuss the successes and challenges this project has faced without viewing it through the lens of over eight years of project implementation. The name of the project has varied slightly between the Afghanistan Parliamentary Assistance Project (2004-2011) and the Afghanistan Parliamentary Assistance Program (2011-2013) with both sharing the APAP acronym, and it has been implemented under a number of different contract mechanisms (IQC Task Order, Cooperative Agreement and Contract). Nonetheless, each successive rendition of the project has built upon the previous one. It is for this reason that a short synopsis of prior achievements, successes and challenges will be outlined here to give the reader a broader perspective when considering both the findings and the recommendations made under this contract period.

### IQC Period (2004-2011)

The project, originally designated as the Afghanistan Parliamentary Assistance Project (APAP), originated under a Deliberative Bodies IQC task order awarded to the Center for International Development of the State University of New York (SUNY/CID) with a goal to develop the Afghanistan Parliament as a strong, effective, and independent parliamentary institution. This task order (DFD-I-801-04-00128) for \$7,872,106 with a three year timeframe, commenced September 29, 2004, more than 14 months before the initial convening of the Afghanistan Parliament in December 2005. The project was subsequently extended and expanded through a series of approximately 20 modifications to the original task order. Some of these extensions were for extremely short durations (one month) and others of longer duration. The task order can be understood as having three phases: the initial organizational stage (2004-2006); a comprehensive strategy of support (2007-2009); and a significant period of enlarged interventions (2010-2011).

Key highlights under each of these phases are listed below:

- Initial Organizational stage (2004-2006)
  - *Led a number of assessment and planning efforts*
  - *Supported preparatory committee and staff*
  - *Provided staff training and infrastructure support*
  - *Built strong relationships with Parliamentary and Secretariat leadership*
  - *Initiated technical support program for first Parliament*
  
- Comprehensive Strategy of Support (2007-2009)
  - *Expanded program to explicitly address 3 central roles of Parliament: legislative; oversight; representation/outreach.*
  - *Provided focused support for Budget, Economy, legislative, Justice and Environment/Health Committees*
  - *Promoted oversight of budget and economics*
  - *Promoted provincial outreach*

- *Operationalized the Afghanistan Parliamentary Institute*
- **Enlarged Inventions (in depth technical support: 2010-2011)**
  - *Enhanced legislative transparency through development of a legislative tracker and public hearings*
  - *Skills training through mentoring in all committees*
  - *Increased quality and quantity of technical support for budget oversight process*
  - *Built public awareness through the mass media and the skills of mass media*
  - *Increased the range of voices supporting Parliament: fellows/CSOs/Women*

During this period of the APAP project, the National Assembly grew and developed both through project supported technical assistance as well as other factors as described below:

- *Independence:* The NA grew from an institution that was largely compliant with the demands of the executive (if not a rubber stamp) to an autonomous, self-assured institution capable of challenging presidential authority as illustrated not only by its repeated rejection and substantive renegotiation of the budget bills, but also the seating disputes following the 2010 parliamentary elections.
- *Institutionalized Cultural Development:* The NA demonstrated a surprising level of institutionalization of legislative norms. Despite the large turn over in MPs, the new Parliament quickly demonstrated significant institutional independence in its struggle with the President over the constitution of its membership; organizational awareness in its adherence to the establish rules of procedure in the leadership selection in both houses; autonomy in its repeated rejections of the proposed budget; and continued interest in promoting its oversight role via public hearings. It was noted in the final report that these efforts would require significant assistance by APAP staff over a longer period of time to insure that they are fully established within the culture of the NA.
- *Legislative Capacity:* The NA – particularly the WJ – demonstrated an increased level of sophistication. In its review of the Presidential Decree on the Election Law of 2010, the Law on the Privileges of the Disabled and Martyrs, and others, the NA and its staff developed and drew on carefully prepared legislative support materials, asserted its authority through arguments based on sound public policy, constitutional and legal norms, legislative practices and procedures and relevant international norms. Nonetheless, significant APAP staff support, which the secretariat is not fully capable of delivering, remained a necessity.
- *Oversight:* During the IQC period, the NA demonstrated an increasing capacity and interest in its oversight role, with the number of oversight actions taken increasing from a baseline of 8 in 2007 up to 34 during the first two quarters of 2011. While this oversight had been led and dominated by budget related activities, it also included oversight activities in the areas of health, higher education, natural resources, prisons and other non-budget areas.

Given the interest demonstrated by MPs in public hearings and provincial oversight visits, the NA is likely to retain these tools as an active part of their work.

- *Budget/Budget Oversight:* The growth in ability and sophistication of the budgetary related committees in the budget process was significant. In each successive budget cycle the NA increased the number of interventions it had taken ranging from increasing the numbers of public officials invited to appear before the budget committee, the numbers of reasons offered for rejecting a draft budget, and the number of amendments offered to a proposed budget.
- *Representation/Outreach:* The NA grew substantially in its representation and outreach capacity. The NA had undertaken a number of provincial outreach efforts, including public hearings and provincial budgeting initiatives. The Department of Information and Public Relations (DIPR) had become much more professionally organized in interacting with the media and preparing public informational materials. From the public side, the number of CSOs receiving advocacy training rose dramatically from 15 in 2010 to 56 in the first two quarters of 2011. In addition, a vibrant parliamentary press core (many trained by APAP) had emerged.
- *Institutional Capacity:* The Afghan Parliamentary Institute had for a number of years operated as a semi-autonomous provider of basic skills training (computers and English) with its own staff, while serving as the host for substantive trainings by APAP. With its recognition by Presidential Decree in 2011, the API appeared poised to grow into a substantive educational facility.

Some challenges the National Assembly faced (and continues to face) are those of autonomy, talent drain and transparency. In terms of developing as an autonomous branch of government, the NA asserted its independence in legislation and oversight, but remained dependent on the executive for its budget and for the civil service support it receives. In 2011, APAP staff noted that the NA continued to need support to develop greater control over these fiscal and administrative matters. Keeping highly qualified and trained staff was also a challenge with mixed development. In some areas such as the libraries and many committee staffers, there were improvements and significant development; in others areas, such as budget support staff capacity, development remained weak. While staff turnover was not excessively high (contrary to popular perception), turnover among high quality staff (those who have benefited most from the training opportunities they have been given) appeared to have had a serious talent drain effect. The effect in terms of the APAP program was that APAP staff had to program both at the remedial level (new staff) and at the highly advanced level. Another problem that contributed to the talent drain effect was that salaries remained woefully inadequate to hire the highest quality employees. Finally, in spite of improvements observed in the DIPR, it had failed to utilize resources already provided to the NA such as the printing press and recording studio (UNDP SEAL).

## Cooperative Agreement (April- November 2011)

In April 2011 USAID entered into a Cooperative Agreement (CA) with SUNY Center for International Development so as to assure continued technical support for the National Assembly following the expiration of the prior Task Order. The CA continued through November 30, 2011 when it was succeeded by a new contract (current contract period). The program goal of the project remained the same: to support the continued development of the Afghanistan Parliament as a strong, effective, and independent parliamentary institution. The focus of the CA was on skills transfer towards sustainable and Afghan led processes, especially in the legislative and oversight functions. In addition, focus was also placed on civil society engagement with the NA and the need for improved outreach so that the center (i.e. Kabul) would better connect with the rest of the country.

From a programming development and evolution perspective, the CA period represents a period of significant transition within APAP from a primary focus on technical and performance support to one emphasizing skills transfer. APAP moved rapidly to ensure that programming shifted towards skill transfers that facilitated a more Afghan led process in the NA and, in some cases, that some APAP support efforts were completely transferred to the NA staff. Developments in the legislative and Oversight functions during this period clearly illustrate the efforts at skills transfer in these areas:

- Despite the disruptions in its operations caused by the electoral disputes, the legislative capacity of the NA witnessed a significant improvement in building and institutionalizing its internal capacity to more effectively review legislation. In terms of legislative output, 2011 saw the NA pass the 1390 Budget draft after sustained debate and analysis, during which the budget was rejected twice by the WJ and subsequently revised by the executive to incorporate 18 substantive changes demanded by the NA. Further legislative successes included the amendment to the Public Finance Management Law which changed the government's fiscal year, amendments to the Forest Law which gave greater effect to local control and management of the country's forest resources, and the passing of several strategic agreements and conventions were also considered and finalized by the NA.
- It is not enough that a parliament enact laws, to be effective it must do so with a clear understanding of the merit and purpose of those laws. By introducing the concept of providing bill summaries to accompany all legislation, including technically complicated government-initiated bills, APAP helped the National Assembly to prepare "user friendly" documents to enable MPs to better understand and therefore more effectively decide upon legislation brought before them. During this period, an important addition to this effort under APAP programming and with NA leadership support was the engagement and training of NA legislative staff in preparing these bill summaries. Previously, bill summaries had only been prepared by APAP technical staff, and then only on key legislative proposals. In 2011, the National Assembly agreed with APAP to mentor NA legislative staff to prepare bill summaries for circulation to members for all legislation being considered. *Mentoring NA committee legislative staff in the preparation process represented a key step towards*

*institutionalizing and building the internal capacity of the NA to undertake effective legislative review.*

- The oversight role of the NA also witnessed significant development in 2011. Through the support of APAP, the NA was able to ensure improved fiscal transparency and scrutiny of executive expenditure. Key proposals that resulted from APAP technical support to the WJ Budget and Finance commission included changing the government's fiscal year to run on a December-November cycle, along with a revised ministerial performance reporting framework. The new fiscal year cycle was expected to improve budget execution by better aligning budget availability with the seasonally constrained (late Spring/Summer/early Fall) construction period within Afghanistan. The agreement with the Ministry of Finance to adopt a new template for performance reporting ensured greater transparency in the manner the executive executes fiscal expenditures, allowing for improved NA scrutiny into executive programs.
- In a development that enhanced its oversight capacity, 2011 witnessed the NA undertaking investigatory field visits by legislative commissions. The Mines and Environment Commission of the NA's Upper House, the Meshrano Jirga, with technical assistance from APAP conducted a highly successful investigatory visit to the lapis mines in Badakshan province in which it uncovered significant evidence of corruption. Following a hearing in which key members of the executive appeared before the commission to answer questions about these findings, prosecutions were instituted against alleged perpetrators and a number of government officials with responsibilities in this area, including the district police chief, were dismissed. *While initial investigatory field visits undertaken by the NA were conducted with significant APAP support, gradually the NA began assuming greater administrative and financial responsibility for conducting such visits with decreasing amount of APAP assistance.*
- Utilizing APAP support, during this period, the NA took significant steps towards legislative transparency through the reintroduction of public hearings, NA engagement with civil society and the NA adoption of the online Legislative tracking service. First, the NA review reintroduced the mechanism of public hearings as a key element of ensuring legislative transparency and obtaining relevant public input into the legislative process. Key public hearings included the WJ Women's Commission-led hearing on the *Elimination of Violence Law (EVAW)* and the WJ Budget and Finance Commission's pre-budget hearing that brought local representation in the form of provincial representatives to interact with the members of the NA.
- Associated with the convening of public hearing, the NA through APAP support began to actively solicit independent expertise and CSO engagement in its legislative process as it moved towards efforts at a more open and transparent Parliament. Finally, the NA's leadership welcomed a transition in ownership and control over the APAP developed

legislative tracking service.<sup>4</sup> To implement this, the NA set up a joint house legislative tracking unit in order to institutionalize the service and seconded NA staff to be trained by APAP in the technical management of the website. This represented a significant effort to open up the NA's legislative process to the public.

### **Current Contract Period: (30 November 2011 to 31 March 2013)**

The current project represents a continuation of prior programming efforts. In doing so, the project also accorded with the core strategic areas that the National Assembly had identified as their priorities in both technical and capacity development. The project contract stated: "as identified by both USAID and the NA, support will be provided for the following areas of the Parliament's Strategic Plan which have been adopted as the four principle program objectives of APAP." These four objectives are:

1. Improve the legislative process in the Meshrano and Wolesi Jirgas
2. Improve the capacity of the Meshrano and Wolesi Jirga to provide effect oversight of the Executive
3. Increase the outreach work of the Meshrano and Wolesi Jirgas
4. Increase the institutional capacity of the Parliament in order to maximize efficiency

Through these objectives, the project contributed to the overarching goal of the National Assembly developing into a lawmaking body that is representative, responsive, efficient, accountable and legitimate.

This contract was problematic in a number of regards. From its inception, it was intended as an interim contract to provide support during the period in which USAID would be soliciting proposals for a follow on project. This created uncertainty in both the National Assembly and project staff as to the continuance of any activities undertaken during the term. This uncertainty was exacerbated by the fact that after an initial term of 7 months, the contract was first extended for a little over two months (June-August 2012) and then the project was closed down at the end of August and then restarted in mid-September for an additional 6.5 months.

The section below highlights the significant developments and accomplishments achieved under this third contract period.

## **Key Developments and Accomplishments of APAP**

During this contract, as the objectives highlighted above suggest, APAP continued to provide a comprehensive program of technical support covering all of the essential functions of parliament: legislative, oversight, representation, and outreach. One major area of work was its support and

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<sup>4</sup> The legislative tracker suffered a setback under the current reporting period, which will be detailed further in the report.

technical assistance to the commissions of both houses. APAP placed embedded technical staff in five commissions in the Wolesi Jirga (Economy, Budget, Women Affairs, Education and Legislative Affairs) and six in the Meshrano Jirga (Budget & Economy, Women Affairs, Education, Internal Security and Defense, Legislative Affairs and International Relations). The 16<sup>th</sup> term of Parliament, on average, saw an upward trend in both Houses in terms of number of sessions and legislative process (i.e. questioning government officials, hearings, petition and complaints heard, and laws deliberated).<sup>5</sup> In the Lower House (WJ) the commission meetings can be broken down in the following manner:

Commissions (WJ) Meeting Data							
	Joint session	Regular	Consultative	Questioning	Hearing	Extra Ordinary	Total
First Session	6	355	0	5	128	3	<b>497</b>
Second Session	9	251	8	0	47	16	<b>331</b>
Third Session	54	360	0	33	114	10	<b>571</b>
Fourth Session	30	488	13	75	83	5	<b>694</b>

In the Upper House, APAP had embedded staff in 6 commissions (out of 12) and the data shows continued and sustained meeting numbers.

Commissions (MJ)	Questioning	Regular	Oversight	Petitions and Complaints
First Session	257	505	44	427
Second Session	226	483	53	282
Third Session	309	480	44	545
Fourth Session	315	505	41	540

The increase in questioning of government officials in both Houses (though more dramatic in the WJ) saw a dramatic increase from the third to the fourth session. Much of this questioning was due to the budget and Qatia deliberations, oversight of government contracts, updates on key policy or development projects, or legislative deliberation on draft laws sent from the executive. The ability to call government officials to account or for briefings is one of the key roles of legislature and it is encouraging that the NA has shown an increase thus far in the 16<sup>th</sup> term; however any conjectures as to the increased use of questioning in the law-making or oversight process are only preliminary at this point. There are still six more sessions in the 16<sup>th</sup> term.

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<sup>5</sup> Sessions Two (September 2011 to January 2012), Three (March 2012 to July 2012) and Four (September 2012 to January 2013) overlap with this contract period.

## Objective One: Strengthening the Legislative Process

APAP continued to build capacity both among the staff of Parliament and in the commissions to enable them to efficiently process legislation under consideration in the NA. APAP had staff embedded in 11 commissions (5 in the WJ and 6 in the MJ) who provide direct technical assistance, mentoring and skills development. APAP staff worked with the commissions to conduct fiscal analysis (budget and money commissions), policy analysis, work planning, oversight investigations and research into procedural issues.

As part of APAP's goal to improve capacity in the commissions, APAP developed manuals for Parliament on bill summary preparation, commission procedures and parliamentary oversight. During this contract period, APAP revisited these manuals and in consultation with staff and the secretariats, revised all three. Since the initial writing up the manuals (prior contract periods) the Rules of Procedure had been amended, legislative output increased, and the oversight mandate received greater attention in Parliament:

- The *Bill Summary Preparation Manual* guides staff of the National Assembly in drafting bill summaries to help members better understand the contents of proposed bills. The manual draws on international practices and cites various sources of reference for staff. The first part of this manual illustrates the key elements of the bill summary which include: 1) history of the bill; 2) legal basis for the bill; 3) policy analysis; 4) key articles; 5) impact of the bill; 5) fiscal implication; 6) comparative research and suggestion for the improvement of the bill. The second part of the manual provides examples of previous bill summaries prepared by APAP for the Parliament.
- The *Commission Procedure Manual* details the proper means of conducting commission sessions and is a tool for both commission assistants and members. This manual includes guidelines on: 1) the rules on setting agendas in relation to the referral of bills from the plenary to the commission; 2) the format for the commission agenda; 3) examples of bill summaries; 4) notice of meeting; 5) the formulation and preparation of bill summary; 6) how to conduct legislative research; 7) how to conduct formal and substantive bill reviews; 8) the procedure for conducting public hearing; 9) the importance of and process for preparing minutes of commission meetings; 10) procedure for proposing amendments to bill; and 11) the process of preparing commission report.
- The *Parliamentary Oversight Manual* outlines the principles of parliamentary oversight, the tools and procedures used in oversight, and the role the parliament can play in overseeing the executive. The manual provides current and new members and secretariat staff a guide on parliamentary oversight as well as familiarizing them with generally agreed upon policies and procedures for more effective oversight. In addition, the manual introduces or in some cases, recommends the use of standardized forms and procedures in the conduct of

oversight activities and functions as an overall guide to commission in the execution of oversight activities.

The first two manuals were made available in English, Dari and Pashhtu in both a print and on-line versions, while the third, on parliamentary oversight, is available in English, on-line only.

Looking at the legislative output during this contract period, 24 laws were passed by both Houses and sent to the Executive for approval. The National Assembly also approved 14 agreements and strategic partnerships during this period as well. With the exception of the election dominated FY2011, this is substantially similar to the level of activity occurring during each fiscal year since 2008. However, reflecting improved legislative review, during this period bill summaries were becoming a standard part of the legislative 'package' when commissions reviewed and deliberated bills. In the beginning, APAP wrote the majority of those summaries; however under this contract, commission staff increasingly took the lead in drafting bill summaries with APAP staff serving as mentors.

The Wolesi Jirga's approach to the Electoral Law illustrates the level of development achieved by the National Assembly in recent years with the assistance of APAP. Based on both the controversies arising during the Presidential and parliamentary elections of 2009/2010, along with the approaching presidential election of 2014, members of the parliament recognized the need for a new electoral law. Beginning in late 2011, the parliament repeatedly approached the government asking for it to submit a new electoral law – a practice commonly adopted by the National Assembly when it recognizes the need for new legislation. Despite repeated assurances, the government continued to delay submitting a new electoral law, missing a number of public deadlines for its delivery. In response, in 2012 the WJ Women's Commission began holding hearings on the electoral law and drafting a new member's bill of the electoral law.

Before the commission could complete its version of the electoral law, the government submitted its own new electoral law. What effect the drafting of the member's bill had on prodding the government to submit its draft is unknown. However, the mere fact that the commission would take this initiative – particularly in relation to a bill that everyone knew would be high contentious and of significant concern to the government – represents a significant assertion of parliamentary prerogatives.

Equally significant was the way in which the Wolesi began its review of the government proposed electoral law. Instead of simply reviewing the law as presented, as would have been common in the past, the commissions, with APAP assistance, created a detailed analytic matrix on the law, breaking it down by individual articles and presenting alongside each article (in tabular form) relevant extracts of the prior law, the existing draft of the member's bill, and proposals or commentaries on those provisions as offered by experts and CSOs in prior hearings on the electoral law.

While the overall number of APAP supported public forums has decreased during this contract period (down from 16 in fiscal year 2011 to 5 in fiscal year 2012), the enthusiasm in the National Assembly for them has not diminished. The project worked with the DIPR to build staff capacity in conducting public forums and hearings (meeting organization, agenda setting, logistics, rules, etc.) and supported the DIPR to produce a handbook (guidelines) for the holding of public hearings. As noted in a prior report<sup>6</sup>, the handbook represents the coming of age of public hearings within the National Assembly, as it provides a leadership endorsed structure for holding public hearings that provides a transparent, disciplined and open forum for public engagement.

Significantly, APAP noticed an evolution in NA practice that appears to reflect a deeper appreciation and understanding of the public forum. Initially, public forums were thought of as discrete events, generally held in response to suggestions offered by APAP embedded staff. During this period, the commissions began to integrate public forums within their overall work. For example, *commissions have begun combining oversight trips (i.e. to the provinces) with public forums (combining oversight with transparency)*. During the past year, when the Women's Commission went to a province to inspect the prisons or follow up with cases of violence against women and the provincial government's response, they also took the opportunity to hold a public hearing.

Another exciting development is the growth of the DIPR. In November 2012, APAP supported the WJ Women's Affairs Commission and the DIPR to organize a forum between members of WJ, the Deputy Minister of Women's Affairs, the Deputy Minister of Hajj and Endorsement, the Deputy Minister of Information and Culture, and 21 representatives of both print and broadcast media outlets to discuss fostering and improving the coverage of women's issues, especially violence against women. *While the forum itself was significant, more importantly, the DIPR organized the forum entirely on their own*. Previously, APAP staff had had to coach the DIPR media relations officer on all of the steps and processes of organizing such a forum (e.g. writing media advisory, phone calls to media to invite and encourage attendance, and making the necessary arrangements for the media crews). In this case, the DIPR managed all aspects of the forum itself.

To understand APAP's contribution to strengthening the legislative process, we developed a quantitative index to assess program interventions (i.e. activities) and evaluate parliament's perception of their legislative process. The index asks commission members and commission assistants to score their functions along six attributes: (1) the focus on constituent interests in considering legislation; (2) the inclusion of CSO and expert testimony, opening hearings to outside testimony, and their reference to/use of testimony in considering legislation; (3) their calling of government Ministers/Deputy Ministers and nature of exchange; (4) the internal management of meetings: establishing an agenda, regularity of meetings, etc.; (5) their use of facts, figures and analysis drawn from reference services, internet or other sources; and (6) the level of expertise/knowledge in relevant policy areas demonstrated by commission members. Members

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<sup>6</sup> Afghanistan Parliamentary Assistance Program (APAP) Final Report (April 1 to November 31, 2011) Cooperative Agreement No. 306-A-11-00518-00

would score each indicator on a 0-5 scale where 0 indicates low or no capacity and a 5 indicates the highest capacity.

The attribute that scored the highest among all the commissions was the internal management capacity for meetings. This was a skill which APAP's embedded staff had provided significant mentoring and technical support. During this contract period, approximately 190 staff received training on work planning and procedural issues, with the *Commission Procedural Manual* serving as a reference. APAP embedded staff continually reinforced these efforts through their work with the commission chairs and mentoring of the commission assistants.

The legislative process index also revealed that participants were *willing to acknowledge what they do not know or what they need to improve upon*. In this case, participants raised concerns over their use of data and their level of knowledge and expertise vis-à-vis their commission's purview. This reflects a significant growth in awareness. In the past, commission chairs and members were grappling with the mechanics of commission practice: issues of management and the mechanics of calling witnesses and asking questions. Here, they are starting to attend to the substance of commission authority.<sup>7</sup>

## Objective Two: Enhanced Oversight Capacity

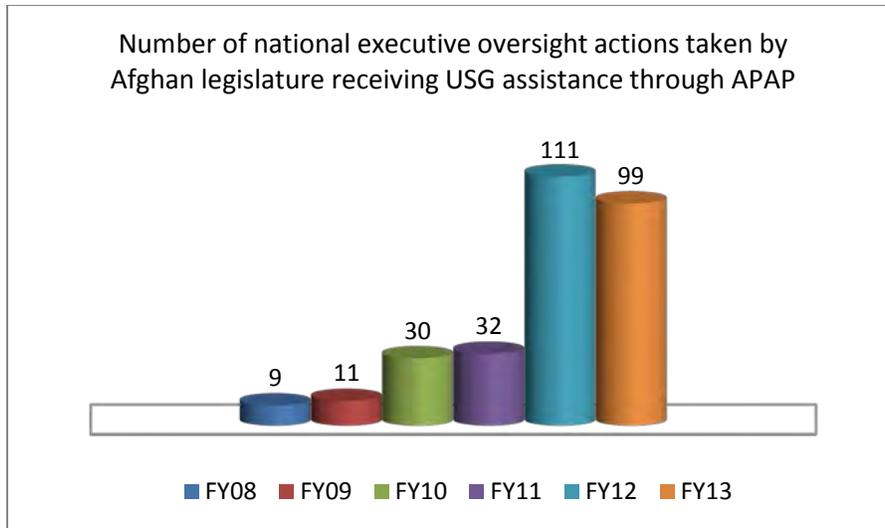
Since its inception, APAP has dedicated significant resources to promote the development of the National Assembly's oversight capacity. Since 2008 (when APAP first began reporting on oversight), the project has witnessed a substantial increase in the number of oversight actions taken by the National Assembly as depicted in the graph below<sup>8</sup>: This dramatic increase in oversight activities can, in large part, be linked to APAP's introduction of embedded staff within the commissions starting in FY10 (as facilitated by a dramatic budget increase given to APAP at that time.) The embedded staff not only built the law making capacity within the commissions, *they also helped the commissions understand and exercise their oversight roles and mandates*.

Illustrative of this change is the oversight of budget and finance matters. In earlier years, the Ministry of Finance would send the national budgets, supplementary budget(s), and Qatia reports to parliament and, with limited deliberation and analysis, these would be passed. Now, while continuing to require substantial technical analytic staff support (as provided by APAP), the money commissions principally responsible for budget and finance conduct an in depth review of each of these documents. When questions are raised, commissions summon ministers to appear.

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<sup>7</sup> Due to the fact that the contract was coming to a close, APAP was only able to implement one 'run' of the index, so the validity of the findings are tentative; nonetheless, the results do suggest that the index could serve as a valuable tool for work planning and dialogue with the secretariats of both houses into capacity development initiatives.

<sup>8</sup> FY 2013 only represents six months of data as the project terminated in the middle of the fiscal year.

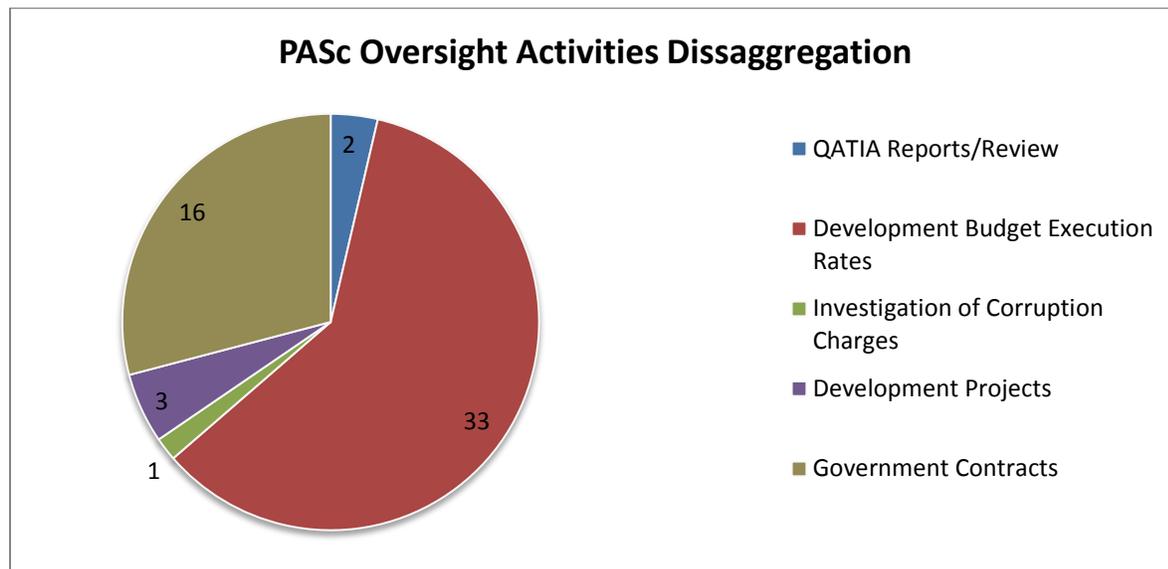


In fiscal year 2012, the commissions were especially concerned with development projects and development budget executions rates. Many ministers were called to appear in both commission meetings and plenary sessions and the national budget (1391) was rejected twice before the government sent a budget that members felt accurately reflected the development needs and priorities of the country. The most common oversight activity was calling government officials for questioning (n=96) and the most common area for oversight was development budget execution (n=50).

Another positive development during this contract period was the creation of the Public Accounts Subcommittee (PASC) of the Budget and Finance Commission in the Wolesi Jirga in May 2012. This was the culmination of over 3 years of work by APAP staff with the commission. With APAP support, the PASC almost immediately began to play a crucial role in increasing the parliament's oversight of government finances. One of their first actions as a committee was to review and analyze the 1389 Qatia, an annual report on the government's execution of the budget, with particular attention to the development budget execution rate of ministries and independent directorates (that is, how much of the budget allocated to each in the 1389 National Budget had been spent during that budget year). After having completed their review, the Committee found 15 ministries and independent directorates with budget execution rates below 40% (i.e. more than 60% of their allocated budget was still unspent). PASC issued summons to these ministries and directorates to appear at upcoming Committee meetings for questioning. Subsequently, in order to further refine their review of budget execution, in June 2012, the Public Accounts Sub-Committee sent a template to all line ministries and budget units requesting information on their development projects. In the period July- September, out of the total 57 budgetary units, 50 submitted information on their development projects. All units that did not submit information were summoned to the Public Accounts Sub-Committee. APAP supported the technical review of the development project reports (1390 & 1391) submitted by budgetary units to cross check the figures and provide background analysis.

In addition to their review of budget execution, PASc also investigated sources of revenue generation in the national budgets. This represents a new area of interest for the NA. Previously, it had focused solely on budget allocation (the national budget bill) and on budget expenditures (the Qatia.) Members became concerned about leakages in the various ministries and perceived high levels of corruption for which significant revenue inflows have not been accounted. APAP worked with sub-committee staff to provide a detailed analysis of the nontax revenues generated by the various line ministries in recent years. This information was then used to question budget units in the 1391 Supplementary Budget and the 1392 Draft National Budget.

The chart below depicts the areas in which PASc concentrated:



While the PASc was most active in examining and questioning Ministries on lower development budget execution rates (n=33), the second most frequent activity was reviewing and investigating government contracts (n=16). This appears to have been in response to constituent concerns and in order to represent their needs. Members of the Committee received complaints from Logar Province about the Ainak mines contract and subsequently launched an investigation. The Committee also investigated two other contract disputes: one involving Dawi Oil, Ariana Airlines and Kabul Bank Receivership; the other involving the Milli Bank property (which includes 180 shops) and the Ministry of Finance. In total nine (n=9) government officials were called to appear before the PASc and subjected to questioning. It is to be expected that should the Committee received other complaints and requests for investigations into public funds, then these numbers will continue to rise.

When APAP initiated its efforts to promote the creation of a public accounts committee, its original goal was for the WJ to create a full-fledged Public Accounts Commission. In that the formation of such a commission required a revision of the WJ Rules of Procedure, a politically difficult effort, as an interim step, APAP worked with the Budget Commission chair to take advantage of an existing provision within the rules allowing commissions to create subcommittees and form the Public

Accounts Subcommittee in May of 2012. In February of 2013, APAP organized and led a World Bank funded study tour for members of the Budget Commission and Public Accounts Subcommittee to visit the Australian Parliament. The learning objective of the trip was to improve the transparency and accountability of public finances and state assets. The delegation met with the Australian budgetary and audit institutions and the related parliamentary committees to learn and discuss their oversight processes. The committee members had an opportunity to see how the public financial management institutions work closely together to improve quality of public finances and government services to its people. *As a result of this study tour the delegation from Parliament renewed their goal of establishing a dedicated oversight commission or a public accounts commission within the Wolesi Jirga.* While this goal will entail not only revisions to the WJ's Rules of Procedure, it will face political maneuvering as well as members jockey to be on what might become one of the most powerful commissions in the Lower House.

APAP's Budget team continued to provide direct technical assistance to the money commissions to improve their capacity for budget review and analysis and in addition, the team began giving presentations and overviews of the 1392 National Budget to interested commissions in both Houses (twelve commissions in all). To better understand our program's contribution to improving budget review and analysis, APAP developed a quantitative index to assess the three National Assembly money commissions' process when deliberating on the annual budget bill. The index asks members to assess the following eight process indicators (attributes) in relation to their commission's capacity: (1) the use of facts, figures and analysis drawn from reference service, internet or other sources; (2) their focus on constituent interests in considering the budget; (3) the extent to which testimony from CSOs and experts are used in the budget process; (4) wide involvement of MPs of divergent opinions; (5) extent to which commissions utilize provincial information in analyzing the budget; (6) the internal management of the commission (e.g. setting the agenda, the regularity of meetings, management and order of debates, etc.); (7) the level of expertise/knowledge in relevant policy areas demonstrated by MPs; and (8) the relevance and quality of amendments suggested to the budget bill.

APAP found that the highest scoring attribute on the index was the extent to which the commissions utilize provincial information. This is a direct attribute of APAP's work. APAP's budget team regularly met with Ministry of Finance officials to gather provincial data and previous year development budget execution rates when they analyzed the draft national budgets with particular attention to provincial issues and needs. Over time and through APAP supported trainings (in which approximately 120 members and staff participated during this contract period) members and commission staff came to appreciate this level of fiscal analysis and then later use this analysis when questioning Ministry of Finance and other government officials. APAP created the demand for this information in the money commissions because members could see its value in relation to their local communities. Moreover, the success demonstrated by the money commissions, in turn, led to other commissions seeking a similar level of analysis for their deliberations during this last round of 1392 draft national budget discussions.

In an independent evaluation of the APAP project, Democracy International (DI) noted the project's impact on the budget process saying that "APAP played a significant role in making parliament more effective in engaging the Executive on the budget."<sup>9</sup> During the budget deliberation in the National Assembly, both Houses call ministry of finance officials to explain budget line allocations and question the status of donor funding expectations in the budget as well as the government's development project priorities in the budget. DI noted a real demand for budget information from commissions. Illustrative of this demand, in 2010 there were approximately four requests for APAP supported sectorial analysis. By 2012, the number of requests tripled to twelve.

Also reflecting the long term effect of APAP's support for the budget process was the announcement that Afghanistan was one of the fastest improving countries budget transparency. In the biennial Open Budget Survey for 2012, the transparency score increased from 21 points out of 100 in 2010 to 59 for 2012 – a 133% jump.<sup>10</sup> In 2008 it had received a score of 8. Moreover, the average score of the 100 countries studied was 43. In the report, Afghanistan's "Legislative Strength" was ranked as "Moderate," and in comparing the National Assemblies strength within the budget process with others in the South Asia region (Afghanistan, Bangladesh, India, Nepal, Pakistan, Sri Lanka) only India's achieved a rating of "Strong."

### Objective Three: Increased Outreach Capacity

In order to promote the National Assembly's outreach capacity, APAP provided targeted assistance to CSOs and to the Department of information and Public Relations of both houses. The project also worked with members to encourage their positive interactions with CSOs and the media.

The interaction between the National Assembly and CSOs in legislative proceedings and/or advocacy, which APAP had been cultivating for a number of years, took a dramatic step forward during this contract period with the May 2012 signing of a memorandum of understanding (MOU) between the National Assembly and a work group of CSOs *formally recognizing the value that CSOs can bring to the parliament*. The MOU allows Parliament to draw upon the subject matter expertise offered by a variety of CSOs in the exercise of its legislative, oversight and representation roles. As members consider various proposals and policy positions they will be able to benefit from the CSOs who, following the MOU, can now sit and contribute during committee sessions.

Equally, the MOU represents a milestone in the development of the NA of Afghanistan, making its functions more transparent and open to public scrutiny, a key aspect of a parliament in a democracy. Further, the CSOs access to the NA will provide them with an opportunity to advocate on key national interest matters. CSOs will also be able to access documents and legislative proposals in a much more timely and transparent manner.

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<sup>9</sup> Democracy International, *Afghanistan Parliamentary Assistance Program Evaluation: Final Report* USAID August 2012

<sup>10</sup> Afghanistan, *Open Budget Survey 2012* <http://internationalbudget.org/wp-content/uploads/OBI2012-AfghanistanCS-English.pdf> (accessed 4/30/2013)

APAP conducted several training for members and DIPR staff. The trainings were focused on building capacity (individuals and departments) to improve Parliament’s outreach and information dissemination. The table below lists the training in the contract period and their objectives:

Training Title:	Objectives of the training:
Publication Training	One day training was held for DIPR’s publication staff to equip them with necessary skills of developing publication
Publication distribution strategy	One day training was held for the DIPRs publication staff to know how to plan publication distribution and monitor successes
Impact Assessment Training for DIPR Staff	Understanding the effectiveness of your message
Constituency Relations	How to interact with your constituents, listen to their needs and represent those needs in Parliament (for Senators)
Media Skills	Media Skills training for the Senators
Social Media Training for DIPRs staff	Using Facebook, Twitter, YouTube and blogs as an effective means to connecting with citizens and sharing information
Radio Journalism Training	Producing radio shows and roundtable discussions for broadcast , reporting on Parliaments activities and sharing information with the public

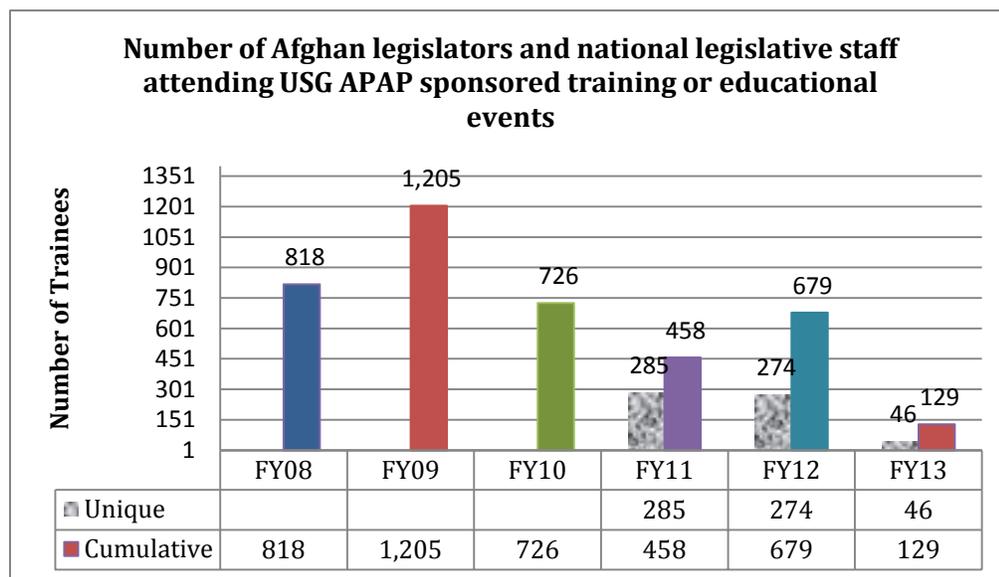
Members did view roundtables, public forums and television appearances as important venues to sharing information with the public. Members, especially in those commissions in which APAP has embedded staff, would approach APAP to assist with analysis or review analysis to make sure that accurate information was being shared with the public.

#### **Objective Four: Strengthening Institutional Capacity**

APAP supported the NA to help professionalize its staff and to provide better services for members in order to maximize their efficiency, through the provision of basic parliamentary skills training and other specialized training through the Afghanistan Parliamentary Institute (API). During the course of this contract, API continued to deliver basic skills training courses in computer programs (Microsoft Office programs and Windows operating systems) and English language courses. In addition, the API held several courses on legislative drafting for staff of WJ and MJ (courses were tailored for each house), parliamentary oversight and the roles of commissions, Qatia analysis and performance report, and budget and policy analysis courses. API has become the go-to venue for training at the NA. One of the goals for this contract period was to transfer management and ownership of API from APAP to the National Assembly. Unfortunately, this effort fell prey to the ongoing conflict between the MJ and the WJ in which each resisted addressing the transfer because it would require them to define the relationship between them. Nonetheless, the secretariats of both house strongly valued the contributions made by the API. For example, the Secretary General

of the Wolesi Jirga was not only aware of the courses being conducted at the API, any new course request or training request had to be routed through his office for approval before coming to the API.

APAP has sustained the high level of training programs under this contract period. In the earlier years of APAP trainings were held for large audiences (such as member orientations) and to provide basic skills for virtually the entire parliamentary staff. During the contract period (most of fiscal year 2012 and half of fiscal year 2013) APAP provided 774 participants with training and skills development opportunities. The graph below illustrates training figures since fiscal year 2008, when APAP first began reporting on this.



Under this contract, APAP trainings were targeted to smaller, more intimate audience where more interaction and hands-on skills develop and capacity transfer was sought. In many budget and analysis trainings given by APAP staff, mentoring was provided to participants post training to further improve and/or develop their skills.

## Lessons Learned and Recommendations from APAP

Assessing the achievements of this contract period is very difficult. As noted in the December 2011 USAID APAP Assessment Report,<sup>11</sup> short term are inherently problematic in that they present disruptions in programming and impair long term plan development. Moreover, during this contract, the interruption caused by the rebid process in August-September created significant

<sup>11</sup> “Afghanistan Parliamentary Assistance Project (APAP) Assessment Report” Internal USAID Review of APAP, (December 20, 2011) p. 18.

disruptions and generated a significant degree of resistance and frustration within the National Assembly leadership. For example, the parliamentary staff that had been seconded to support the legislative tracker in late 2011-early 2012 were reassigned to other tasks in August-September.

### ***(1) Recommendations for further Capacity Development Programs in the MJ***

In the Afghanistan Legislative Bodies Assistance RFTOP, significant weight was given to the recurrent complaints lodged by the Meshrano Jirga that they had been ignored by the international community and were not being given adequate developmental support. While it is true that many visiting governments and implementers primarily sought to engage with the Wolesi Jirga, as the stronger of the two houses, the MJ had received significant support from the implementers focused on parliament, including APAP, SEAL and IDLO. In reality, while MJ members were anxious to receive the benefits of foreign travel, goods and equipment, and salary support for staff, Senators were not necessarily interested in receiving technical support promoting their development as an independent branch of government.

Illustrative of this problem was a study tour to India. In February of 2013, a delegation of the Meshrano Jirga of the Parliament of the Islamic Republic of Afghanistan led by H.E. Mr. Mohammad Alam Ezedyar, the First Deputy Speaker of Meshrano Jirga visited India for a study tour. This visit was funded and arranged by the Ministry of External Affairs and the Parliament of India. Around 96 Senators and 15 staff members of the NA Program were part of this delegation. In response to the request made by the National Assembly to the Afghanistan Parliamentary Assistance Program (APAP) to provide technical staff to assist the Secretariat in managing the programs during the event as well as provide the interpretation services to the delegation, APAP sent three of its officers to accompany the delegation. The program, arranged by the Indian government in cooperation with the MJ, was relatively weak, with great attention paid to allowing the senators a number of opportunities to visit tourist sights and interact socially with Indian officials. Despite the limited time set aside for substantive training, attendance was low for many sessions, as the Senators took the opportunity to shop and schedule doctors' appointments.

Based on observations and interactions with Senators and staff APAP can make the following recommendations regarding future capacity development programs for the MJ. The recommendations growing out of that assessment can be divided into two broad categories: study tours and Afghan based training.

#### ***Study Tours***

In virtually every meeting APAP has had with MJ, Senators and staff have repeatedly complained that they have not received international donor support and have requested that APAP support them through the provision of study tours. Indeed, they generally appear to equate support with the provision of study tours. While many aspects of the Senator's performance during this program

raise questions about the value of such study tours, insofar as they are to be supported, this program offers a number of lessons.

First, as previously noted, the vast majority of senators were hostile to the idea of their participating in trainings during the tour. Instead, in discussions with the Senators, all expressed great enthusiasm for conducting further study tours as a means of sharing knowledge and experience.

Second, based on the idea of a study tour being a high level sharing of experience, in order to be effective, the study tour needs to involve the participation of active, senior officials within the visited parliament. The senators resisted accepting guidance and advice from lower level officials or even former MPs.

Third, the study tour should be built around a particular topic that offers comparative insights between the host parliament and the MJ. Based on the questions raised by the Senators during the course of the study tour and the ensuing discussion, along with an informal survey by APAP staff, APAP would make the following recommendations on topics for any such future study tour programs for the MJ:

***Legislative Process:***

- A comparative study or program to discuss how other bicameral parliaments handle joint or conference committees when the two houses pass different bills
- How to revive inactive bills
- Defining the role of the Speakers in other bi-cameral parliaments when it comes to joint or conference committees
- Understanding the legislative process in other parliaments especially in regards to how a bill becomes a law with an aim to learning if there are ways to streamline or best practices that the Afghan National Assembly can adopt.

***Budget Process***

- Budget execution and oversight of the Executive: how other parliaments do this and what are the best practices/tools/mechanisms employed.
- Provincial/State Budget processes: How it is done in other countries and how with the Senate (MJ) ensure that provincial priorities are reflected in the annual budget.
- What is the process for State / provincial budget allocations; are they being approved in central parliament or in state legislative assemblies?
- Quota and budget allocations for segments of society: persons with disabilities, martyrs' dependents, youth, women, minorities, etc. in other parliaments

***Constitutional Issues:***

- Comparative look at the process of amending the Constitution. What other States do, governmental bodies that are involved in the process, ratification process and adoption.

- In India, a Government Minister is also an MP. What role does the Minister play in Parliament and does this compare to other Parliamentary systems.
- Vetting and Appointees: What powers and authorities other Parliaments have in terms of approving Members of Government Agencies, Cabinet Officials, and Supreme Court Justices.
- Quotas: Looking at how other Constitutions address quotas for representational purposes (female, youth, people with disabilities, minorities etc.)
- What criteria do other countries establish in the Constitution or Legislation for becoming a candidate to Parliament (education, citizenship, literacy, criminal history, etc.)
- Understanding the role and mandate of state/provincial/district legislatures
- Oversight of the Judiciary: how other Parliaments exercise their oversight functions on the third branch of government
- Comparative Study on Upper Houses (Senate): their structure, powers, duties and relation to Lower Houses

### ***Rules of Procedure***

- Comparative Review on Rules of Procedures: Areas of interest for Senators
  - In what circumstances a parliament member can be fired?
  - Mandate of Women Affairs Commission
  - Media's relationship with Parliament
  - Privileges and Immunities

### ***Representation/Anti-Corruption/Social Issues and Legislation***

- How the Members of Parliament communicate with their constituencies?
- Non-Affiliated Candidates vs. Political Party Candidates
- Anti-Corruption: what measure do other States/Parliaments employ for fighting against corruption
- Comparative view on Laws dealing with the elimination of violence against women

Finally, in preparation for a study tour, APAP staff members would recommend provided specific pre-tour trainings on protocol and media. Senators could use a short training on protocol issues and diplomatic rules/comportment during participation on international capacity development programs. They also need media training on holding press conferences, writing a press briefing, issuing statements and being interviewed.

### ***Afghanistan Based Training***

As noted above, the Senators are extremely resistant to standard training programs. When asked about their training needs, they tend to focus on substantive areas relating to their work. Commission members identify the need to trainings related to the substantive focus of their commissions (e.g. higher education, nature resources, etc.) Nonetheless, when offered trainings in the past, even those offered by respected internationals, Senators have rarely attended. APAP therefore offers the following recommendations.

First, trainings need to be closely linked with the substantive needs and interests of the Senators. As noted above, when asked about trainings, they focused on the topics that they deal with in their commissions. Thus, specialized trainings need to be developed for each commission as a way of reaching individual members. These trainings should NOT be identified as trainings as they tend to get offended by the idea that they need training.

Second, trainings are most likely to succeed where they advance the political interests of the Senators. Media skills training, for example, offers obvious benefits to a Senator.

Finally, any training needs to be closely linked in time and focus to an expected benefit. For example, Senators were amenable to assistance in dealing with the media when they were placed in a situation (or anticipated being placed in a situation) where they had to deal with the media. Thus, media trainings should be offered in conjunction with other programming that would lead to the Senators actually engaging with the media. Similarly, legislative drafting should be offered to commissions at a point where they may be considering offering amendments to a bill or drafting a member's bill.

### ***(2) Legislative Tracker needs continued support***

During 2011, APAP reported that the NA took tangible steps toward assuming ownership of the online legislative tracker. The Secretaries General in both houses agreed to set up a joint house legislative tracking unit. 10 NA staff were trained by APAP to manage and administer the online tracking service. For the first half of 2012, NA staff were mentored by APAP staff in uploading the documents and then updating the progress of the legislation (i.e. as it moved through the commission, Houses, Joint Commission, sent to Executive, etc.) Despite the high number of visitors, the LST suffered somewhat of a setback during the latter half of 2012. During the programming hiatus caused by APAP's close-down starting in mid-August and its resumption of programming towards the end of September, the NA staffers previously trained by APAP to support the Legislative Tracker system were reassigned to other positions and not replaced. Consequently, the online Legislative Tracking system was not updated through the months of September and October. APAP continued to have discussions with the NA for the secondment of new staffers who could be trained to manage the legislative tracking service. While the NA acknowledges the value of the service, particularly to CSOs, they continue to complain about the challenge they face with retaining trained staff.

### ***(3) Number Oversight Actions don't necessarily tell the whole story on oversight (quality)***

The discussions on the 1390 Qatia report and 1391 Supplemental Budget in late 2012 demonstrate that Parliament can truly question the government in terms of allocation and expenditures on key development projects and priorities. It is expected that in the lead up to the 2014 elections, the commissions will be increasing active in their oversight mandate. Most commentators would report this as reflecting significant progress in the development of the NA.

This analysis must be taken with a grain of salt in light of recent scandals regarding interpellation of Ministers and vote buying. It has come to light (by members' own testimony<sup>12</sup>) that during questioning and interpellation sessions, Ministers and government officials buy their votes of confidence from members. This can tarnish Parliament's reputation and serious ability to conduct oversight of the Executive. The situation needs to be monitored closely to see if : a) an increase in the number of oversight actions is correlated with increased 'vote buying' and other corrupt practice; and b) if Parliament's oversight mandate decreases or diminishes as a consequence of these allegations.

#### ***(4) Yearly application of the Legislative Process Index***

We believe that the Legislative Process Index, developed and initiated by SUNY/CID during this contract can be extremely valuable as an implementation tool. As program managers the data can be used to strengthen our programming support (in regards to supported commissions with embedded staff) and how to support the other commissions (if we consider these commissions as a sample of commissions in Parliament). For example, the use of data and analysis from references services is weak in the supported commissions and the lowest scoring attribute among the non-supported commissions. Implementers need to work with the commissions Secretariat as well as API to design training and education programs specifically targeted at building analytical capacity (commission assistants) and how to interpret and use data (members). In addition, working with the Secretariat, the implementer can suggest qualifications for new hires and HR practices so that parliamentary staff has the skills and knowledge necessary to support the members.<sup>13</sup>

In terms of using a control group for comparison purposes, APAP would recommend to continue this process but with several caveats. First, we discovered while administering the index in non-APAP supported commissions was that it generated interest and a desire to work with APAP in the future. Should no support materialize in the future, then those commissions may be less enthusiastic about participating in the index. Hence some tangible benefit may be needed merely to retain non-supported commissions as a control – while at the same time offering support would tend to alter their status as controls. Second, verifying the data was an issue in the commissions APAP did not support. While APAP staff worked to ensure that our data were valid in the non-supported commissions, they had to leave the index sheets with the commission assistant and pick up the filled in copies a few days later. APAP staff was not able to observe members and Senators filling out the index, nor were they able to introduce or explain the index to them, only the commission assistants. Finally, because commission chairs could change each year, APAP cannot always guarantee that the control group will continue to participant without enticements or benefits to the commission. A commission chair might decide that they do not want their commission to participate and no one could alter that position.

#### ***(4) Application of the Budget Index – Budget Guidelines***

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<sup>12</sup> <http://tolonews.com/en/afghanistan/10100-mps-seek-ministries-to-disclose-corrupt-lawmakers>

<sup>13</sup> See discussion Annex One.

SUNY/CID also developed and implemented a Budget Index during this contract. The results were informative. Overall the mean score is 3.24 which as mentioned above, indicated a self-assessed capacity level of roughly 60%. Certainly, this leaves room for improvement. The most useful numbers in terms of understanding how to target interventions can be observed at the attribute level. There are the 8 process indicators of which members scored their commission. The index indicated significant satisfaction with the involvement of MPs with divergent opinions (3.47) and the use of provincial information (3.8) while significant dissatisfaction with the level of expertise/knowledge demonstrated by the MPs (2.8).<sup>14</sup>

This index is a useful tool in not only understanding the money commissions deliberative and legislative capacity in relation to the annual budget bill, but also in planning technical assistance. The money commissions are advocating for stricter Budget Guidelines. However, the commissions will not only require significant technical support in developing those guidelines, given the lower level of expertise and knowledge (seen not only on this index but also the one dealing with legislative process) the Guidelines will need to be both instructive and user-friendly. They should be written for those members with less financial and analytical backgrounds. More technical documents can be given to the research department staff as well as the relevant commissions' assistants as they work with the money commissions on analysis and recommendations on government fiscal documents.

A new Senate (MJ) will be inducted in 2014 and a new House of People (WJ) will be inducted in 2015. The induction workshops present a unique opportunity to not only assess members fiscal and analytical capabilities but also an opportunity to preview and outline the budget process, the (new) budget guidelines and their roles in the overall budget process.

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<sup>14</sup> See discussion Annex One.

## ANNEX ONE: INDICATOR REPORTING

To measure progress towards objectives, APAP developed a combination of qualitative and quantitative performance indicators to track improvements in Parliamentary processes as well as APAP's contributions to outcomes achieved. In addition, APAP used research produced by USAID's implementing partners, such as The Asia Foundation's (TAF) *Survey of the Afghan People*, to triangulate the data and our interventions. Five of APAP's indicators are directly taken from the TAF survey research. This allowed APAP to track the progression (both  $\mp$  progression) over a period longer than the current contract period. While APAP does not claim direct attribution to those survey results, the results themselves can be a helpful gauge in terms of programmatic learning. APAP also developed two legislative process indices: one which analyzes the quality of process in targeted National Assembly commissions and one which analyzes the quality of process with specific reference to the annual budget

The following performance indicators, which include standard and custom indicators, were identified to capture the key elements of the National Assembly 2011-2015 strategic objectives and APAP's assistance efforts. They are also useful for reporting and for internal management purposes (i.e. learning and programmatic adjustments). Standard indicators were taken from the USAID Governing Justly and Democratically Standard Indicators (GJD) under the Good Governance Program Area and the Legislative Processes Program element. Custom indicators were developed in collaboration with USAID and program partners.

Due to the two sets of indicators that are included in APAP's Performance Monitoring Plan (i.e. standard and custom) which correspond to two different reporting periods (2011-2013/2012-2013), our baseline also includes two different periods. For standard indicators, we have approximately five years' worth of data and can track the progression. Wherever possible we will discuss patterns and developments in terms of legislation, oversight, advocacy, public forums and training. Our custom indicators were effective in June 2012 (i.e. when we began collecting and reporting the data) and our data history is not as deep as with our standard indicators. We have tried to assemble as much retroactive data as possible.

Reporting Periods: For standard F Indicators APAP has previously reported on a US fiscal year basis (Oct-Sept) custom indicators are based on a calendar year format (TAF Survey) or November 1, 2011 to March 31, 2013 (all other custom indicators) which represents this final reporting period<sup>15</sup>. For the sake of the reporting charts, "2012" represents either FY 2012 (F Indicator) or the Annual reporting period which encompasses most of 2012 (November 1, 2011 to November 30, 2012). "2013" represents the first three months of the year (January to March 2013) which is only a partial data set.

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<sup>15</sup> The original contract period was January-June 2012; however with the closedown and extension in which no annual report was submitted, the reporting period covered in this final report is November 30, 2011 to March 31, 2013. November 2011 data is included in this report.

## Reporting by Performance Indicator

### Goal: Democratic Decision Making Parliament Established

Indicator	2010	2011	2012	2013
Percent of citizens expressing confidence in Parliament (TAF Survey)	59%	62%	62%	Data not yet released

While the data shows a slight overall increase from the years 2010 to 2011, there appears to be stagnation from 2011 onwards. Many factors may contribute the public's confidence in Parliament and the relative stability in their confidence from the previous year. The Lower House, Wolesi Jirga, has been playing an increasingly prominent role in the budget process, questioning budgetary units and the interpellation of Ministers. Development budget execution rates have been typically low in this country with citizens in the province suffering acutely from the lack of project implementation (or lack of progress on projects implemented). Members question the rationale for low execution, pressed for improvements in execution, and when necessary, seek to realign budgets to expectations. For example, during this contract it was decided to only include received monies from international donors in the draft national budget in lieu of promised monies as in past years. This will in part ease expectations and encourage discussion on prioritizing projects.

Indicator 2 is closely related to 1 in that it assesses the public's opinion on whether their needs are being addressed by Parliament and more particularly by their MP. If the public feels their needs are being represented, then they might indicate a higher level of confidence in Parliament. Interestingly enough, that indicator has also maintained the relatively same level from 2011 to 2012.

Indicator 2	2009 <sup>16</sup>	2011	2012	2013
a) Percent of citizens that somewhat or strongly agree that Parliament is addressing the major problems of people in our country (TAF Survey)	68%	70%	72%	Data not yet released
b) Percent of citizens that somewhat or strongly agree that their MP is addressing the major problems of my constituency in the Parliament of the nation (TAF Survey)	58%	59%	59%	Data not yet released

Again, there is no notable change in the data from 2011 to 2012, though interestingly, respondents appeared to be slightly more critical of their members of Parliament than the overall institution. From the TAF Survey report: "To explore perceptions of the responsiveness of national level

<sup>16</sup> There is no data on this question for 2010; the last reporting year is 2009

representatives to the needs of the people, respondents were asked whether they agree or disagree with the statement: "The parliament is addressing the major problems of people in our country." Significantly, their data found that the respondents in rural areas were more likely to agree or strongly agree to that statement than their counterparts in urban areas (74% to 67% respectively). This may be attributed to the success in programs to improve education, increase security and reconstruction which would have been more noticeable in rural areas. Conversely, key challenges of the national government, that respondents noted, were corruption, insecurity and lack of job opportunities, all heavily concentrated in urban centers and disproportionately affect urban respondents.

The USAID evaluation report in August of 2012 neatly captured another very plausible reason for this lower figure, and indeed calls into question whether this high level (i.e. 59%) is truly accurate:

*"The two parliamentary elections held in Afghanistan since the fall of the Taliban were largely deemed flawed by the international observers and many political analysts argue that the elections simply resulted in powerful national, regional, and local individuals with suspect pasts and questionable motives gaining seats in the NA. Many citizens question whether the people's voice actually matters."*<sup>17</sup>

According to the TAF results, the highest level of agreement to the statement that "MPs were addressing the major problems of my constituency in parliament" was recorded in the Northeast, the East and the Northwest (71%, 62% and 62% respectively). One common way of explaining the differing perceptions of government in the country is that the relative level of security generally correlates with governmental performance (i.e. the more secure a province is, the more development activities can be undertaken there). However, while that might contribute to explaining the opinions in the Northeast and Northwest, security in the East has deteriorated recently. A possible alternative explanation might be that the MPs from those regions (indeed the East is also the region the President comes from) are more powerful in Parliament and are on average more powerful in the government in terms of getting projects and funding to their districts.

The TAF survey also had a follow up question that may shed more light on the reason for a lower overall score for MPs than their Institution. Surveyors asked respondents "Have you ever contacted your MP for help in solving any of your personal or local problems?" Four fifth (80%) of respondents said 'no.' This is comparable with the previous year (79%). Only 18% of respondents said that they had contacted their MP. The TAF results show that in a follow up questions, of those who had contacted their MP, 61% said that the MP tried to help and 39% said they did not help. Again rural respondents seemed more favorable to their MPs with 65% (of those 18%) saying that their MPs tried to help as compared to 45% of urban respondents.

A particular perception problem is that citizens often expect their Member of Parliament to be more involved in local matters that are not necessarily part of lawmaker's mandates; i.e. weddings and funerals. Lawmakers are expected to contribute to both with large donations. This cultural

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<sup>17</sup> [http://pdf.usaid.gov/pdf\\_docs/PDACU416.pdf](http://pdf.usaid.gov/pdf_docs/PDACU416.pdf)

paradigms of MPs as ‘Elders’ or ‘Leaders of the Community’ may cause respondents to react more or less favorably to this question depending on their members perceived levels of contribution.

### Intermediate Result 1: Strengthened Legislative Process

Indicators 1.1 and 1.2	2008	2009	2010	2011	2012	2013
1.1 Number of draft laws subject to substantive amendment and final vote in legislatures receiving USG assistance <sup>18</sup>	17	19	18	3	20	7
1.2 Percent of Afghans that believe Parliament’s <i>most important</i> responsibility is to Make Laws for the good of the country (TAF Survey)	Data Not Available			33%	30%	

Overall, the data suggests steady progress. 2011 presents somewhat of an anomaly in our data. The disputed 2010 parliamentary elections resulted in significant disruptions of the legislative agenda as MPs were heavily engaged with their ongoing dispute with the executive. In 2012, the data shows a return to previous levels with key legislation passed. Notable legislation includes:

#### Legislation - 2012

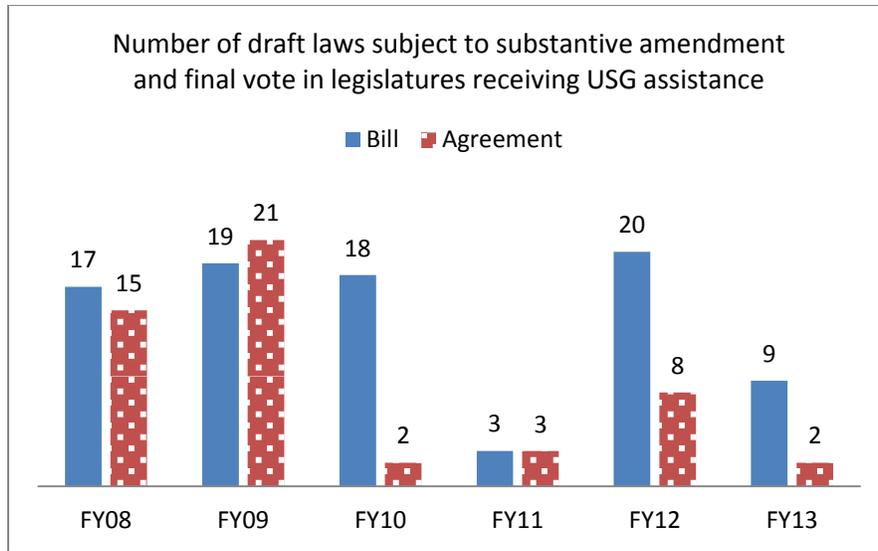
No	Legislation
1	Law on structure and Jurisdiction of the Judiciary Courts
2	1391 State Budget
3	Labor Law (Amendment in Paragraph 1 of Article 40 )
4	International Law Development Organization
5	Amendment to the law on prisoners and detention centers
6	Amendment to article 16 of children rehabilitation centers law
7	Law on personal Affairs of Officers & Sergeants of the Afghan National Police
8	Transit Fee Law
9	Audit & Control Law
10	Law on National Standard

<sup>18</sup> Previously this Indicator was reported as *Number of draft laws subject to substantive amendment and final vote in legislatures receiving USG assistance through APAP*; and the numbers reported were only those bills in which APAP assisted on in FY 2008-2010, not the total number of bills passed in the legislature. The 2011 and 2012 numbers are actual number of bills passed

11	Draft Law on Diplomatic & Consulate Staffs
12	Amendment of paragraph 3 of article 63 of the counter narcotics law
13	Amendment to articles of Public Health Law
14	Civil Aviation Law
15	Annex 5 of Civil Services Law
16	Supplementary budget of 1391
17	Law on the Extradition of Suspects, Accused, and Convicted Persons
18	Law on Chamber of Commerce
19	Law on Emergency Response Preparation
20	Law on Management on Financial Affairs and Public Expenditure

The end of the second legislative year (4<sup>th</sup> session of the 16<sup>th</sup> term) in January of 2013 saw nine pieces of legislation subject to a final vote:

No.	Legislation
1.	Income Tax Law
2.	Anti-Hoarding Law
3.	Law on Rights and Privileges of the Disables
4.	Amendment of the Law on Rights and Privileges of the Dependents of the Martyrs & Missing Persons
5.	First Draft 1392 Budget-- <b>Rejection</b>
6.	Second Draft 1392 State Budget— <b>Approval</b>
7.	Law on Structure and Jurisdiction of Attorney's Office
8.	Law on Diplomatic and Consulate Staff
9.	Social Organizations Law



APAP support, in this period, included key briefing papers, legislative analysis and presentations. Over 40 documents and presentations were prepared:

Type of Analysis	No.
Budget Analysis	7
Legislative Analysis	14
Background Research	8
Budget Presentations	16

Most of these documents and reports came at the request of Parliament. Commission chairs and members indicated that the level of detail and information provided enabled them effectively deliberate on the law and question government officials as well as prepare them to present key facts and important points of the bill during plenary.

TAF's survey asks participants how important they consider the lawmaking function of Parliament: "Members of Parliament have various responsibilities. Which of the following do you think is the most important responsibility of your member of parliament?" They were then given four choices from which to pick: Listen to constituents and represent their needs; Make laws for the good of the county; Deliver jobs or development; and Monitor the president and his government. Respondents were only allowed one answer and they did not rank from most important to least important. What this means for the overall results reporting is that a gain in one area (i.e. what citizens consider the most important responsibility of Parliament) is a loss in another. In short this is a zero sum indicator; however, the true utility of this indicator comes through the changes over time, i.e. what do citizens consider the most important role of Parliament and are the changes in a pattern or are they more dependent on current results?

Consider the following table:

	2011	2012	Change in %
Listen to constituents and represent their needs	29%	31%	+2%
Make laws for the good of the county	33%	30%	-3%
Deliver jobs or development	26%	25%	-1%
Monitor the president and his government	11%	12%	+1%
Total respondents %	99%	98%	

Source: *The Asia Foundation Survey of the Afghan People 2011 and 2012*

Listening to constituents had the biggest net gain at 2% in 2012; whereas making laws for the good of the country had the biggest net loss at 3%. It is important to recall that because this is a zero sum indicator, this should not be interpreted as people thinking it is less important to make laws for the good of the county. In fact these two indicators (or choices on the survey question) are not mutually exclusive and spillover from listening to constituents can - indeed, should - affect lawmaking. Respondents want to see their effects of their concerns reflected in laws. In fact, APAP's legislative index indicator uses a variation of this to evaluate how much Commissions are using citizens and stakeholder testimony in the legislative deliberation process.

<b>V</b>	<b>2011 pilot</b>	<b>Baseline</b>	<b>2012 (Supported Commissions)</b>	<b>2012 (non-supported commissions)</b>
1.1.1 Index for assessing quality of process of targeted NA Commission	3.5 reported	N/A	3.29	3.88

APAP first administered its legislative process index in 2011 as a pilot study to determine how the instrument worked and areas that needed improvement. Only one commission participated (with five responders) and the score recorded was 3.5. This was mainly for internal learning purposes and should not be used for data comparison. APAP fully administered the Index in 2012 to eleven commissions with a total of 63 respondents. Of these eleven commissions, eight were APAP supported (supported through a staff member embedded in the commission) and 3 were not supported (though members and staff have been able to attend APAP supported trainings).

The Index asks members to assess the following six process indicators (attributes) in relation to how they perceive their commission's capacity in the following areas:

1. Focus on constituent interests in considering legislation
2. Inclusion of CSO and expert testimony, opening to hearing outside testimony, reference to testimony in considering legislation
3. Calling of government Ministers/Deputy Ministers and nature of exchange
4. Internal Management: agenda, regularity of meetings
5. Use of facts, figures and analysis drawn from reference services, internet or other sources
6. Level of expertise/knowledge in relevant policy areas demonstrated by committee members

Members score each indicator on a 0-5 scale where 0 indicates low or no capacity and a 5 would indicate the highest capacity. The score can be quantified three ways: absolute value, mean value or percentage value. The highest score possible is 30 (absolute value), a mean score of 5.0 and 100% of the total score. As mentioned above, APAP directly supports through embedding APAP technical staff in eight commissions under the Objective Area Strengthening Legislative Process. There are five commissions in the MJ and three in the WJ. All supported commissions participated in scoring this index. For the most part the commissions correspond between the two Houses (i.e. Women Affairs in MJ and Women Affairs in WJ) and the APAP embedded staffer works directly with the commission members and the commission assistants.

The index is a collective self-assessment measure for commissions and was not set up to be used as an objectively verifiable measure of legislative process (i.e. asking outside experts to evaluate commissions' legislative process).<sup>19</sup> As such, it offers insights as to *perceived* strengths and weaknesses of commissions within the six processes attributes. Those perceptions, in turn, both suggest areas for targeted technical support and the interests of members and staff in receiving additional support insofar as one can assume that the members and staff want to improve their performance in areas that they judge to be weaknesses. Moreover with repeat applications, the index data promises important feedback over time. First, as the commissions become better informed and/or skilled vis-à-vis the six attributes, their assessments should reflect this and become more objectively valid as a form of expert opinion. Second, the index can measure changes in performance/perception with that commission that can be tracked over time and used in the consideration of other time related events (elections, etc.).

In an effort to provide possible comparative data, in addition to the administering the instrument to the APAP supported commissions, APAP administered the instrument in three commissions in which APAP did not have staff nor did we regularly provide assistance (though as it turned out one of those – the WJ Natural Resources and Environment Commission – was a commission that had, at one time, received embedded staff support). The purpose of this was two-fold: (1) to compare the two groups to see if there are differences between the commissions in which APAP supports in a highly technically-oriented way to those commissions in which APAP has limited or no involvement, these difference can inform programming and future resource allocation efforts; and (2) to help establish a measure in which to judge how commissions understand the quality of legislative process. In this latter group two commissions were in the Meshrano Jirga and one was in the Wolesi Jirga.<sup>20</sup> In order for APAP to determine how commissions understand the quality of legislative process, interviews with commission staff and APAP technical officers would be necessary.

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<sup>19</sup> One of the main reasons for this is because the National Assembly is extremely reluctant to open up to outside actors and for anyone (outside of APAP) to observe the commissions long enough to evaluate would have been practically impossible

<sup>20</sup> APAP intended to administer the index to more non-supported commissions but over a five week period we were only able to gain the support of three commissions.

No sampling strategy was devised at this time because attendance in commissions is a serious problem. It was decided to administer the index to whomever was in attendance during the period in which APAP staff were going to commission meetings (both in supported and non-supported commissions) and the data gathering took place over a period of 5 weeks. In the APAP supported commissions, the total number of possible respondents (members, Senators and commission assistants) was 91. The table below illustrates the commissions and membership.

House	Commission	No. of Members in Commission	Commission's Assistant <sup>21</sup>	Response
MJ	Internal Security and Defense Affairs	11	1	5
MJ	International Affairs	11	1	8
MJ	Religious and Cultural Affairs, Education and Higher Education	9	1	5
WJ	Religious and Cultural Affairs, Education and Higher Education	20	1	2
MJ	Women Affairs, Civil Society, Human Rights Commission	6	1	7
MJ	Legislative Affairs	7	1	4
WJ	Legislative Affairs	11	1	2
WJ	Women Affairs, Civil Society, Human Rights Commission	8	1	7
<b>Total</b>		<b>83</b>	<b>8</b>	<b>40</b>

Our response rate is approximately 44% and was internally considered an accurate representation of active participants given commission attendance in general.

In determining which non-supported commissions to include, APAP staff members were asked to recommend several commissions in both houses in which APAP has had some relationship with, either through individual lawmakers or commission support staff. The following commissions were selected and approached (with the ones who ultimately participated in bold with an asterisk):

Upper House-MJ	Lower House - WJ
<b>Petition and Complaints*</b>	<b>Natural Resources and Environment*</b>
<b>Ethnic/Tribal and Koochies*</b>	Nomads, Tribal Affairs, Refugees and Migration
Handicapped, Disabled, Dependents of Martyrs and Refugees	Transport and Telecommunications
	Disabled, Martyrs and Widows

<sup>21</sup> While there may be several staff members working in the commission, the commission assistant is the lead staffer with whom the commission chair and members interact and with whom APAP approached.

While the participation is less than APAP hoped for, it is indicative of the general close-door approach of many commissions in both houses.

***What the Score Means-Monitoring and Learning Components***

The mean score (i.e. the index score) is **3.29 (out of 5)** in the APAP supported commissions with an average score (among 40 members) is **19.73 (out of 30)**. This could be interpreted to read that commission members believe they (as a commission and not an individual) are at 60% capacity: they have an understanding of the basic processes; understand their mandate; have a capacity to use data; can solicit outside testimony and expertise; hold a reasonable level of subject-matter knowledge among members; and there is regular attendance at meetings. For the non-APAP supported commissions the mean score (index score) is **3.88** with an average score (among the 23 members) is **23.26**.

Instantly noticeable upon looking at the two groups is the fact that in the APAP supported commissions, members tended to be more critical of their commission’s capacity than their counterparts in the non-APAP supported commissions (with the exception of the WJ Natural Resources commission, who had previously received support but was no longer, who was even more self-critical.) In fact, this divergence mainly breaks down by the House. In the non-supported commissions, the Meshrano Jirga commissions (n=2) score much higher than the Wolesi Jirga (n=1). At first glance for program implementers this posed two questions: one, were our embedded staff in fact effective; and two was this an anomaly in our data?

To answer the first question, a plausible explanation for this seemingly antithetical response is that the commission members who participated in this index showed *insight in acknowledging what they do not know or what they need to improve upon*(in terms of knowledge, skills and capacity regarding legislative process). Closely analyzing the data at the attributes level, it is possible to observe where the participants’ acknowledgement of the areas in which improvement might be necessary.

Attributes:	Focus on constituent interests in considering legislation	Inclusion of CSO and expert testimony, openness to hearing outside testimony, reference to testimony in considering legislation	Calling of government Ministers/Deputy Ministers and nature of exchange	Internal management: agenda, regularity of meetings	Use of facts, figures and analysis drawn from reference service, internet or other sources	Level of expertise/knowledge in relevant policy areas demonstrated by committee members.
Supported Commission	3.55	3.20	3.60	3.95	2.48	2.95
Non-Supported Commissions	3.83	3.87	4.35	4.26	3.43	3.52

On every single attribute, the non-supported commissions scored themselves higher than those with an APAP embedded staffer. One reason for a lower score in the APAP supported commissions

is that commission members and staff have benefitted from the knowledge and expertise of the APAP staff member. Quite often, the commission chairs or members would ask the APAP staff directly to do legislative analysis or research and the APAP staffer would advise on procedural matters. Commissions have recognized that their work has been enriched by APAP's technical assistance and therefore they were more critical of their own performance. Whereas in the non-supported commissions, members and staff were more concerned with whether they invited CSOs or experts to meetings or the number of times government officials summoned rather than how the information was used, whether the government officials were asked relevant questions that netted substantial information, and the regularity of meetings and attendance. Put simply in APAP supported commission they were evaluating the *quality* of the process while in non-supported commissions they were evaluating the *quantity* of the process.

APAP's work with commissions through sustained, long-term technical assistance began in the period 2007 to 2009. For some commissions this has represented almost six year of support. This period also spans two parliaments (the 15<sup>th</sup> and the 16<sup>th</sup>) with new members and new leadership. In fact in many commissions the leadership changes each year. It is natural to expect a loss of capacity from one parliament term to the next as members change and new members must get up to speed with the work of the commission as well as build their own knowledge and skills. The Rules of Procedure do not discuss commission allocations in terms of appointing members based on specific knowledge or skill sets. While it would be beneficial to have subject matter expertise in international affairs, one can be appointed to that commission with no prior knowledge or experience. Cronyism and nepotism can be strong factors in determining commission allocations. In speaking with APAP legislative staff, the divergence in scores (between the supported and is actually reflective of the commission members themselves. Legislators have a varied understanding of their roles (both individually and as a commission). Housekeeping tasks such as keeping minutes, making quorum, sending information out in advance to members are challenging. members vary in education levels well as their openness and ability to use outside data and/or testimony.

As to the question of whether our data for non-supported commissions was anomalous, APAP technical staff spoke with embedded staff and others who have worked in parliament and discovered that the ability of the commission chair strongly precipitates how the commission will function. Low attendance while not only indicative a commission chair's ability to fill the leadership role does play strongly into the level of output from the commissions as well as their overall contribution to the legislative process in their house. A commission chair that is both knowledgeable about their subject matter and has the command of the commission is far more likely to have a more 'active' commission (this was observed in the WJ Budget and Finance Commission). In addition, while most observers agree that the performance of the Meshrano Jirga and its commissions is far less professional and accomplished than are the Wolesi Jirga and its commissions, as a group, a significant gap exists in the assessments made by the Meshrano Jirga commissions. The tables below list each commission and their overall scores.

APAP supported Commissions:

House	By Commission	Score_Average	Index_Score	% of best
MJ	International Affairs	18.25	3.04	60.83%
MJ	Internal Security and Defense Affairs	15.60	2.60	52.00%
MJ	Religious and Cultural Affairs, Education and Higher Education	20.20	3.37	67.33%
MJ	Women Affairs, Civil Society, Human Rights Commission	17.29	2.88	57.62%
MJ	Legislative Affairs	20.25	3.38	67.50%
WJ	Religious and Cultural Affairs, Education and Higher Education	19.50	3.25	65.00%
WJ	Women Affairs, Civil Society, Human Rights Commission	24.14	4.02	80.48%
WJ	Legislative Affairs	27.00	4.50	90.00%

Non-Supported Commissions:

House	By Commission	Score_Average	Index_Score	% of best
MJ	Complaints and Petitions	26.15	4.36	87.18%
MJ	Ethnic/Tribal Frontiers and Koochies, (Nomads) Affairs	23.17	3.86	77.22%
WJ	Natural Resources and Environment	14.00	2.33	46.67%

It is also interesting to note the aggregate scores for each House in both the APAP supported and non-supported commissions. While this information's usefulness is preliminary at this time, later applications of the index could note whether this was an overall trend or just simply indicative of

the commissions during this particular application. The tables below list the index scoring for both the APAP supported and non-supported commission:

APAP Supported Commissions		Score_Average	Index_Score	% of best
	MJ	18.17	3.03	60.57%
	WJ	23.82	3.97	79.39%
	<b>Combined Total (equal weight among the scores)</b>	19.73	3.29	65.75%
	<b>Equal weighting between the Houses</b>	21.00	3.50	69.98%

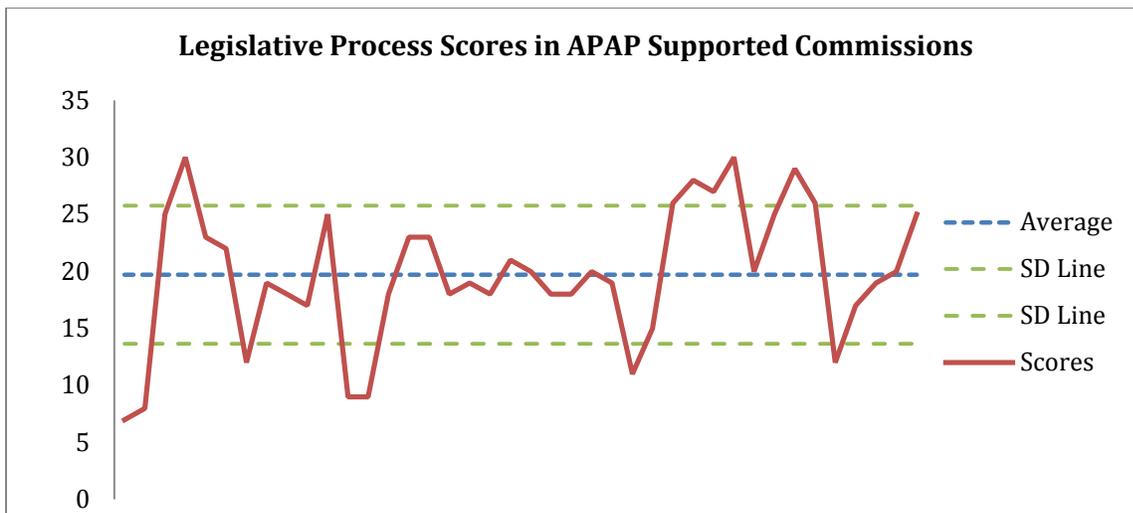
Non-Supported Commissions	Commission	Score_Average	Index_Score	% of best
	MJ	24.660	4.110	82.20%
	WJ	23.167	3.861	77.22%
	<b>Combined Total (equal weight among the scores)</b>	23.261	3.877	77.54%
	<b>Equal weighting between the Houses</b>	19.330	3.222	64.43%

Another useful method in data analysis is calculating the standard deviation. Standard deviation in the APAP supported commissions is 6.05 whereas in the non-supported commissions the standard deviation is 4.96. The reason to calculate the standard deviation is to have a measure of what is a normal range of scores (i.e. a standard unit for measuring) and what are abnormal high scores or abnormal low scores. These abnormal scores are outliers and can pull the mean (score) either up or down. In our APAP supported commission, we have 14 outliers (i.e. abnormal high or low score) which represent 35% of the sample. If those outliers were excluded from the group and we were to recalculate, we can determine how sensitive our score is (i.e. how much do the outliers drive the index score and average score up or down). Excluding the outliers, the index score is **3.37** and the average score is **20.19**; this represents a **1.56 % increase** to the overall score. In the non-APAP supported commissions all the outliers (n=4) belong to one commission; WJ Natural Resources Commission. They were all at least one standard deviation unit below the mean scores of 23.26 (average score) or 3.88 (index score). Because this was the only non-supported WJ commission which responded to our index and because APAP previously had an embedded staffer in this commission, it was decided not to exclude the commissions from the overall analysis. So

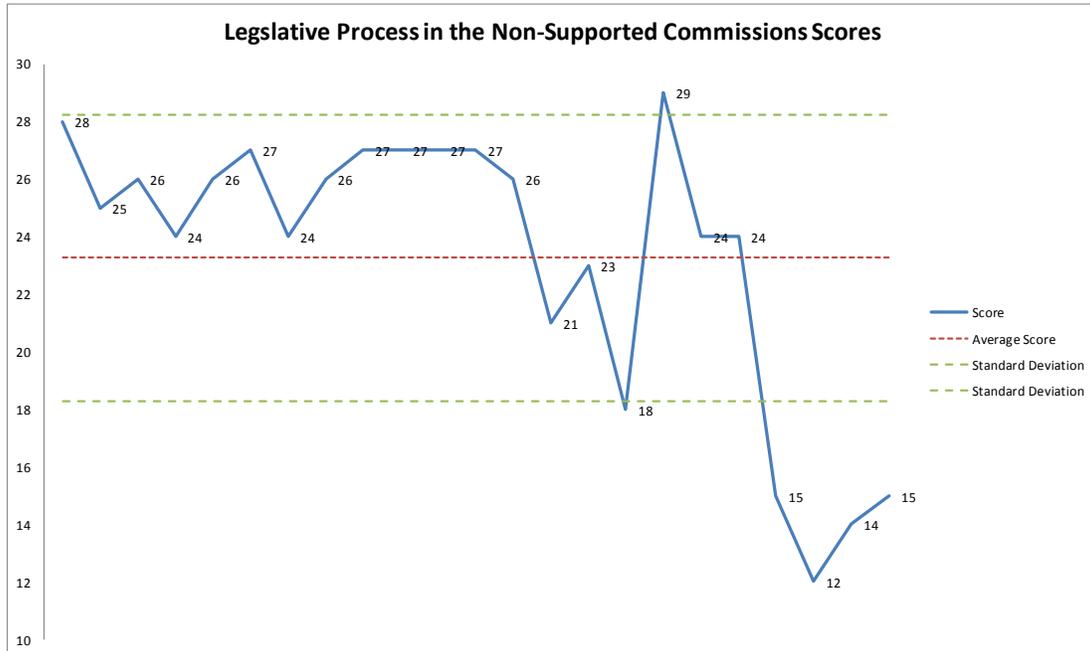
while it may look like an outlier, APAP feels that it does represent more of an 'accurate' depiction or score.

For the APAP supported commissions, by excluding the outliers and recalculating the scores, we find that the outliers have a net negative effect on the score; however, since our sample size is relatively small compared to the total population of members and Senators in APAP supported commissions (n=83) (approximately 44%), excluding our outliers would bring our sample size down to 31% of the population. This could make meaningful inferences possibly in doubt with only 29% of the total population (i.e. 26 legislators) to draw from. At this point in time, it is difficult to determine whether the outliers are producing a true net negative effect. Over several administrations of this index will we be able to discern how much of an effect the outliers are actually having.

Below, the graphical representation of the data (average scores) includes all the scores. Outliers can be seen as either above or below the SD Lines (standard deviation lines).



Note on graph: Number are not arranged in any order, there is no chronological or logical progression



Note on graph: Number are not arranged in any order, there is no chronological or logical progression

### ***Recommendations Based on the Index Analysis***

As program managers what this data can tell us is where to strengthen our programming support (in regards to supported commissions with embedded staff) and how to support the other commissions (if we consider these commissions as a sample of the overall population of commissions in Parliament). The use of data and analysis from references services is weak in the supported commissions and the lowest scoring attribute among the non-supported commissions. ALBA (the APAP successor project) can work with the commissions Secretariat as well as API to design training and education programs specifically targeted at building analytical capacity (commission assistants) and how to interpret and use data (members). In addition, working with the Secretariat, ALBA can suggest qualifications for new hires and HR practices so that parliamentary staff has the skills and knowledge necessary to support the members.

The second lowest scoring attribute is level of knowledge among the members (for both groups). This has been an acknowledged problem and which has been nominally addressed through training programs, study tours and long term capacity development programs. Given the political and social upheavals this country has gone through over the decades, sporadic education especially in some of the provinces was the norm. As the country has begun to stabilize continuous education is becoming more possible for citizens. It will be interesting to see if in the 17<sup>th</sup> Parliament, the average educational levels of members increases and what impact that might have on the legislative process.

In terms of using a control group for comparison purposes, SUNY/CID would recommend to continue this process but with several caveats. First, what we discovered while administering the index in non-supported commissions was that it generated interest and a desire to work with ALBA in the future. It is doubtful that should no support materialize in the future, then those commissions could be less enthusiastic about participating in the index, so some tangible benefit should be given; whether a presentation or being included in future training events. This could function well as both an enticement to participate but also provide support and continued buy-in for the program (i.e. ALBA) in Parliament. Second, verifying the data was an issue in the commissions APAP did not support. While APAP staff has taken every measure to ensure that our data were valid in the non-supported commissions, they had to leave the index sheets with the commission assistant and pick up the filled in copies a few days later. APAP staff was not able to observe members and Senators filling out the index, nor were they able to introduce or explain the index to them, only the commission assistants. Finally, because commission chairs could change each year, no one can guarantee that the control group will continue to participate without enticements or benefits to the commission. A commission chair might decide that they do not want their commission to participate and we cannot force their participation.

<b>Indicator 1.2.1</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
1.2.1 Number of public forums resulting from USG assistance through APAP in which Afghan MPs and members of the Afghan public interact	3	7	15	16	5	2

In the earlier years, APAP supported ‘public forums’ primarily through workshops and roundtables in which legislators and members of the public interacted. As noted in previous reports, public hearing (especially in the provinces) had been abandoned after 2007 as a result of security threats (in 2007 a bombing cost 7 MPs their lives). In 2010, public hearings were reintroduced to Parliament.<sup>22</sup> Public hearing return as well at the provincial level with several NA commissions scheduling public hearing on key pieces of legislation to not only promote the bill, but also to solicit feedback and amendments to the bill. APAP supported public hearings, public forums and roundtables have primarily focused on three areas: legislative process, budget-making, and oversight. The opportunities this has afforded to both the National Assembly and the public is difficult to measure by a strict number (i.e. the number of forums held) alone. On the one hand, a public hearing helps to make the legislative process more transparent. The public has the opportunity to learn about the legislation (either being debated or recently passed) as well as provide their thoughts, concerns and feedback to the legislators. For this latter reason, public

<sup>22</sup> When counting for this indicator, ‘public forums’ encompass workshops in which legislators and the public interact, roundtables, and public hearings.

hearings have been a powerful outreach mechanism. In 2011 APAP supported public roundtables and workshops in two high profile areas: the budget and the EVAW Law.

2010 and 2011 did see an upturn in number of public forums (in terms of our indicator count). Partly this was due to a renewed interest in parliament and the commissions to participate in a public forum, partly this was due to key pieces of legislative (such as the Elimination of Violence Against Women, the National Budget, and provincial roundtable discussions) that both generated substantial interest and where the parliament saw value in engaging the public to inform or support the law. The table below compares the years 2010 -2013

	2010	2011	2012	2013
Public Hearings	3	6	3	1
Forums	1	5	2	1
Roundtables	10	3	0	0
Budget(focus)	1	2	0	0

Roundtables were very popular as they were a relatively safe way for the Members of Parliament to interact with their constituents and the general populace. Before public hearings returned and later became increasingly common, this was one of the most effective ways the National Assembly could promote legislative transparency and outreach. In 2011, public hearing and public forums were increasingly used as mechanisms for legislative outreach and covered such topics as education, disabilities, health, violence against women, gender, reconciliation, international trade and prisons.

The 2012 and 2013 reporting periods (fiscal year) did see a drop off in APAP supported public forums. Three pieces of legislation and the public were the focus of the APAP supported efforts (EVAW, Organization and Jurisdiction of Courts, Rights and Privileges of the Disabled). This was in part due to constraints imposed by the short contract period (initially six months), the close down and the six month extension. The project worked with the DIPR to build their staff capacity on conducting public forums and hearings (organization, agenda setting, logistics, rules, etc.) and supported the DIPR to produce a handbook (guidelines) for the holding of public hearings. As noted in a prior report<sup>23</sup>, the handbook represents the coming of age of public hearings within the National Assembly, as it provides a leadership endorsed structure for holding public hearings that provides a transparent, disciplined and open forum for public engagement. What APAP noticed in terms of the evolution of public forums is that commissions have begun combining oversight trips (i.e. to the provinces) with public forums (combining oversight with transparency). For example if the Women’s Commission was going to a province to inspect the prisons or follow up with cases of violence against women and the provincial government’s response, then they would also take that opportunity to hold a public hearing on a piece of legislation being considered.

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<sup>23</sup> Afghanistan Parliamentary Assistance Program (APAP) Final Report (April 1 to November 31, 2011) Cooperative Agreement No. 306-A-11-00518-00

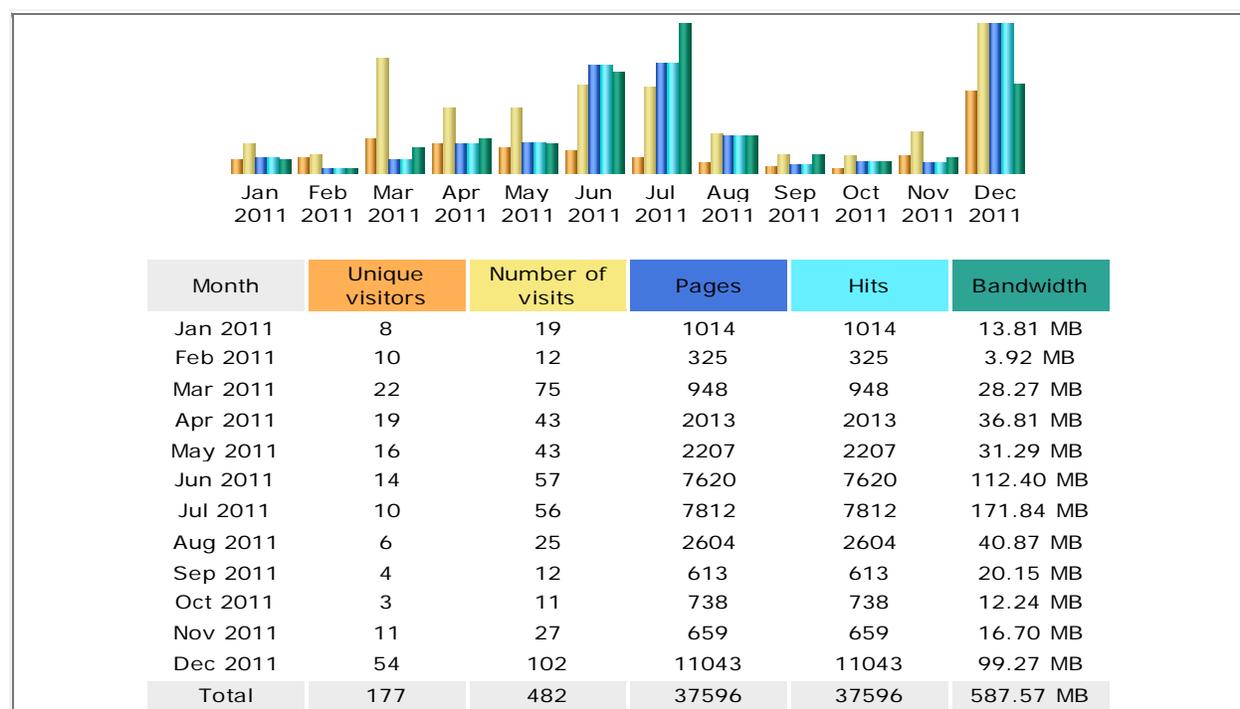
Indicator	2010	2011	2012	2013
Number of people accessing the Legislative Tracking System (LTS)	100	177	2406	609

In 2010 APAP initiated work on an online legislative tracking system (LTS), designed to provide real time information on all bills being considered by the NA. At the time, it was not publically available and could only be accessed by National Assembly staff and members.

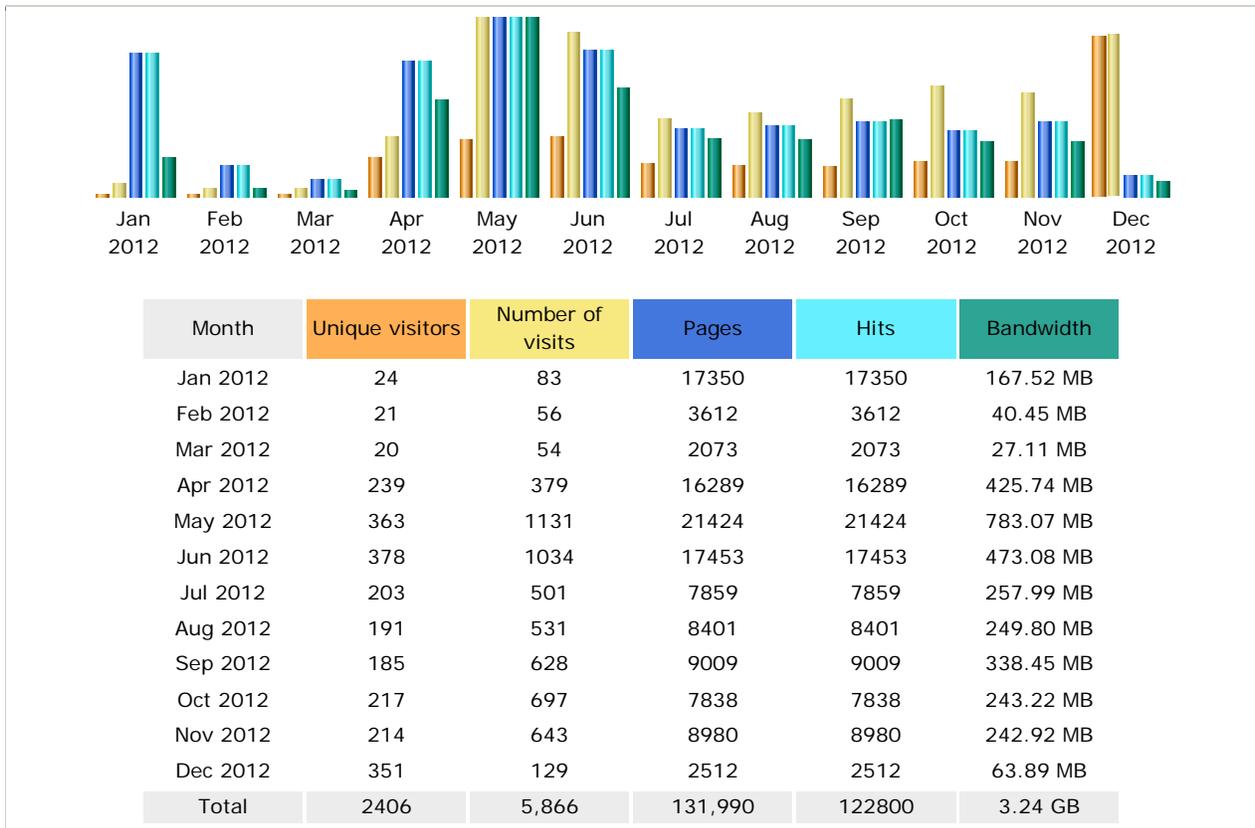
While serving as a tool for the NA, the LTS also provides up-to-date information to the public, civil society organizations, and the media regarding legislative activities. Thus, a secondary goal of this website (in addition to providing resource information) is to enable to public especially civil society to engage with the NA on important legislative proposals. Information should be posted in the three languages (Dari, Pashto and English).

Below are charts comparing 2011 and 2012 data respectively:

### 2011



### 2012



An interesting trend can be seen in that during the first session of the year running March to mid-June (for both 2011 and 2012) there is a spike in visitors to the LTS and again a smaller spike in the second session of the year runs from Mid-August to end of December. This appears linked to the introduction and debates of new bills (which disproportionately occurred in the first session) and the introduction of the budget bill along with the final enactment of a significant number of bills taking place at the very end of the second session. What is also interesting to see that in terms of unique visitors, number of visits and pages, *all the numbers from 2011 to 2012 have increased significantly. The number of pages visited increased approximately 350% from 2011 to 2012.*

Visitor Information	2011	2012
Unique Visitors	177	2,406
Number of Visits	482	5,866
Pages	37,596	131,990

During 2011 APAP reported that the NA took tangible steps toward assuming ownership of the online legislative tracker. The Secretaries General in both houses agreed to set up a joint house legislative tracking unit. 10 NA staff were trained by APAP to manage and administer the online tracking service. For the first half of 2012, NA staff were mentored by APAP staff in uploading the documents and then updating the progress of the legislation (i.e. as it moved through the

commission, houses, joint commission, sent to executive, etc.) Despite the high number of visitors, the LST suffered a setback during the latter half of 2012 during the programming hiatus caused by APAP's close-down starting in mid-August and its resumption of programming towards the end of September when the NA staffers previously trained by APAP (while 10 were originally trained only 4 remained prior to APAP's close down) to support the Legislative Tracker system were reassigned to other positions and not replaced. Consequently, the online Legislative Tracking system was not updated through the months of September and October. APAP repeatedly held discussions with the NA for the secondment of new staffers to be trained to manage the legislative tracking service. While the NA acknowledged the value of the service, particularly to CSOs, they continued to complain about the challenge they face with retaining trained staff and failed to provide new staff during the balance of the contract.

### Intermediate Result 2: Enhanced Oversight Capacity

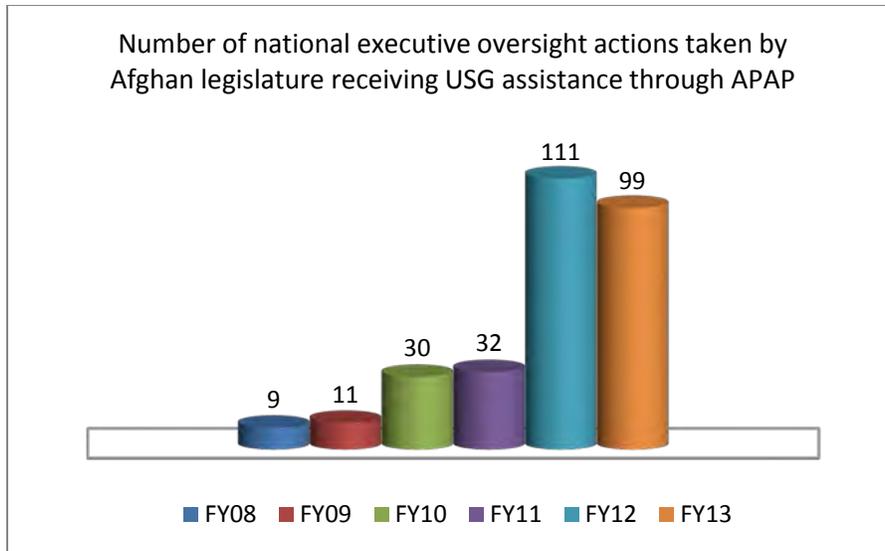
Indicator	2008	2009	2010	2011	2012	2013
<b>Indicator 2.1</b> Percent of Afghans that believe Parliament's most important responsibility is to Monitor the president and his government (TAF Survey)	Not available			11%	12%	Data not yet available
<b>Indicator 2.2</b> Number of National Executive oversight actions taken by the legislature receiving USG assistance <sup>24</sup>	9	11	30	32	111	99

While oversight did not score as high as legislating or listening to constituents as the *most important responsibility* of parliament, there was an increase from 2011 to 2012 of 1%. Parliament has increasingly been exercising its mandate to oversee the Executive and high profile interpellations of the Ministry of Defense and Ministry of Interior have certainly placed this in the public sphere.

The project's data also supports the steady rise in parliament exercising its oversight mandate from 9 actions in 2008 to 111 in 2012 (last complete year) as can be seen on the graph below:

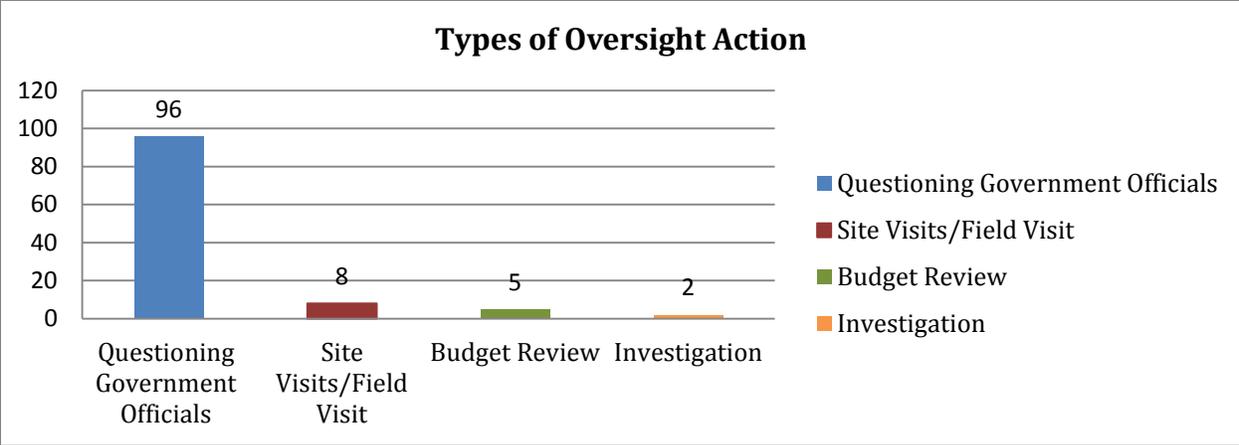
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<sup>24</sup> For the number of oversight actions, a standard indicator, the reporting periods are in fiscal year formats



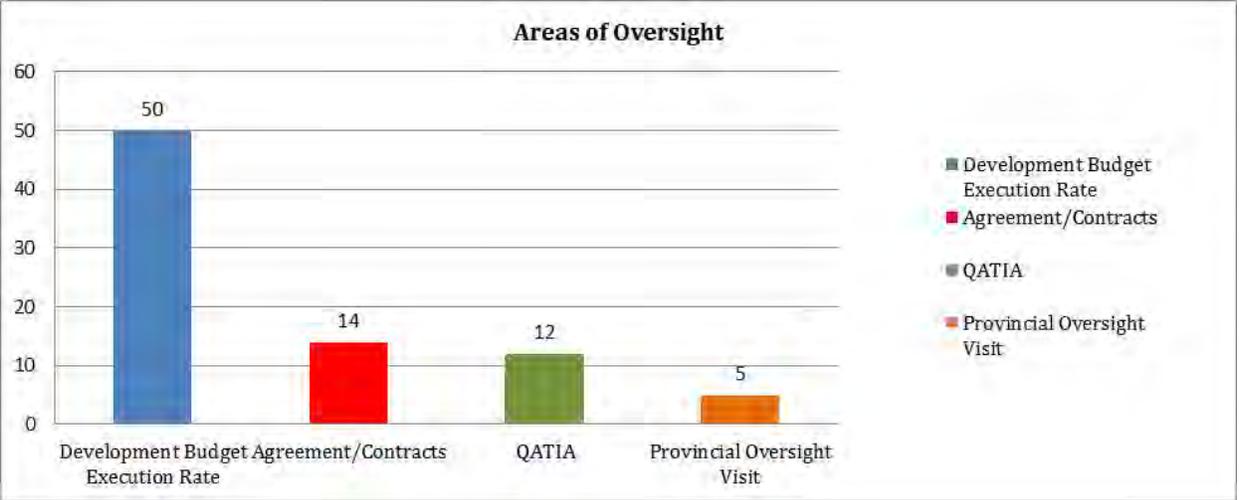
APAP provided technical assistance to total of 11 commissions (8 Legislative and 3 Money) in the National Assembly. The basis for our indicator count (i.e. where we collect data) is the commissions in which we provided technical assistance, plenary proceeding and ad hoc assistance provided to the National Assembly (e.g. facilitating a provincial oversight visit). This growth was facilitate by embedded staff in the commissions who not only provided legislative research and support in building the capacity within the commission in terms of law-making, but they also built the capacity for the commissions to understand their oversight roles and mandates. In earlier years, Ministry of Finance would send the National Budgets, Supplementary budget and Qatia reports to parliament and with limited deliberations and analysis, these were passed. By the conclusion of this project, the leading commissions (the three money commissions) conducted in depth reviews of each of these documents and with APAP technical assistance reviewed budget lines or budget expenditure. When questions were raised, commissions summoned minsters to appear. This especially became apparent in regards to monitoring the development budget executions rates.

In fiscal year 2012, the commissions were especially concerned with development project and development budget executions rates. Many ministers appeared in both commission meetings and plenary sessions and in the case of the national budget (1391), it was rejected twice before the government sent a budget that members felt accurately reflected the development needs and priorities of the country. The graph below demonstrates the types of oversight actions in 2012:



Clearly members most frequently summon ministers to appear. Originally, this was resisted by many ministers. What is most impressive is that now when a House summons a Minister, more often than not *they will appear* or send apologies with the understanding that it will be rescheduled. In some instances, where a deputy was sent in place of the Minister, the requesting House dismissed the Deputy.

The areas that the commissions and parliament concentrated their oversight authority on were in the development budget execution rates, agreement and government contracts, Qatia report reviews, and provincial oversight visits (n=93).

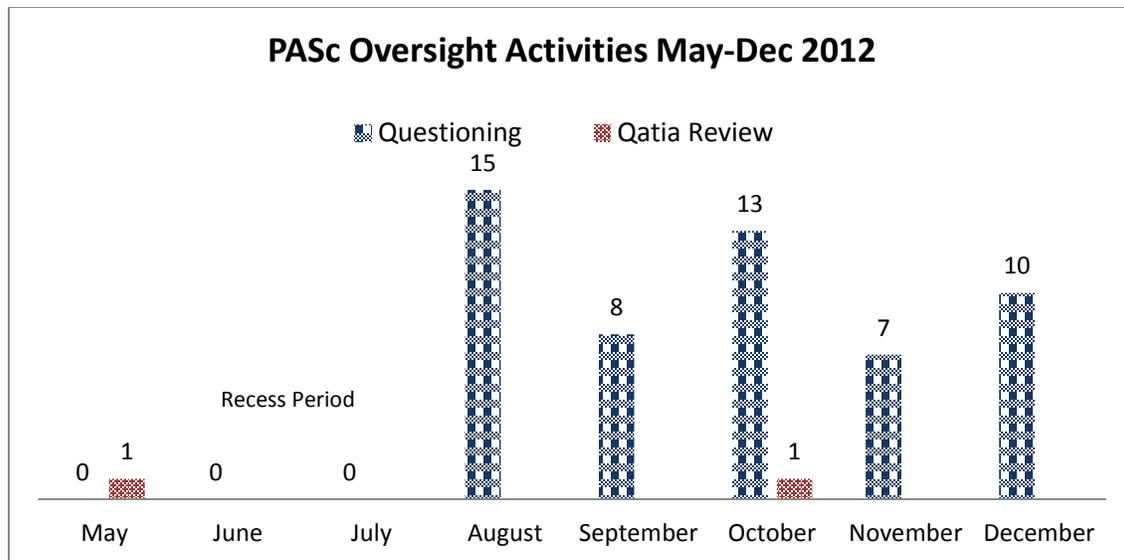


Another development in May 2012 was the creation of the Public Accounts Subcommittee (PASC) of the Budget and Finance Commission in the Wolesi Jirga. With APAP support, it quickly began to play a crucial role in increasing the parliament’s oversight of government finances. One of their first actions as a committee was to begin review and analysis of the 1389 Qatia. The Committee was particularly looking at ministries and independent directorates’ execution rate on their development budget (the budget lines that have been allocated to each in the 1389 National Budget). After having completed their review, the Committee found 15 ministries and independent

directorates with budget execution rates below 40% (i.e. more than 60% of their allocated budget was still unspent). PASC issued summons to the 15 ministries and directorates with budget execution rate below 40% to appear at upcoming committee meetings for a questioning. Focusing on the budget execution aspects, the Public Accounts Sub-Committee had in June 2012 sent a template to line ministries and budget units requesting information on their development projects. In the period July- September, out of the total 57 budgetary units, 50 submitted information on their development projects. APAP supported the technical review of the development project reports (1390 & 1391) submitted by budgetary units to cross check the figures and analysis provided. All units that did not submit information were summoned to the Public Accounts Sub-Committee.

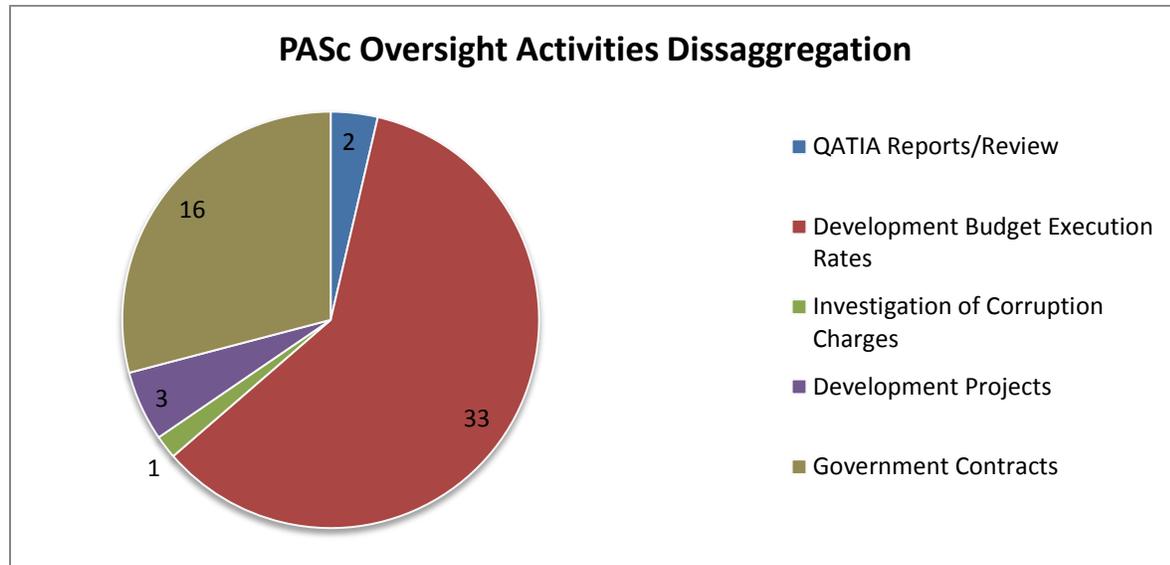
In addition to Qatia reviews, PASC also investigated sources of revenue generation in the national budgets. The focus on revenue generation was a recent development in the NA as the legislative body began to interrogate the revenue side of the budget. Previously, focus had always been on the expenditure aspects. Members became particularly concerned about leakages in the various ministries and perceived high levels of corruption for which significant revenue inflows had not been accounted. APAP worked with sub-committee staff to provide a detailed analysis of the nontax revenues generated by the various line ministries in recent years. This information was then used to question budget units in the 1391 Supplementary Budget and the 1392 Draft National Budget.

While outside the fiscal year time frame, PASC activity during May-Dec 2012 period was impressive. The following graphs detail the types of oversight actions and areas of investigation:



In September of 2012, APAP was closed out; however two APAP budget team members continued to support the committee at the request of the chair. The total number of oversight actions during the period of May to December was fifty-five (n=55).

It should also be noted that not all Questioning of Ministries and Independent Directorates was in regards to their development budget rates. The second graph illustrates the various oversight areas carried out by PASC. That is to say of the fifty-five actions, these were the areas in which PASC exercised their authority to oversee public funds.



We have disaggregated the oversight actions into five categories:

- 1) Review of Qatia reports (as described above)
- 2) Questioning concerning Development Budget Execution rates (as described above)
- 3) Investigation into allegation of corruption in government business
- 4) Questioning regarding the status of development projects
- 5) Review of government contracts

Clearly the PASC was very active in examining and questioning Ministries on lower development budget execution rates (n=33), but the second most frequent activity was reviewing and investigating government contracts (n=16). They have shown their eagerness to respond to the public's best interest (listening to constituents and represent their needs). Members of the Committee received complaints from Logar Province about the Ainak mines contract and subsequently launched an investigation. The Committee also investigated two other contract disputes one involving Dawi Oil, Ariana Airlines and Kabul Bank Receivership and the other contract investigation involving the Milli Bank property (which included 180 shops) and the Ministry of Finance. In total nine (n=9) government officials were called to appear before the committee and subjected to questioning. It is to be expected that should the Committee received other complaints and requests for investigations into public funds, then these numbers will continue to rise.

### ***Observations on Oversight***

In February of 2013, the World Bank supported a study tour for the Public Accounts Subcommittee, selected Senators and top officials of the Supreme Audit Institution and Ministry of Finance, to visit

the Australian Parliament with the learning objective of improving the transparency and accountability of public finances and state assets. In order to further strengthen the sub-committee, the delegation met with the Australian budgetary and audit institutions and the related parliamentary committees to learn and discuss their oversight processes.

The Afghan delegation, which represented three major players of the public financial management (the Ministry of Finance, the National Assembly, and the Auditor General’s Office), had an opportunity to see how the public financial management institutions work closely together to improve quality of public finances and government services to its people. *As a result of this study tour the delegation from the National Assembly renewed their goal of establishing a dedicated oversight commission or a public accounts commission within the Wolessi Jirga.* While this goal will entail not only revisions to the WJ’s Rules of Procedure, it will face political maneuvering as well as members jockey to be on what might become one of the most powerful commissions in the Lower House.

It is expected that the lead up to the 2014 elections, the commissions will be increasing active in their oversight mandate and even towards the end of 2012 (fiscal year) the discussions on the 1390 Qatia report and 1391 Supplemental Budget demonstrated that the National Assembly can truly question the government in terms of allocation and expenditures on key development projects and priorities.

One note of caution, however, regarding conjectures about the National Assembly’s oversight capacity and role is that there have been recent scandals regarding interpellation of Ministers and vote buying. This could tarnish the National Assembly’s reputation and serious affect its ability to conduct oversight of the Executive. It came to light (by members’ own testimony<sup>25</sup>) that during questioning and interpellation sessions, Ministers and government officials were buying their votes of confidence from members. This situation needs to be monitored closely to see if: a) an increase in the number of oversight actions is correlated with increased ‘vote buying’ and other corrupt practice; and b) if the National Assembly’s oversight mandate decreases or diminishes due to these allegations.

<b>Indicator 2.1.1</b>	Pilot (2011) <sup>26</sup>	2012
<b>Indicator 2.1.1 Index for assessing quality of NA legislative process with specific reference to the annual budget bill</b>	3	3.24

APAP developed a quantitative index to assess the three money commissions’ process when deliberating on the annual budget bill. The index asked members in the National Assembly money

<sup>25</sup> <http://tolonews.com/en/afghanistan/10100-mps-see-ministries-to-disclose-corrupt-lawmakers>

<sup>26</sup> When this index was first administered in 2011 the Budget Commission and Banking sub-commission with 6 participants.

commissions to assess the following eight process indicators (attributes) in relation to their commission's capacity:

1. Use of facts, figures and analysis drawn from reference service, internet or other sources
2. Focus on constituent interests in considering the budget
3. Extent to which testimony from CSOs and experts are used in the budget process
4. Wide involvement of MPs of divergent opinions
5. Extent to which commissions utilize provincial information in analyzing the budget
6. Internal management: agenda regularity of meetings, management and order of debates
7. Level of expertise/knowledge in relevant policy areas demonstrated by MPs
8. Relevance and quality of amendments suggested to the budget bill

Members scored each indicator on a 0-5 scale where 0 indicated low or no capacity and 5 indicated the highest capacity. The highest score possible is 40 with a mean score of 5.0. The three money commissions in the National Assembly participated: National Economic, Finance and Budget Commission (MJ); Finance and Budget Commission (WJ); and the National Economy Commission (WJ). Unlike the legislative process index's inclusion of non-supported commission, APAP supported all three commissions. In total 15 members participated in this index (out of 46 members that are on the three commissions) representing a sample size of approximately one third of the population. An APAP staffer went to the commission meetings and administered the index to as many commission members as were present. Commissions in the NA have suffered from high absenteeism which largely accounts for a smaller number of participants, though some members also refused to participate. Thoughts on administering this index will be detailed in the lessons learned section further in this section.

The data analysis from the 2012 Index is as below:

	<b>Score_Average</b>	<b>Mean_Score</b>	<b>% of best</b>
<b>MJ</b>	25	3.125	62.50%
<b>WJ</b>	26.27	3.284	65.68%
<b>Combined Total (equal weight among the scores)</b>	25.93	3.24	64.83%
<b>Equal weighting between the Houses</b>	25.64	3.20	64.09%

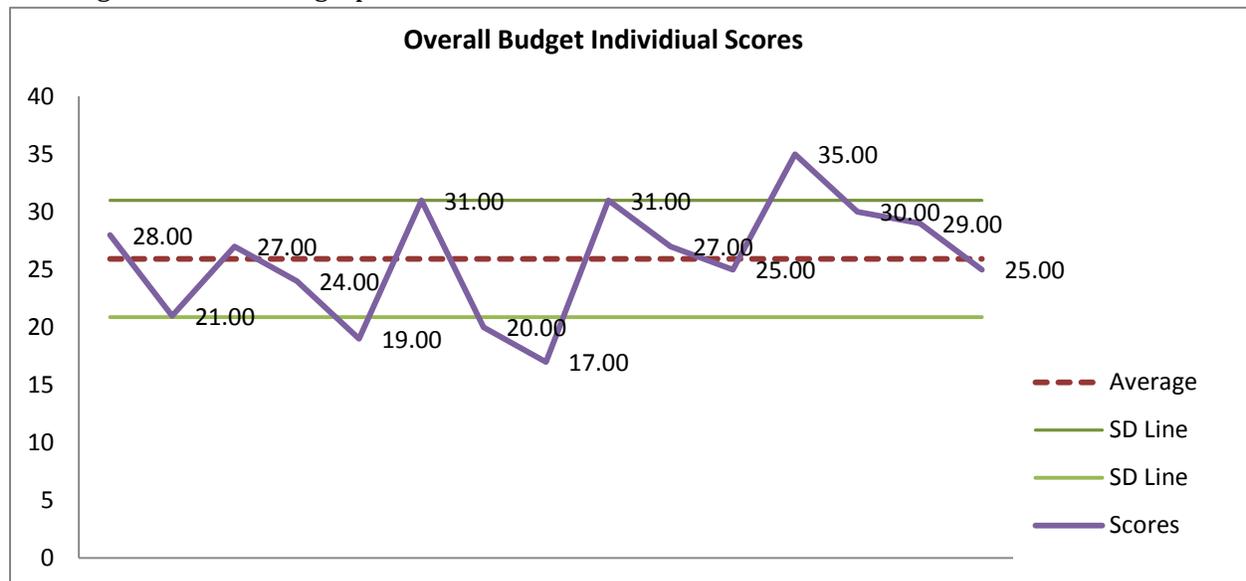
There was not much divergence between the two houses, and in fact the score for each house was approximately 3.2 (average of all participants average scores). This could be interpreted to read that commission members believed that they (as a commission and not an individual) were at 60% capacity, where they had: an understanding of the basic processes; a capacity to use data; could solicit outside testimony and expertise; demonstrated a reasonable level of subject-matter knowledge among members; and there was regular attendance at meetings.

Between the commissions, the divergence grows but not enough to significantly impact the scoring.

By Commission	Score_Average	Mean_Score	% of best
National Economic, Finance, Budget and General Accounts (MJ)	25.00	3.125	62.50%
Finance, Budget, Public Accounts and Banking Affairs (WJ)	24.17	3.02	60.42%
National Economy (WJ)	28.8	3.60	72.00%

In reviewing the above table's numbers with the APAP staff, they were not surprised or in disagreement with the numbers. The National Economy Commission scored themselves the highest of the three in the Index; however, this commission of 21 members had regular attendance of 13-15 members (60%-70% attendance) and those members were, on average, well-educated with several businessmen in the group. (Education and subject matter knowledge of the members were frequent capacity issues that APAP found over the years in working with the commissions.) APAP staff felt that their higher score accurately reflected the commission's capacity.

Looking at the data on a graph:



Note on graph: Number are not arranged in any order, there is no chronological or logical progression

The standard deviation is 5.06. The reason to calculate the standard deviation is to have a measure of what is a normal range of scores (i.e. a standard unit for measuring) and what are abnormal high scores or abnormal low scores. These abnormal scores are outliers and can pull the mean (score) either up or down. We only had three outliers in our group (-1, -3, and +5). If these outliers were excluded from the scoring, the average score becomes 26.5 and the mean score is 3.31. There is

approximately 1.42% change with the outliers excluded. We can therefore conclude that the outliers do not have a significant impact on the overall score.

In future years should this index continue to be used, then tracking standard deviation (assuming a similar composition of participants) will not only help to determine normal scores but it will also be an interesting gauge to judge members perceptions of their commission’s capacity.

***What the Score Means-Monitoring and Learning Components***

This index is a useful tool in not only understanding the money commissions deliberative and legislative capacity in relation to the annual budget bill, but also in understanding the role of program managers and in planning technical assistance. Overall the mean score was 3.24 which as mentioned above, indicated a self-assessed capacity level of roughly 60%; certainly room for improvement. As a program manager, the most useful numbers in terms of understanding how to target interventions can be observed at the attribute level. There are the 8 process indicators (attributes) of which members scored their commission. Here is where there is a divergence of scoring (the table lists each of the individual respondents):

Jirga	i. Use of facts, figures and analysis drawn from reference service, internet or other sources	ii. Focus on constituent interests in considering the budget	iii. Extent to which testimony from CSOs and experts are used in the budget process	iv. Wide involvement of MPs of divergent opinions	v. Extent to which commissions utilize provincial information in analyzing the budget	vi. Internal management: agenda, regularity of meetings, management & order of debates	vii. Level of expertise/knowledge in relevant policy areas demonstrated by MPs	viii. Relevance & quality of amendments suggested to the budget bill.
MJ	5	3	3	2	5	3	4	3
MJ	4	3	3	1	4	2	2	2
MJ	5	3	3	2	5	2	5	2
MJ	5	3	3	2	3	3	3	2
WJ	2	3	2	3	2	2	3	2
WJ	3	5	4	5	5	4	3	2
WJ	3	3	3	3	2	4	1	1
WJ	3	2	2	2	2	2	2	2
WJ	5	2	4	5	4	4	2	5
WJ	5	1	4	5	3	3	2	4
WJ	0	5	2	4	5	3	1	5
WJ	3	5	4	5	5	5	4	4
WJ	2	4	3	5	5	4	3	4
WJ	3	4	2	3	5	4	4	4
WJ	0	3	3	5	2	4	3	5
	3.2	3.27	3.00	3.47	3.80	3.27	2.80	3.13

The attribute with the lowest score is: members’ knowledge and expertise. Members quite frankly gave themselves the lowest scores. While low levels of education among the members has been a well-known problem, this also filters down to the commission level. The Rules of Procedure do not detail how members are selected to commissions and there has been no experience or subject matter expertise requirement for commission assignments. APAP staff therefore had to render highly technical documents (such as the National Budget) laden with figures and calculations into an easier to read format with an analysis report attached. Budget teams were consistently being asked to ‘translate’ analysis reports (numbers and graphs) into words (i.e. instead of *8* write *eight*).

The second lowest scoring attribute was the extent to which testimony from CSOs and non-APAP experts were used in the budget process. Upon reviewing this data, APAP staff concluded that the mark of 3.00 might be slightly high; they thought that an overall score of 2.5 would be more accurate, as the money commissions were not very open to outside testimony and expertise. Whether this was due to a fear of exposing their lack of knowledge or lack of trust in CSOs and outside experts is difficult to determine. Ironically the highest scoring attribute was the extent to which provincial information was used in analyzing the budget. This would indicate that the commissions were not adverse to outside information.

The third lowest scoring attribute was the relevance and quality of amendments suggested to the budget bill. This was a well-known problem where members were always advocating for the inclusion of amendments to the annual budget bill (especially those that would bring development projects to their provinces or districts). Normally more projects were proposed than originally presented by Ministries or allocated by the Ministry of Finance; this in turn increased the amount of national budget beyond what the budget could bear (such as a three billion dollar dam in Kunar province). Ministry of Finance pushed back and, subsequently, only 25% of the development budget remained discretionary. Further support to the money commissions in technical analysis and reporting could enable the members to present briefing packets and presentations to other commissions so that they better understand the budgets (both national and supplemental) and understand the role that the National Assembly plays in the budget process (less pork barreling and more critical analysis of the government’s main priorities).

**Recommendations**

A new Senate (MJ) will be inducted in 2014 and a new House of People (WJ) will be inducted in 2015. The induction workshops present a unique opportunity to not only assess members fiscal and analytical capabilities but also an opportunity to preview and outline the budget process, the (new) budget guidelines and their roles in the overall budget process.

<b>Indicator 2.2.1</b>	2008	2009	2010	2011	2012	2013
<b>Indicator 2.2.1 Number of USG assisted CSOs that participate in legislative proceedings and or engage in advocacy with the NA and its commissions</b>	0	0	1	117	54	35

In late 2011, APAP began to support CSO-NA engagements as a means of encouraging the participation of CSOs in the work of the commissions in their legislative and oversight processes. The Wolesi Jirga's Women's Commission was the most successful of the commissions in this effort. With APAP support they were able to organize a public hearing on the Elimination of Violence against Women with strong CSO participation. Also in 2011 the International Relations Commission (MJ) began to allow CSOs to attend their sessions.

Overlapping from the 2011 period to the current reporting period, APAP continued to build and strengthen the engagements between civil society and the National Assembly which ultimately resulted in a Memorandum of Understanding between the National Assembly and CSOs that would facilitate CSOs' participation in legislative commissions. APAP worked with members of the National Assembly Secretariat to lay the foundation for what later became the the National Assembly- Civil Society Organization (CSO) Working Group. The establishment of the working group was a major step towards APAP's efforts to link CSOs and lawmakers to enhance their effectiveness in performing their legislative, representational and oversight functions.

As part of efforts to enhance civil society organizations (CSOs) knowledge of parliamentary processes, APAP trained representatives from 30 CSOs on the role of parliament and CSOs in the national budget and the legislative processes. The training marked the beginning of a series of training and forums with the intent to enhance CSO's understanding and knowledge of parliamentary processes so as to prepare them to effectively provide input on issues under consideration in the National Assembly commissions. While some commissions were hesitant consult with CSOs, APAP noticed that several commissions in the WJ were willing to engage with them at the provincial level especially during oversight visits.

At the end of this reporting a potentially negative development was observed in the MJ: the Speaker of the House sent a memo to all commission chairs which stated outsiders (including CSOs and implementing partners) would only be welcome at the discretion of the chair. APAP had embedded staff in five commissions and the implication of this directive would have been that the staff were no longer allowed to attend without the expressed permission of the chair. This closed door policy in the MJ did not bode well for public input to the legislative process and could further exacerbate the capacity and knowledge divide of the two Houses.

### **Intermediate Result 3: Increased Outreach Capacity**

<b>Indicator 3.1</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Indicator 3.1</b> Percent of Afghans that believe Parliament's most important responsibility is to	Data Not Available			29%	31%	Data not available

<b>Listen to constituents and represent their needs (TAF Survey)</b>				
<b>Indicator 3.1.1 Number of DIPR publication produced and distributed by the NA DIPR</b>	New Custom Indicator	0	10,000	0
<b>Indicator 3.1.2 Number of MPs and DIPR staff trained in media skills as a result of USG assistance through APAP</b>	New Custom Indicator	98	119	0

As mentioned above, respondents on the TAF survey indicated that the most important responsibility of Members of Parliament was *making laws for the good of the country* (at 33% responding); the second highest scoring was *listening to constituents and representing their needs* (31%). These two often go together and were certainly apparent in much of the work APAP conducted with parliament in regards to public forums. Since 2011, listening to constituents gained in prominence and certain high profile bills such as the social organizations law, EVAW Law, elections related legislation and laws that deal with public security matters may have elevated the public's perception that as representative of the people, they should listen to the people. The 2014 elections may have also had an effect on this number as candidates had begun their campaigns with promises and speeches on listening to the needs of the people.

While citizens indicated that members should listen and represent their needs, it is equally important for members to be able to share with citizens the work that they and the National Assembly are doing on their behalf. APAP worked closely with the DIPR in the National Assembly to not only train their staff in media and outreach but also to publish quarterly magazines (*Ayaan Quarterly*) and annual legislative gazettes. These publications were then distributed throughout the provinces for the public and provincial officials. As part of APAP's support in the publication of these materials, we also worked with the DIPR to develop a distribution strategy. As a consequence, when members returned to their provinces, conducted provincial visits or public forums were held, these publications were brought. They were also included in press kits for provincial visits. Another important development was that in November of 2012, for the first time, articles from outside experts and authors were included in the quarterly magazine. The goal was to promote more and better interaction between parliament and outside experts so that they could benefit from additional expertise.

APAP conducted several training for members and DIPR staff. The trainings were focused on building capacity (individuals and departments) to improve the National Assembly's outreach and information dissemination. The table below lists the training in the contract period and their objectives:

Training Title:	Objectives of the training:
Publication Training	One day training was held for DIPR's publication staff to equip them with necessary skills of developing publication
Publication distribution strategy	One day training was held for the DIPR's publication staff to know how to plan publication distribution and monitor successes
Impact Assessment Training for DIPR Staff	Understanding the effectiveness of your message
Constituency Relations	How to interact with your constituents, listen to their needs and represent those needs in Parliament (for Senators)
Media Skills	Media Skills training for the Senators
Social Media Training for DIPR's staff	Using Facebook, Twitter, YouTube and blogs as an effective means to connecting with citizens and sharing information
Radio Journalism Training	Producing radio shows and roundtable discussions for broadcast, reporting on Parliament's activities and sharing information with the public

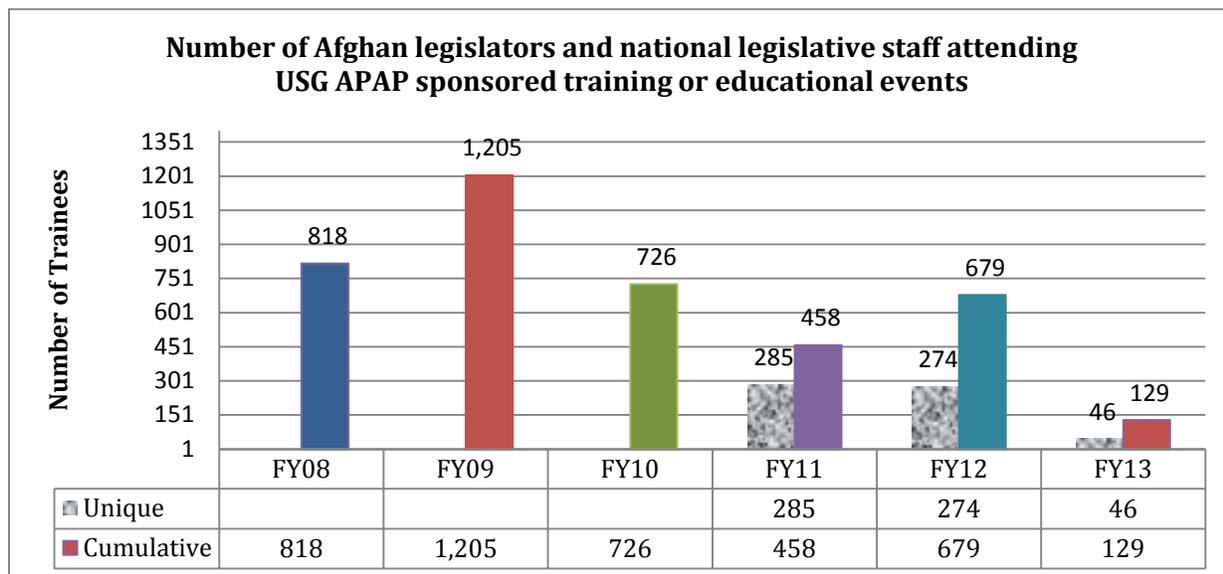
Gradually the DIPR began to take a stronger role with APAP playing a more supportive role. In November 2012, APAP supported the WJ Women's Affairs Commission and the DIPR to organize a forum between members of WJ, the Deputy Minister of Women's Affairs, the Deputy Minister of Hajj and Endorsement, the Deputy Minister of Information and Culture, and 21 representatives of both print and broadcast media outlets to discuss fostering and improving more effective programs and messages relating to the women's issues especially violence against women. *While the forum itself was significant, the important achievement was that the DIPR organized the forum entirely on their own.* Previously, APAP staff had had to meet with the DIPR media relations officer and mentor them on the steps and processes of organizing such a forum (e.g. writing media advisory, phone calls to media to invite and encourage attendance, and making the necessary arrangements for the media crews).

#### **Intermediate Result 4: Strengthened Institutional Capacity**

Indicator 4.1	2008	2009	2010	2011	2012	2013
<b>Indicator 4.1</b> Number of Afghan legislators and legislative staff attending USG sponsored training or educational events	818	1,205	726	285 (unique) 458 (cum)	274 (unique) 679 (cum)	46 (unique) 129 (cum)

*Note: Starting in 2011, APAP began tracking participant training by number of unique individual and total training of all participants at all trainings*

Looking at the graph below and interesting trend can be observed: that the National Assembly demonstrated a consistent demand for training, capacity building and education events.



A look at our training programs during this contract period (as opposed to the fiscal year period) we can see the areas in which the National Assembly had requested trainings.

Disaggregation by Area	cumulative Nov-2011 to March-2013
Training	# of participant
Budget Capacity Development	117
English language and computer skills	186
Gender	61
Legislative Capacity Development	214
Outreach	124

The participants in the training programs in both Legislative Capacity and Budget Capacity were also the same participants who on average participated in our Indices as well as oversight in the commissions. While education levels and experience scored lower on average on our indices, the continued demand for programs underscores the National Assembly's desire for improved institutional development. While there were still the hindrances of politics, cronyism, regionalism and corruption, continued support to institutional development can overtime help to mitigate those influences. The Afghanistan Parliamentary Institute (API) was instituted with this in mind. The API provided tools to help members and staff to more effectively play their roles in improving the lives of Afghan citizens in a complex and ever changing society and world. Besides teaching the skills that are basic for the efficient operation of all legislatures, the API courses included topics specific to the Afghanistan reality. The courses and programs were presented by lecturers, professional experts

and speakers from prominent local and international universities as well as governmental and non-governmental organizations.

<b>Indicator 4.2.1/4.3.1</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2103</b>
<b>Indicator 4.2.1</b> Number of briefing papers prepared by NA and APAP staff and distributed to MPs	New Custom Indicator		33	8
<b>Indicator 4.3.1</b> Number of simple legislative rules of procedure drafted/amended and adopted by the National Assembly as a result of USG assistance	New Customer Indicator		2	0 <sup>27</sup>

A list of APAP supported briefing papers is as follows:

<b>No.</b>	<b>Name</b>
1	1391 supplementary budget
2	The Basel Convention on the control of Tran boundary Movements of Hazardous wastes and their disposal
3	Seminar on "Shaping the Future of Afghanistan and Pakistan-Policy Recommendations"
4	A paper on Bilateral Relations between Pakistan and Afghanistan
5	Challenges in the Budget Process
6	Research on Afghanistan and Germany diplomatic relationship
7	Research on IHL and International Committee of the Red Cross
8	1390 Qatia
9	1392 budget
10	Ministry of education appropriate budget in 1392
11	Briefing on budgetary issue for ministries of agriculture, MRRD and public works.
12	Briefing on supplementary budget 1391
13	Research on strengthening and establishment of afghan women parliamentarian caucus
14	Law on Acting Ministers-Bill Summary
15	Bill summary on EVAW law
16	Gender Analysis of the Government Budget Doc.
17	SAARC Food Bank Agreement- Summary
18	TAPI Agreement- Summary

<sup>27</sup> At the end of the contract period, the MJ Legislative Affairs Commission was working on amending the Rules of Procedure. They had not been ratified by the whole House.

19	Work plan and action plan development
20	Water Canal Agreement- Summary
21	Research on number of female Judges in Afghanistan
22	Research on latest critical violence against women incidents in Afghanistan,
23	Analysis of Afghanistan fundamental line to (foreign policy) women affairs commission
24	Bill Analyses on The Electoral Law
25	Law on Anti-hoarding- Bill summary
26	Law on Central Office of Audit and Control- bill summary
27	Bill Summary on The Electoral Law
28	Briefing on 1392 Budget
29	Report on 1392 Budget
30	Afghanistan National Petroleum and Gas Corporation
31	Provincial Breakdown
32	Questions (written for members) about the 1392 budget
33	Brief on the Nangahar violence which killed 11 girls
34	Comparative research paper on international practices for the membership/attendance of the speakers of the parliamentary houses in the National Security Councils
35	Research on India-Afghanistan relationship
36	Research on social and cultural relation between India and Afghanistan
37	Bill Summary Preparation Manual
38	Commission Procedure Manual
39	Briefing paper on the President and Senior Government Official's Law
41	Parliamentary Oversight Manual
42	Speech for Afghan Delegation Participation at the 21st Asia Pacific Parliamentary Forum, Vladivostok Russian Federation)

Disaggregated into areas:

Budget Analysis	10
Legislative Analysis	13
Research	9
Budget Presentations	12

While not counted as a briefing, APAP gave 12 budget presentations to the commissions in both Houses during the reporting period.

As the National Assembly developed and gained parliamentary experience, it came to appreciate the need to regularly review and update the rules of procedure, a process regularly supported by

APAP. During this contract period, the WJ made two substantive revisions to the rules. More significant, were the efforts of the MJ.

At the end of the contract period, the Commission on Legislative Affairs (MJ) was concluding their review of the Internal Rules of Procedure. The most serious debates centered on Chapter 13, which discusses the legislative process and Chapter 15 concerning the Questioning of Ministers. APAP pointed out that most government bills were submitted to the House without an Explanatory Note, an important aid in legislative analysis, as required by the Rules. The commission members amended Article 76 to read as follow:

*“The government bill, once it is approved by the Wolesi Jirga, shall come to the House together with an explanatory note of the governments.”*

Moreover, during the debate on Chapter 15 concerning the Questioning of Ministers, APAP asked the commission to seriously consider merging the Rules on Questioning Ministers, previously prepared by APAP as guidelines, into the amendments of this chapter of the Rules of Procedure. Upon careful review of APAP supported research and technical analysis, *the Legislative Affairs Commission’s decision to merge the Rules on Questioning Ministers within the Rules of Procedure marked the successful culmination of almost three years of APAP’s efforts to further improve and strengthen the internal Rules of Procedure and specifically strengthen the MJ as it questions members of the Executive.*

Brief Background of APAP’s support to the inclusion of Questioning of Ministers to the Rules of Procedure: Upon the request of the leadership of the MJ, APAP conducted a workshop on Questioning Minister in late 2009. It was at this workshop that the leadership of the Upper House asked for APAP’s assistance on developing Rules on Questioning Ministers. During 2009, APAP drafted a proposed set of rules and shared it with the MJ leadership. With the change in leadership in 2010, the draft was not taken further.

The Rules of Procedure dealing with the questioning of ministers streamlined how the MJ requests Minister’s appearance so as to avoid duplicate requests or overbooking of Minister’s appearances. It also addressed how to manage ministerial accountability (especially if they fail to show.) Cabinet members had repeatedly criticized the National Assembly for not having a clear policy on the questioning of ministers and for frequent duplication of requests. This initiative while applicable only in the MJ, nonetheless represented an important step for the National Assembly. It may be hoped that the WJ will take similar measures in the future.

## **ANNEX TWO: Partner Evaluation Matrices**

As listed in SUNY's contract AID-306-C-12-00001 to include in the final report:

"A description of all district entities to include GIRoA and non-GIRoA partners along with Afghan non-governmental organizations which whom the contractor worked with and an evaluation of their strengths and weakness."

APAP asked program staff to evaluate the main project partners during the course of this contract period. The following 'entities' are listed below:

### **Budget/Oversight**

1. Ministry of Finance
2. National Economic Commission of WJ
3. Budget and Finance Commission of WJ
4. Economic, Budget and Finance of MJ

### **Legislative**

1. Religious Affairs, Education and Higher Education Commission-MJ
2. International Relations Commission-MJ
3. Internal Security and Defense Affairs Commission-MJ
4. Women Affairs Commission-WJ
5. Legislative Affairs Commission-WJ

### **Institutional Development**

1. Secretariat-MJ
2. Secretariat-WJ
3. CSOs
4. National Legal Training Center

Partner Evaluation

Partner Name:	<b>General Directorate of Budget, Ministry of Finance (MoF)</b>
Brief Description of Partner:	The General Directorate Budget of the Ministry of Finance is one of two general directorates within the Deputy Ministry of Finance. The Budget Directorate is responsible for budget operations, planning & reporting, and financial analyses on proposed and actual legislation affecting the national budget of Afghanistan.
Main Areas in which APAP worked with Partner	APAP budget team mainly interacted with the MoF Budget Directorate to received information related to budgetary issues such as: the budget document, execution rates, ministries' project details and revenue forecasts.
Partner's Main Strengths	MoF has a very good Public Finance Management System in the region and can provided all the data asked by MPs.
Opportunities for future work with Partner	More interaction in future will help our relationship with MoF and will create a better work environment. It will also lead to obtaining the information in a timelier manner.
Partner's Main Weakness	The Budget Directorate generally hesitates to share information/data with us. Their main concern is that we share the information with Commissions members which MoF doesn't like. For this reason they hesitate when we make the information requests.
Challenges the Partner Faces	MPs are interested in knowing the budget expenditures. The Budget Directorate of Ministry of Finance is not sharing all the expenditures reports. For example, as part of their oversight mandate, MPs want to know the expenditures of CODE NO.90, which are the budget lines under the President's authority, but MoF will not share this information which angers MPs.
Partner Expectations from APAP	MoF expects the APAP team to make things clear to MPs in budget documents as well as fiscal analysis. There expectations extend to that of the National Budget document so that when it is tabled in Parliament; MPs should not ask any questions and approve it on the first day. This expectation is unrealistic and certainly not how Members see their role in the budget process.
Recommendations for USAID about working with this partner in the future	MoF thinks that APAP team is creating problem to MoF, by causing MPs to clamor for information. We would recommend that in the future, all partners (Parliament, MoF, other USAID partners working in EG&D) understand the roles each plays in the budget process. Parliament has a constitutional mandate to approve the budget each year but in order to do so, they must first understand the elements of the National Budget (both operating and development budgets). APAP, by working with Parliament to support their mandate, is also indirectly supporting the MoF to develop the capacity of MPs to understand budgetary issues which in turn and over time will help the MoF with developing a responsive budget document that all parties can agree through interactive debate.

Partner Evaluation

Partner Name:	<b>Economic Commission of the Wolesi Jirga</b>
Brief Description of Partner:	The Economic Commission of the Lower House is mainly responsible for overseeing the improvement to the economic situation of the country. The Commission regularly reviews the strategies of the Key Ministries (MRRD, MALL, CSO, MoE), and how they perform and work/plan to achieve the goals laid out in the ANDS and NPP documents.
Main Areas in which APAP worked with Partner	APAP works closely with the Commission on several issues such as analyzing the budget, conducting economic analyses of the budget, tracking and updating Commission Members on recent developments in Afghanistan, provide briefing documents and outlines for keynote speeches for Members. APAP provides technical assistance to legislation dealing with economic issues as they are presented to Parliament and referred to the Commission.
Partner's Main Strengths	The Commission is very open to inviting key line ministries for questioning in the commission meetings. They view this as an excellent venue for getting information and understanding key initiatives and/or developments.
Opportunities for future work with Partner	As the Economic Commission mainly deals with macro-economic issues, it will be good to further development more interaction with key experts such as professors (of economics) at the Universities as well as regular contacts with the Afghan Chamber of Commerce.
Partner's Main Weakness	Attendance is a serious issues in this Commission. All Commission Members need to make an effort to regularly attend so that they can attend to business in the meetings. Without quorum, it is difficult for the Commission to take any official actions.
Challenges the Partner Faces	The Commission does not have access to very vital information through which they could make executive more accountable. The Executive branch is not inclined to share information and believe that MPs should just accept what is given. The Commission will need to find more tools or means of obtaining this information.
Partner Expectations from APAP	Expectations vary among the Members. MPs are not selected for this Commission based on any technical background or experience and so requests are made at varying degrees. Some of the less skilled Members are asking for study tours and computers. Primarily APAP is seen as source of reliable and technically sound information. APAP is able to give technical support on a regular basis and so Members have come to rely on this. In the near future if Membership and attendance remain the same, then these expectations will continue.
Recommendations for USAID about working with this partner in the future	In order for the Economic Commission to continue to develop, build capacity and find ways of exercising their oversight and legislative mandates, continued technical support should be provided.

Partner Evaluation	
Partner Name:	<b>Budget Commission of the WJ</b>
Brief Description of Partner:	The Budget Commission in the Lower House is mainly responsible for the review of budget bill, review of development plans, banking affairs and oversight of the national budget execution.
Main Areas in which APAP worked with Partner	APAP closely works with the Budget Commission on several issues: analyzing the national budget, analyzing mid-year review of the budget, analyzing QATIA report especially development budget execution rates, providing briefings throughout the year which assists Members in questioning government officials and in their regular oversight sessions in the Commission.
Partner's Main Strengths	The Budget Commission is very proactive when it comes to overseeing the national budget execution. In order to better manage their work they have established a Public Accounts Subcommittee. The PASC is very active and have seen positive results since its inception in May of 2012.
Opportunities for future work with Partner	While the Commission is very proactive in oversight, it needs more support to further strengthen their capacity in the area of oversight. Their strength in this area will pave the way to establish a full-fledged Public Accounts Committee.
Partner's Main Weakness	Despite the Commission's output, attendance is still an issue. Some Members are not very regular in their attendance at meetings which shows that they are not serious about the Commission's work. Lack of quorum can also constrain the Commission's official actions and activities.
Challenges the Partner Faces	The Commission is dependent on the MoF for information and data; however the MoF is not willing to share all the information with the Commission. Because the Commission lacks the data and information it needs, its oversight mandate is hampered somewhat. In the future the Commission will have to deal with how to extract the necessary information from the Executive so that they are fulfilling their responsibilities in terms of legislating and oversight.
Partner Expectations from APAP	In the beginning the commission staff capacity was not very great and the Commission Members began relying on APAP for all information, analysis and reporting. In the future, the project will need to build the capacity of the assistants so that instead of directly providing materials and analysis to the Commission, APAP will provide technical support and mentorship to the Commission assistant so that they might provide that information and analysis to the Commission Members.
Recommendations for USAID about working with this partner in the future	Recommendation to the USAID to help put pressure on the Parliament secretariats to bring reforms and recruit new highly qualified staff (as well as compensated staff) as a commission assistants so that APAP can work with them and build their capacity.

Partner Evaluation	
Partner Name:	<b>National Economy, Budget and Finance Commission of MJ</b>
Brief Description of Partner:	The Commission on the National Economy, Budget and Finance is one of important commissions in the Upper House. The Commission has 7 members who are regularly active and productive. The Commission is responsible for overseeing national economic, budget and financial issues.
Main Areas in which APAP worked with Partner	APAP works with Commission Members in such topic areas as banking affairs, analysis on economic legislation and analysis of the national budget bill. APAP provides regular technical support of the commission.
Partner's Main Strengths	The Commission Members and staff have strong potential and have been very receptive to APAP trainings and capacity development initiatives. While capacity might not be as strong as in the WJ, the Commission Members and Staff have shown that they are committed to incorporating and practicing the skills gleaned at APAP sponsored trainings.
Opportunities for future work with Partner	They are willing to learn and are open to new ideas for undertaking their mandates. Senators and Staff have shown a commitment to being productive and creative. Based on APAP's work with this Commission, we see opportunities with working with them in the future and Senators and Staff would benefit from more training and capacity development programs.
Partner's Main Weakness	Sometimes due to political reasons, Members' professional knowledge are at odds with the government's policy or actions and they remain silent.
Challenges the Partner Faces	The Commission members do not have as much power as their counterpart Commission Members do in the Lower House have. This is one of the contributing reasons why historically, the Upper House as not been as strong in their oversight actions on the government. However, according to the Afghan Constitution; Members of the Upper House have the right to question Government Officials. They Senators in this Commission should exercise this right more frequently vis-a-vis the Commission areas of responsibility.
Partner Expectations from APAP	Commission Members have come to expect fairly regular local trainings given by the APAP budget team. To an extent, the Members also expect international exposures and trainings abroad which has been difficult for APAP to provide.
Recommendations for USAID about working with this partner in the future	Ministry of Finance is moving away from traditional budgeting towards program budgeting in the near future. Since USAID is giving support to line ministries on program budgeting, APAP recommends that USAID should also include Parliament in their efforts to support on program budgeting so that the Members are familiar with this new approach. This will make the national budget discussions more smooth as members and line ministries will discussing the same budgeting format and questions will be more focused on allocations and not on explaining the new budget format and calculations.

Partner Evaluation	
Partner Name:	<b>The Commission on Religious Affairs, Education and Higher Education (MJ)</b>
Brief Description of Partner:	Assess and oversight uniform program and curriculum in conformity with the principles of the best practices and requirements of the time for basic and higher education. Deliberate and discuss all bills sent to the commission; propose amendments regarding the bill and any budgetary issues. Oversee the preservation of cultural, historical, ancient heritages of the country and consider the affairs of religious minorities. Study and assess the status of Mosques, Takiyas, Mullahs and other related issues. Consider other issues related to the Education and Higher Education, Culture and Religious Affairs.
Main Areas in which APAP worked with Partner	1) Legislation : provided the commission with technical and advisory support in bill review and analysis; 2) Oversight: assisted the commission with advisory support in questioning government officials, provincial oversight visits and conducting public hearings, conducting trainings and workshops for capacitating Commission Members and staff.
Partner's Main Strengths	Questioning government officials and considering complaints brought to their attentions through the public, CSOs or other stakeholders
Opportunities for future work with Partner	A project can provide capacity building opportunities such as new staff development programs with trainings and workshops, assisting MPs in conducting public hearings on legislation and oversight issues, assisting MPs in conducting their oversight function through providing technical and financial support to their provincial oversight visits, enhancing the capacity of new MPs through conducting trainings and workshop based on expressed needs or through a comprehensive assessment.
Partner's Main Weakness	The main weakness of this Commission was noticed commonly in legislative drafting and the analysis and deliberation of the national budget law. The Commission also continues to lack a sustained engagement with CSOs
Challenges the Partner Faces	Lack of a budget or adequate funds for provincial oversight visits or conducting public hearings regarding legislative and/or oversight issues.
Partner Expectations from APAP	Partner expects APAP to provide technical and financial support on conducting public hearings in legislative and oversight issues as well as continued financial support of provincial oversight visits.
Recommendations for USAID about working with this partner in the future	The Parliament of Afghanistan needs long term support in order to enable to institutionalize the democratic values, strengthen the principles of good governance and rule of law. Development starting from such difficult conditions is bound to be slow, gradual and uneven, therefore the USAID should keep its support to the Afghan Parliament in order to build its capacity and develop the legislation and oversight functions.

Partner Evaluation	
Partner Name:	<b>International Affairs Commission (MI)</b>
Brief Description of Partner:	<p>The International Affairs Commission is one of the most productive commission within the Meshrano Jirga (Upper House ) it has 11 members of which 3 are female and has 3 commission assistants assigned to it. The Commission has the following duties and responsibilities:</p> <ol style="list-style-type: none"> <li>a. To study the policies and duties of the Ministry of Foreign Affairs to ensure that they are in accordance to the Constitution and based on the preservation of positive neutrality.</li> <li>b. To study the relations of Afghanistan with other countries, international organizations, treaties and agreements with other foreign countries and organizations.</li> <li>c. To study foreign investments, loans and other aid from foreign states and organizations in terms of compatibility with the national and economic interests of the country.</li> <li>d. To assess the ratification of international treaties or abolishing the accession of Afghanistan to these treaties pursuant to paragraph 5 of the Article of the Constitution.</li> <li>e. To evaluate and asses the proceedings of the affairs in the diplomatic representatives in amicable countries.</li> <li>f. To assess and oversee foreign policies and doctrines of the Islamic Republic of Afghanistan</li> </ol>
Main Areas in which APAP worked with Partner	1: Legislation. 2: Oversight. (included: Advisory, Research, briefing papers, bills summary, facilitated and supported Public Hearing, Media Skills Training , Facilitated and supported Oversight and field visits).
Partner's Main Strengths	Deliberating and discussing proposed legislation.
Opportunities for future work with Partner	1: To assist and strength the oversight capacity of the Commission Members in regards to foreign policies of the Islamic Republic of Afghanistan. 2: to enhance the Commission Members' capacity in the field of International diplomacy. 3: work with the Commission Members to engage with CSOs so that they might contribute to the legislative procedures in the Commission.
Partner's Main Weakness	Lack of proper work plan, weak management, lack of knowledge of the international practices and legal issues, weak communication with the Executive (i.e. the Ministry of Foreign Affairs).
Challenges the Partner Faces	Management and lack of Parliamentary knowledge
Partner Expectations from APAP	1: Supporting Study visits to other parliaments, 2: Training on how to deliberate and process International Legislative documents. 3: Training on International Negotiation and Diplomacy. 4: Supporting of committee forums. 5: Supporting Public Hearings. 6: Supporting Commission Oversight Visits.

Recommendations for USAID about working with this partner in the future	In the current era of global interdependence, collaborative efforts are needed to meet the most pressing challenges in international politics, security and economics, concerning these challenges. Afghanistan receives much world attention and in regards to international documents, treaties, agreements, etc. that Afghanistan's government proposes to enter into, the Commission will be a pivotal partner in deliberating and recommending to the Meshrano Jirga whether such documents should be agreed to. Continued support to this commission will be critical.
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Partner Evaluation	
Partner Name:	<b>Commission on Internal Security and Defense Affairs of MJ</b>
Brief Description of Partner:	The Committee on Internal Security and Defense Affairs (MJ), based on its official mandates as agreed by the respective house, engages in the following activities : 1) Scrutinize the submission bills for improvement of the affairs of the Ministry of Defense, Ministry of Interior Affairs, National Directorate of Security, National Security Council and Independent Directorate of Local Governance. 2) Review and analyze of the general security situation 3) Oversight of social immorality, narcotics and intoxicants. 4) Scrutinize and review the financial expenditures of the Ministry of Defense, Ministry of Interior Affairs, National Directorate of Security, National Security Council. 5) Study and review the issues related to border protection based on the mutual agreements with neighboring countries. 6) Study and review of administrative units, establishment of new administrative units its amendment or abrogation. 7) Scrutinize the Central Statistic Office and distribution of the National IDs for Afghan Citizens. 8) Oversight of the Affairs of Ministry of Defense. 9) Scrutinize the legislative proposals related to the security issues and the Afghan security sector
Main Areas in which APAP worked with Partner	APAP has worked with the Commission in supporting their work planning efforts, providing daily advisory support to the Commission on procedural issues, provide advisory support on legislation and oversight activities of the committee, and capacity development trainings and workshops.
Partner's Main Strengths	The Commission has been gradually improving on their oversight functions and mandate

Opportunities for future work with Partner	The Commission needs to improve on systematically conducting its legislative functions and in improving coordination with their counterpart commissions in the WJ particularly in terms of legislation, identifying the Commission priorities and preparing and implementing the work plan and oversight plan, improving the Commission's working relationship with concerned executive ministries and agencies, and to help the Commission on general procedural issues.
Partner's Main Weakness	The Commission needs to improve its capacity on legislation and building relations with CSOs.
Challenges the Partner Faces	Poor management, lack of the members commitment to regularly attend the Commission meetings
Partner Expectations from APAP	To provide the Commission with overseas study visits, facilitating the Commission's public hearings, and supporting the Commission's field oversight visit
Recommendations for USAID about working with this partner in the future	Continued provision of technical and advisory support to the Commission and its professional staff are promising areas of future collaboration. The Commission has been quite receptive to APAP embedded staffers and see this method of capacity development. The commission would also like more study tours.

Partner Evaluation	
Partner Name:	Women Affairs, Civil Society and Human Rights Commission (WJ)
Brief Description of Partner:	Women Affairs, Civil Society and Human Rights Commission WJ in accordance to their mandate is responsible for monitoring women issues across the country, as well as overseeing government programs aimed at women, civil society and human rights. In addition, the Commission works in close coordination with the Ministry of Women Affairs and monitors their work.
Main Areas in which APAP worked with Partner	APAP has primarily provided capacity building programs through training women MPs to improve their capacity to perform lawmaking, oversight, and representation functions. APAP staff works with the Commission to conduct research and analysis of pending legislation, to prepare legislative briefing materials (e.g., bill summaries and background papers) for Members, and to support Commission Assistants in providing an efficient and effective service to the commission. APAP has also supported commission members to assess the impact of legislation on gender and ensured gender consideration on all commission activities. Lastly, APAP has assisted the commission in planning its activities and in the conduct of commission meetings, public hearings, outreach programs.
Partner's Main Strengths	The Commission adheres to their work plan and areas it has identified as key focus or key issues.
Opportunities for future work with Partner	There are number of issues in which APAP's support is needed for instance keeping the linkage between Commission and the CSOs, capacity building programs for members of the commission in field of Legislative drafting, oversight and more. further more the commission assistants need more mentoring sessions in terms of report writing and office management as well as work plan development for the commission.
Partner's Main Weakness	Irregular attendance of Commission members most of the times, lack of coordination between commission assistants and the Commission Members (often), and failure of commission assistants in keeping organized records of commission sessions and important documents
Challenges the Partner Faces	Apart from the challenges that the Commission faces internally due to irregular attendance of members and limited participation of members during the discussions, the commission is facing interference from other MPs (i.e. non commission members) to break up the Commission and convince the members to join other Commissions. One reason for this is the somewhat controversial nature of the Commission Chair. These outside MPs are also creating obstacles ahead of commission in various matters one of which is the approval of the ERAW law now pending for two years. It is because they say it is "Kofi's law" so it should not be approved.
Partner Expectations from APAP	The WJ Women Affairs Commission has always requested APAP to conduct trainings, workshops and capacity building programs for both members and its admin staffers to which the project has responded to as able. The Commission has always insisted on keeping up the linkages between the Commission and the civil society organizations to build up a strong coordination and cooperation. The Commission also expects APAP's support in terms of updating their E news letter into two languages (Dari and English) apart from this they usually ask to conduct a research on a specific issue or topic. APAP is also being asked for bringing in University professors for expert testimony/knowledge on deliberation of laws and other important documents.
Recommendations for USAID about working with this partner in the future	In the future the project needs to work on the following areas with the Women Affairs Commission: 1. Conduct trainings and workshops for the members in terms of legislative drafting, legislative analysis, budget execution oversight and representation 2. Mentor commission assistants on office management, filing system, comprehensive minute taking and report writing as well as work plan development for the Commission including bill summaries

Partner Evaluation	
Partner Name:	<b>Legislative Affairs Commission of the WJ</b>
Brief Description of Partner:	The Commission on Legislative Affairs is one of the 18 standing commissions of WJ and its mandate is to engage in the conduct of the following activities: 1) To review and study the structure and activities of the Supreme Court, Attorney General's Office and the Ministry of Justice 2) Review and analyze legislation which fall under the jurisdiction of the Commission. 3) To oversee governmental agencies and look for evidence of corruption (and then take action if found). 4) To study and visit the detention centers, prisoners and rehabilitation centers. 5) To study and review the reports and proceedings of the Human Rights commission, Election Commission, Administrative Reform Commission and Anti-Corruption Commission
Main Areas in which APAP worked with Partner	APAP assisted the commission with the preparation of their work plan, providing daily advisory support on commission procedural issues, provide advisory on legislation, prepared briefing papers, bill summaries and conducted research on legislation, assisted the Commission in the conduct of oversight activities. APAP also conducted Capacity development trainings and workshops to the Commission assistants and helped commission staff in preparation of agenda, commission reports, etc.
Partner's Main Strengths	Improved reviewed of legislations, and CSOs involvement.
Opportunities for future work with Partner	The Commission still needs improvement on systematically conducting its oversight functions, improving coordination with the counterpart committees in MJ particularly in terms of revising legislation, identifying the commission priorities and preparing and implementing the commission work plan and oversight plan. The Commission also needs to develop ties with CSOs.
Partner's Main Weakness	Lack of quorum in most of its sessions, and the Commission needs to improve its oversight capacity.
Challenges the Partner Faces	Poor management, lack of the Members' commitment to regularly attend the commission meetings and an insufficient budget to conduct public events.
Partner Expectations from APAP	Facilitating the commission public hearings, providing day to day support to the Commission supporting the field oversight missions including provincial oversight visits, and to provide the Commission with study visits to foreign countries.
Recommendations for USAID about working with this partner in the future	The Commission would benefit from continued technical and programmatic support.

Partner Evaluation	
Partner Name:	<b>Secretariat of the Meshrano Jirga</b>
Brief Description of Partner:	The Meshrano Jirga has a secretariat, which is responsible for providing professional and administrative support to senators, so that they may fulfill their roles as legislators: legislate, oversight, and represent. The secretariat contains two deputy secretary generals, an admin and finance unit, a policy unit and seven directorates. The ICT and security directorates work jointly for both houses of Parliament.
Main Areas in which APAP worked with Partner	Afghanistan Parliamentary Assistance Project at the initial stage worked with parliament in equipping their offices with the necessary requirement (such as furniture and computers) and helped in the equipping of the library of the parliament. In addition, in the early years, support was given (through trainings and capacity development programs) in the core functions of the parliament/secretariat. In general APAP has supported the secretariat with administrative/logistical support, capacity building programs, technical advices, and working on special request made from the secretary general from time to time.
Partner's Main Strengths	<ul style="list-style-type: none"> <li>(1) The secretariat of MJ has experienced directors</li> <li>(2) Huge Participation of directors as well staff members in the courses, workshops, seminars, and various events</li> <li>(3) Dedication and commitment to their duties</li> </ul>
Opportunities for future work with Partner	<ul style="list-style-type: none"> <li>(1) Donor Organizations working with parliament</li> <li>(2) Membership of the ASGP and other international unions are great opportunities for the secretariat to build their capacities by learning from the experiences of the world parliaments, as well as seek other technical support</li> <li>(3) Allocation of enough operating and development budget for the secretariat and NA in general</li> </ul>
Partner's Main Weakness	<ul style="list-style-type: none"> <li>(1) Secretariat of MJ is not well organized</li> <li>(2) MJ secretariat has the procrastination problems</li> <li>(3) The directors of secretariat of MJ don't have the proper support, from the secretary general and senators are always yelling at them</li> <li>(4) Recruitment of the staff members based on the nepotism, linguistic and tribal issues, rather than open competition</li> <li>(5) Corruption inside the secretariat</li> <li>(6) Detouring often from their strategic plan</li> </ul>

Challenges the Partner Faces	<p>(1) Secretariat of the MJ has faced budget deficit problems every year, just because of the personal favors from the senators like asking budget for their personal trips and the admin board of the house particularly speaker signed that</p> <p>(2) Interference of MPs in the internal affairs of the secretariat</p> <p>(3) Interference of the admin board members in the affairs of secretariat and not supporting the secretariat</p> <p>(4) Losing the technical staff of the secretariat due to low salary, while the super scale and other privileges are given to incompetent individuals</p>
Partner Expectations from APAP	The secretariat of the house expects APAP to organize study tours and purchase their office equipment
Recommendations for USAID about working with this partner in the future	<p>The future project needs to work on the following areas with the Secretariats of both houses:</p> <ol style="list-style-type: none"> <li>1. Conduct trainings and workshops for the staff and members, especially the newly hired staff based on the coordination of the secretariats.</li> <li>2. Work with the secretariats to reach to the local experts and intellectuals to seek their possible support towards the API as well as build linkages with local universities and educational institutions.</li> </ol>

Partner Evaluation	
Partner Name:	<b>Secretariat of the Wolesi Jirga</b>
Brief Description of Partner:	The Wolesi Jirga has a secretariat, which is responsible for providing professional and administrative support to senators, so that they may fulfill their roles as legislators: legislate, oversight, and represent. The secretariat contains two deputy secretary generals, an admin and finance unit, a policy unit and nine directorates. The ICT and security directorates work jointly for both houses of Parliament.
Main Areas in which APAP worked with Partner	Afghanistan Parliamentary Assistance Project at the initial stage worked with parliament in equipping their offices with the necessary requirement (such as furniture and computers) and helped in the equipping of the library of the parliament. In addition, in the early years, support was given (through trainings and capacity development programs) in the core functions of the parliament/secretariat. In general APAP has supported the secretariat with administrative/logistical support, capacity building programs, technical advices, and working on special request made from the secretary general from time to time.
Partner's Main Strengths	<ul style="list-style-type: none"> <li>(1) Having rules and regulations for achieving their daily tasks and meeting long terms objectives</li> <li>(2) Having an institutionalized secretariat with experienced staff members, that can easily provide necessary support to the MPs.</li> <li>(3) Gaining experiences from the support of APAP, and other donors as well as the international study tours deemed a strength point for a new parliament</li> </ul>
Opportunities for future work with Partner	<ul style="list-style-type: none"> <li>(1) Donor Organizations working with parliament</li> <li>(2) Membership of the ASGP and other international union are great opportunities for the secretariat to build their capacities, by learning from the experiences of the world parliaments, as well seek other technical support</li> <li>(3) Allocation of enough operating and development budget for the secretariat and NA in general</li> </ul>
Partner's Main Weakness	<ul style="list-style-type: none"> <li>(1) Recruitment of staff members based on the nepotism, linguistic and tribal issues, rather than open competition</li> <li>(2) Corruption inside the secretariat</li> <li>(3) Often deviate from their strategic plan rather than following what was planned and agreed to</li> </ul>
Challenges the Partner Faces	<ul style="list-style-type: none"> <li>(1) Interference by MPs in the internal affairs of the secretariat</li> <li>(2) Interference on the part of the Admin Board Members in the affairs of secretariat and not supporting the secretariat</li> <li>(3) Losing the technical staff of the secretariat due to low salary, while the super scale and other privileges are given to incompetent individuals</li> </ul>

Partner Expectations from APAP	The secretariat of the house expects APAP to provide them with <b>more long term sustainable capacity</b> building program, study tours and is still expecting APAP to arrange their trips and purchase their office equipment
Recommendations for USAID about working with this partner in the future	<p>The future project needs to work on the following areas with the Secretariats of both houses:</p> <ol style="list-style-type: none"> <li>1. Conduct trainings and workshops for the staff and members, especially the newly hired staff based on the coordination of the secretariats.</li> <li>2. work with the secretariats to reach to the local experts and intellectuals to seek their possible support towards the API as well as build linkages with local universities and</li> </ol>

Partner Evaluation	
Partner Name:	<b>Afghanistan Women Educational Center (AWEC), Afghanistan Women Network (AWN), Afghanistan Civil Society Forum(ACSF), Civil Society Development Center(CSDC) and Afghanistan Human Rights Organization (AHRO)</b>
Brief Description of Partner:	The CSOs mentioned above are all umbrella organizations active in nearly all the provinces of Afghanistan. APAP worked with these organizations in order to create the CSO- NA interface.
Main Areas in which APAP worked with Partner	APAP has been working with the above mentioned umbrella organizations since 2010. They were all part of all the training programs, conferences, workshops and public hearings that APAP or Parliament has conducted as well as they are part of the Civil Society Organizations under the Memorandum of Understanding between the Parliament and the Civil Society.
Partner's Main Strengths	These organizations are among the most active CSOs working in the areas of woman's empowerment, Human rights, Health, Civil Society development and support, advocacy and education sector. They are the front runners in lobbying for the law on Elimination of Violence against Women, Family Law and the Law on Social Organizations and Law on Extradition of prisoners.
Opportunities for future work with Partner	As the mentioned CSOs are part of the organizations that has signed the MoU with the Parliament, yet there is still a lot of work to be done to advance the CSO- NA interface keeping in view the problems that the CSOs faces while entering to the Parliament, therefore there is still a need for USAID's support to act as a facilitator between the Parliament and the CSOs.
Partner's Main Weakness	Lack of strong support within the Parliament can be named as a main weakness of the mentioned organizations in terms of its interface with the Parliament.
Challenges the Partner Faces	Entrance to the Parliament and access to MPs
Partner Expectations from APAP	The mentioned CSOs have always requested to provide them with the information on the developments in Parliament as well as the opportunities through which they would be able to share their inputs with the Parliament and they expect this support to be continued.
Recommendations for USAID about working with this partner in the future	APAP was able to pave the way for the CSO-NA interface and has helped them sign the MoU. Although, after all such developments in this regard, there is still a need to bring these two parties together by facilitating different gatherings between these two parties as well as providing an opportunity for the CSOs to participate in the public hearings and commission sessions through a mediator, as Secretariat officials are extremely busy and they have always looked at APAP to help facilitate all such programs.

Partner Evaluation	
Partner Name:	<b>National Legal Training Center (NLTC)</b>
Brief Description of Partner:	NLTC is working under the Kabul University to provide training to newly graduated Law students on Legal issues as well as training the attorneys and prosecutors.
Main Areas in which APAP worked with Partner	After a series of meetings between APAP and the NLTC, the project was able to seek the support of NLTC with API in order to have the expertise of their trainers and experts. Based on the direct request from the secretariats of WJ and MJ, APAP organized a 5 days training on Legal Drafting with an expert from the NLTC for the staff of both the houses respectively. The training was termed as highly fruitful and effective by the participants.
Partner's Main Strengths	NLTC has a wide range of experts and trainers that can really support the API to be one of the effective educational institutes for the MPs and staff and can raise their capacity in the related areas.
Opportunities for future work with Partner	In order to meet the expectations and necessities of the MPs and staff, there is a need to work with local educational institutes like NLTC to conduct trainings and workshops as well as build linkages with the mentioned institutions so that handover a strong and stable institute to the Parliament.
Partner's Main Weakness	
Challenges the Partner Faces	NLTC formerly known as Independent National Legal Training Center faces huge problems due to their limited budget after its merger within the Kabul University. They are in negotiation with the government to achieve their independent status again.
Partner Expectations from APAP	N/A
Recommendations for USAID about working with this partner in the future	There are enough areas where Parliament will need the support of the NLTC apart from the trainings and workshops. The Parliament can call on their experts to share their inputs and expertise regarding a specific bill or legal document.

## ANNEX THREE: List of all reports and Deliverables under Contract

Sn	Name	Date
1	1391 supplementary budget	Oct-12
2	The Basel Convention on the control of Tran boundary Movements of Hazardous wastes and their disposal	Oct-12
3	Seminar on "Shaping the Future of Afghanistan and Pakistan-Policy Recommendations"	Oct-12
4	A paper on Bilateral Relations between Pakistan and Afghanistan	Oct-12
5	Challenges in the Budget Process	Oct-12
6	Research on Afghanistan and Germany diplomatic relationship	Oct-12
7	Research on IHL and International Committee of the Red Cross	Nov-12
8	1390 Qatia	Nov-12
9	1392 budget	Nov-12
10	Ministry of education appropriate budget in 1392	Nov-12
11	Briefing on budgetary issue for ministries of agriculture, MRRD and public works.	Nov-12
12	Briefing on supplementary budget 1391	Nov-12
13	Research on strengthening and establishment of afghan women parliamentarian caucus	Nov-11
14	Law on Acting Ministers-Bill Summary	Dec-11
15	Bill summary on EAW law	Dec-11
16	Gender Analysis of the Government Budget Doc.	Dec-11
17	SAARC Food Bank Agreement- Summary	Jan-12
18	TAPI Agreement- Summary	Jan-12
19	Work plan and action plan development	Jan-12
20	Water Canal Agreement- Summary	Feb-12
21	Research on number of female Judges in Afghanistan	Feb-12
22	Needs assessment questionnaire for addressing needs of Female MPs	Mar-12
23	E newsletter for Women Affairs Commission of their Core activities	Apr-12
24	Research on latest critical violence against women incidents in Afghanistan,	May-12
25	Analysis of Afghanistan fundamental line to (foreign policy) women affairs commission	May-12
26	Bill Analyses on The Electoral Law	Jun-12
27	Gender needs assessment questionnaire for Female Parliament staffers	Jun-12
28	Law on Anti-hoarding- Bill summary	Jul-12
29	Law on Central Office of Audit and Control- bill summary	Jul-12
30	Bill Summary on The Electoral Law	Jul-12
31	Briefing on 1392 budget	Dec-12

<b>32</b>	Report on 1392 budget	Dec-12
<b>33</b>	Afghanistan National Petroleum and Gas Corporation	Dec-12
<b>34</b>	Provincial Breakdown	Dec-12
<b>35</b>	Question about the 1392 budget	Dec-12
<b>36</b>	1392 Budget report	Dec-12
<b>37</b>	Brief on the Nangahar violence which killed 11 girls	Dec-12
<b>38</b>	Speech for Participation at the 21st Asia Pacific Parliamentary Forum, (Vladivostok Russian Federation)	Jan-13
<b>39</b>	Comparative research paper on international practices for the membership/attendance of the speakers of the parliamentary houses in the National Security Councils	Jan-13
<b>40</b>	Research on India-Afghanistan relationship	Jan-13
<b>41</b>	Research on social and cultural relation between India and Afghanistan	Jan-13
<b>42</b>	Bill Summary Preparation Manual	Feb-13
<b>43</b>	Committee Procedure Manual	Feb-13
<b>44</b>	briefing paper on the President and Senior Government Official's Law	Mar-13
<b>45</b>	Parliamentary Oversight Manual	Mar-13
<b>46</b>	Presentation on commission mandate	17-Mar-12
<b>47</b>	Media Relations	03-Mar-12
<b>48</b>	1391 budget presentation	07-Mar-12
<b>49</b>	1391 budget presentation	11-Mar-12
<b>50</b>	1391 budget Presentation	07-Mar-12
<b>51</b>	1391 budget Presentation	01-Mar-12
<b>52</b>	1391 budget Presentation	11-Mar-12
<b>53</b>	1391 budget Presentation	11-Mar-12
<b>54</b>	1391 budget Presentation	12-Mar-12
<b>55</b>	Elimination of Violence Against Women	21-Apr-12
<b>56</b>	Afghanistan Millennium Development Goals	22-Apr-12
<b>57</b>	Presentation on Anti-Hoarding Law	15-May-12
<b>58</b>	Oversight of education sector	21-May-12
<b>59</b>	1390 Qatia	7-Nov-12
<b>60</b>	1390 Qatia	11-Nov-12
<b>61</b>	1392 Draft National Budget	14-Nov-12
<b>62</b>	1392 Draft National Budget	14-Nov-12
<b>63</b>	1392 Draft National Budget	14-Nov-12
<b>64</b>	Presentation on 1392 Budget	3-Dec-12
<b>65</b>	Presentation on 1392 Budget	11-Dec-12
<b>66</b>	Presentation on 1392 Budget	5-Dec-12
<b>67</b>	1392 Budget Presentation	18-Dec-12



# **ANNEX FOUR: USAID EVALUATION (December 20, 2011)**

## **Afghanistan Parliamentary Assistance Program (APAP) Assessment Report**

### **Internal USAID Review of APAP**

**December 20, 2011**

#### **Section 1. Introduction to APAP**

The Afghanistan Parliamentary Assistance Program (APAP) is a long-term legislative strengthening effort funded by USAID/Afghanistan intended to assist the development of the Afghanistan Parliament as a strong, effective, and independent parliamentary institution. The project is being implemented through a task order under the Deliberative Bodies IQC by the Center for International Development of the State University of New York (SUNY/CID). This task order (DFD-I-801-04-00128) became effective on September 29, 2004, in the initial amount of \$7,872,106, and had a three year timeframe. APAP commenced operations in October 2004, more than 14 months before the initial convening of the Afghanistan Parliament in December 2005. Since then, the project has been extended and expanded on a number of occasions and total funding has reached over \$30 million.

##### **A. Purpose of Report**

The purpose of this assessment is to provide information and analysis to USAID/Afghanistan about the current level and capacity of the Afghan Parliament to perform its duties and functions and the contributions of APAP to date in helping to develop those capacities. Specifically, this report focuses on (1) assessing the NA's institutional capacity to legislate, act as a counter-veiling branch within the constitutional structure, and operate and function as an institution; (2) assessing the achievements of APAP in improving the effectiveness, functioning, and operations of the NA; and (3) providing recommendations for potential future legislative strengthening assistance in Afghanistan.

The assessment was conducted by a three-person team consisting of Keith Schulz, Legislative Strengthening Advisor, USAID/Washington; Ted Lawrence, Senior Parliamentary and Rule of Law Advisor, USAID/Afghanistan; and Paul King, Chief of Party of the SUPPORT project, which provides monitoring and evaluation services to USAID/Afghanistan. Prior to his position with the SUPPORT project, Mr. King was Chief of Party of APAP from March 2006 to July 2008.

The field work for the assessment was conducted between July 6 and July 20, 2011 and involved interviews with current and former members and staff of the Afghan Parliament including the Secretary Generals of both houses, APAP directors and staff, representatives of civil society organizations and media groups, analysts and academics from think tanks and Kabul University, and U.S. Embassy and USAID staff. The assessment team reviewed a number of APAP reports,

documents prepared by the parliament and other donors, and reports and news articles by academics and journalists about the Afghan parliament.

The information, findings and recommendations contained in this report are those of the assessment team and do not necessarily reflect the official views or opinions of USAID/Afghanistan.

## **B. Summary History of APAP**

The original goal of the APAP was to strengthen the Afghan government's capacity to establish and develop a new parliament that would operate as a strong, independent and effective legislative, representative, and oversight body. One of APAP's first activities was a field assessment conducted by SUNY/CID between November 17 and December 12, 2004, and completed in January 2005, which provided the analytical foundation for the design of the project. The initial APAP work plan identified the following areas of focus for the project:

- (1) Developing specific institutional capacities in the parliament;
- (2) Improving the capacity of members and committees, and
- (3) Improving linkages between parliament and the society.

In 2007, the first extension of the task order was signed which extended the project from October 1, 2007 to September 30, 2009 (Task Order Modification # 7). In addition, the total ceiling of the task order was raised from \$7,684,064 to \$15,556,170. Under this extension, the primary tasks of APAP were to:

- Launch the Afghanistan Parliamentary Institute to provide training and capacity building for parliamentarians and staff.
- Train parliamentary staff to analyze legislation and draft amendments.
- Establish a joint parliamentary budget office.
- Support parliamentary committees and 'issue-oriented' caucuses.
- Provide technical assistance to parliament.
- Increase parliament's public outreach.
- Assist parliamentary leaders to draft and implement a medium-term institutional development plan.
- Assist the National Assembly Secretariats to support leaders, committees, and individual MPs.
- Provide exposure for leaders and key staff to democratic legislative bodies outside Afghanistan.
- Monitoring and evaluating APAP impact.

Modification # 11 extended the task order from September 30, 2009 to October 31, 2009. A further extension of the task order was granted from October 31, 2009 to December 31, 2009 (Task Order Modification # 12), which also added \$3 million to the task order raising the total ceiling from \$15,556,170 to \$18,556,170. In this extension, the following four objectives were identified in the scope of work:

1. Improve Parliament's Capacity to Plan and Implement Institutional Development Policies.
2. Improve Parliament Capacity to Represent
3. Improve Parliament's Oversight Responsibilities
4. Improve Parliament's Capacity to Legislate

Task Order Modification # 13 extended the completion date of the task order from December 31, 2009 to October 31, 2010 and added \$10,997,700 to raise the ceiling from \$18,556,170 to \$29,553,870. Task Order Modification # 14 extended the task order completion date from November 1, 2010 to December 31, 2010. Task Order Modifications # 16 and # 19 respectively extended the task order completion dates from January 1, 2011 to March 1, 2011, and from March 1, 2011 to March 31, 2011. The final extension of the IQC task order (Task Order Modification # 20) extended the completion date to April 30, 2011.

Parallel to the ending of the IQC task order, a cooperative agreement was signed by USAID and SUNY/CID to continue funding to APAP (USAID/Afghanistan Cooperative Agreement No. 306-A-00-11-00518-00). The original dates of the cooperative agreement were from March 25, 2011 to September 30, 2011, with funding in the amount of \$2,490,000. The cooperative agreement was subsequently extended to June 30, 2012 and an additional \$2,490,000 allocated to the project. The four overall objectives of this cooperative agreement mirror the same four objectives set forth in the scope of work for Task Order Modification # 12.

## **Section 2. The Parliament of Afghanistan**

### **A. Brief History**

The Afghan experience with parliamentary democracy has been short-lived and tumultuous. The structure of the current Afghan parliament has its roots in the 1964 Constitution which provided for the separation of powers and the creation of a parliament with two chambers. During a brief period in the late 1960's and early 1970's, a multi-party parliamentary body took root under King Zahir Shah. With the King's dethronement in a palace coup, the National Assembly was marginalized and later disbanded under Soviet communist influence. For thirty years, a national parliamentary body was completely absent from the Afghan political landscape. The lack of a strong national legislature allowed semi-authoritarian governments and later regimes to rule unimpeded.

With the fall of the Taliban regime in December 2001, the interim government led by President Hamid Karzai, organized a Loya Jirga that drafted a new constitution. This document provided for a bicameral independent parliamentary body comprised of the Wolesi Jirga (lower house) and the Meshrano Jirga (upper house). Under this constitution, two-thirds of the members of the Meshrano Jirga are selected by the members of the provincial and district councils, and the other

third are appointed by the president.<sup>28</sup> All members of the Wolesi Jirga are elected directly by the people. The parliamentary elections in September 2005 brought forth a diverse group of first-time parliamentarians that were officially sworn-in as the Afghan National Assembly (NA) on December 19, 2005.

The Afghan Parliament's mandate and authority derive from the constitution which defines the parliament as the "highest legislative organ" in the government and the "manifestation of the will of the Afghanistan people." The parliament is entitled to question members of the government, confirm or reject ministers, endorse the national budget, legislate anew and amend draft laws, and confirm or reject the ratification of international treaties.<sup>29</sup>

## **B. Starting Point**

The constitutional Loya Jirga began the consultation process to lay out the constitutional, legal and political framework for the establishment of a Parliament. Following this framework, a secretariat was established in 2004 to undertake the work of planning and creating the new parliament. Presidential elections were held in September 2004, and with the December 2004 inauguration of Hamid Karzai as President and his announcement of a new Council of Ministers in early January 2005, the executive branch of the Afghanistan government was formally constituted a year ahead of the legislative branch. During the time period between late 2004 and 2005, APAP and the UNDP SEAL program worked closely with the new secretariat to lay the management and administrative foundation of the new parliament as well as to organize and implement an extensive training program for the approximately 150 new staff of the parliament. In December 2005, the first Parliament was inaugurated and APAP organized and hosted the initial MP orientation program in which over 90% of the elected MPs attended. This orientation program marked an important milestone in the institutional development of the National Assembly and assisted MPs in understanding the important role they play in national governance.

## **C. Institutional Development**

Since its inception in 2004, the Secretariats of the Parliament have presided over the establishment and development of a completely new parliamentary body where none existed previously. Even the parliament building itself, and surrounding facilities, were in complete ruin having suffered severe damage during the Afghan civil war. The process of creating an entirely new parliamentary body, building new facilities, designing institutional structures and administrative organizations, establishing legislative support services, hiring and training staff, and the myriad of other tasks required to stand up a new legislature would be difficult under normal conditions. In a conflict afflicted, resource scarce environment, with very few people with prior legislative experience or knowledge, it is a doubly difficult task.

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<sup>28</sup> Because elections for district councils have never taken place, the one-third of the membership of the Meshrano Jirga that is supposed to be selected by the district councils have instead been appointed by the President.

<sup>29</sup> The Constitution of the Islamic Republic of Afghanistan, Chapter 7.

Today, some 6 years since its inaugural session, the parliament has a total of 351 members, hundreds of employees, two plenary chambers, committee rooms, offices for professional and administrative staff, personal offices for MPs, one personal assistant for each MP, a motor pool, cafeteria, a parliamentary training institute, and other facilities. The Secretariats of the two houses include departments or offices for, among others, administration, research, legal services, library, committee staff, human resources, press and public relations, interpretation, and international relations. The legislative support services available to MPs include basic research and analysis, legal drafting, technical and administrative support for committees, and assistance in interacting with the media. The products generally available to MPs include, among others, bill summaries of draft laws, Hansard transcripts of plenary sessions, budget analyses, and committee reports.

These achievements cannot be understated. USAID's experience in other countries with new or recently rejuvenated parliamentary institutions indicates that the process of developing legislative structures, systems, processes, and procedures can take years and even longer for them to operate effectively and efficiently. For example, the National Assembly of Cambodia has been in existence since 1993 but it does not enjoy the same degree of legislative independence and functioning nor the same level and quality of legislative support services as does the Afghanistan parliament.

#### **D. Political Development**

Although the institutional development of the Afghan Parliament proceeded in impressive fashion during its first five year term, the political development of the parliament lagged behind. During its first three year, the parliament enacted few laws, conducted superficial reviews of the national budget, and held no formal public hearings.

However, beginning in 2008 and continuing to the present, the parliament has increasingly exercised its legislative and oversight functions. The number of laws enacted during the first term of the parliament which ended in September 2010, exceeded 56, with four of those being initiated by MPs. In the last two years, committees of the parliament have held at least seven public hearings on a variety of different laws and policy issues. Parliamentary oversight of the executive, especially in the area of the budget, has increased tremendously since 2008. In 2011, twelve committees in the Wolesi Jirga conducted internal reviews of the budget, up from two in 2008 and seven in 2010. The number of amendments to the budget as a result of parliamentary action reached eighteen in 2010; in 2008 the number was just three.<sup>30</sup>

This increase in parliamentary activity, both in terms of enacting legislation and conducting oversight, was recognized by the citizenry. The Asia Foundation's 2010 Survey of the Afghan People, conducted in June and July of 2010, found that 59% of those surveyed expressed confidence in the parliament. This was a larger percentage of public confidence than for the public administration (57%), government ministries (54%), or the government justice system (48%).

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<sup>30</sup> See *Afghanistan Parliamentary Assistance Project: Final Technical Report*, pg. 23.

In the 2010 survey, nearly two thirds (64%) of respondents said they were “very satisfied” or “somewhat satisfied” with their particular MP while 33% of respondents indicated that they were not satisfied with their MP. The 2010 survey results marked a slight increase in citizen satisfaction with their MP over the results of the Asia Foundation’s 2008 survey in which a smaller proportion of respondents (56%) agreed with the statement: “My MP is addressing the major problems of my constituency in the Parliament”. A larger proportion of respondents (40%) in the 2008 survey (as opposed to 33% in the 2010 survey) did not think that their MP was addressing the major problems of the respondent’s constituency.

Similarly, in the 2010 survey, 67% of respondents said that parliament was “very useful” or “somewhat useful.” In the 2008 survey, a slightly less number of respondents (65%) agreed with the statement: “The Parliament is addressing the major problems of people in our country.”

Although these slight increases in public perceptions toward the parliament and individual MPs from the 2008 to 2010 surveys should not be overstated, they do indicate an overall positive trajectory for the parliament over the last few years of its first term – a good achievement considering the difficult circumstances and conditions existing in Afghanistan during that time period.

The assessment team heard a number of different explanations for the increase in legislative and oversight activities during the latter part of the first term of the parliament.

An obvious reason is the learning curve required by new and inexperienced parliamentarians participating in an entirely new institution and system of government. It took several years for parliamentarians to learn and understand their roles and functions as MPs and to become sufficiently comfortable to perform those roles and functions. A number of MPs and outside observers credit some of this increase in knowledge and understanding to activities implemented by the APAP and SEAL programs. Increasing public concerns about the performance and corruption of the government prompted MPs to begin much more rigorous questioning of government officials and representatives. The 2010 parliamentary elections also helped increase parliamentary activities as MPs maneuvered for press and attention in the lead up to the elections.

## **E. Current Situation**

Despite many of the impressive achievements of the first term of the Afghan parliament, the next phase of political and institutional development of the Afghan parliament, and of Afghanistan’s democratic development as a whole, will be fraught with challenges and constraints.

The final results of the 2010 parliamentary elections have been determined and the evidence points to the current parliament being populated by younger, better educated MPs, but less independent and possibly less representative of the Afghan population as a whole. Written reports from, and interviews with, a range of individuals both within and outside the parliament, indicate that a number of the new MPs have financial interests and ties to political, business, and

jihadist organizations and powerbrokers.<sup>31</sup> The question is whether this make-up of the new parliament will make MPs less responsive to constituent concerns, less interested in policy-making that benefits the general health and welfare, and less proactive in monitoring and overseeing the actions and performance of the government.

The 2010 elections, the widespread allegations of voter fraud, the political maneuverings around the selection of the WJ speaker, and the political controversy over the results of the 2010 elections, have undermined the credibility and legitimacy of the current parliament. An opinion poll of Afghan citizens conducted by the International Republic Institute in April of 2011 indicated that over 60% of those surveyed held low opinions of the parliament. This is a significant decrease in public's perception of the parliament from the survey conducted by the Asia Foundation prior to the 2010 parliamentary elections.

### **Section 3. Assessment of APAP**

#### **A. Description of the Project**

APAP is one of the largest USAID funded legislative strengthening projects in the world. It currently employs over 60 staff of which approximately 40 are technical staff, 10 are administrative and interpretation staff, and the others are support staff. The technical staff is divided into four teams or units corresponding to the four overall objectives of the project:

- **Institutional Development Unit**
- **Outreach Strategies Team**
- **Budget Support Team**
- **Legislative Support Unit**

Each unit is headed by an experienced expatriate team leader. The Institutional Development Unit (IDU) is mainly responsible for implementing Objective 1: *Improve Parliament's Capacity to Plan and Implement Institutional Development Policies*. In its earliest years, APAP helped facilitate a series of institutional development planning processes within the parliament including the organization of strategic planning and implementation workshops in Delhi and Istanbul with leadership and staffs of both houses. APAP provided extensive technical assistance and training to staff of the secretariats of both houses on a range of subjects and topics including legislative administration and management, internal budgeting and financial management, human resources, procurement, writing and reporting, information technologies, computer skills, language courses, and library services, among others. APAP also provided significant training and educational opportunities for MPs, starting with the MP Orientation Program in 2005 (and again in 2011), as well as seminars, roundtables and workshops on a variety of issues and topics of interest to MPs. Many of these programs focused on the work and role of legislative committees.

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<sup>31</sup> Noah Coburn, "Political Economy of the Wolesi Jirga: Sources of Finance and their Impact on Representation in Afghanistan's Parliament," Afghanistan Research and Evaluation Unit, May 2011.

The most ambitious activity undertaken by APAP under this objective has been its support for the formation and development of the Afghanistan Parliamentary Institute (API). The API is a permanent institution within the parliament that provides training and educational opportunities for MPs and staff. APAP has provided much of the technical expertise on the design, structure and operation of the API and helped to facilitate funding from other donors to pay for building renovations and training materials. In 2011, the API was officially designated an Afghan educational institution by the Ministry of Higher Education. Since 2007, APAP has also been supporting the parliament's Fellowship Program which recruits university students to work as interns within the parliament.

The Outreach Strategies Team (OST) is largely responsible for Objective 2: *Improve Parliament's Capacity to Represent*. Under this objective, APAP has focused mainly on improving the parliament's information dissemination and outreach capacities. Technical assistance and training was provided to staff of the parliament's information and public relations departments on topics such as media skills, writing press releases, computer and photography training. Assistance was also provided for the development of a parliamentary communications strategy as well as various publications such as a constituent relations manual and public hearings guidelines. The OST assisted the parliament in the development of media broadcasts designed to inform the public about the role and work of the parliament. For example, APAP helped the parliament produce a series of ten television programs with corresponding radio programs entitled "Face the Nation." APAP also helped produce radio roundtables in three provinces featuring MPs, community leaders, civil society representatives, and members of the public discussing issues of national and local interest. Another radio program supported by APAP was a "Meet Your Representative" weekly program in which MPs were interviewed on a range of issues and topics of interest to their constituents.

Since 2008, the OST has also produced weekly newsletters in English on the day to day work and activities of the parliament including progress on draft legislation.

APAP support for Objective 3: *Improve Parliament's Capacity to Oversee*, has largely been focused on improving the parliament's capacity to review, engage on, and oversee the national budget. APAP's Budget Support Team (BST) consists of approximately 10 professional staff, all of whom have extensive education and professional experience in specialties such as economics, budget and finance, and public financial management. Many of these individuals have previous experience working within the Ministry of Finance. The BST provides a range of technical assistance, advice, training, seminars, and publications on the national budget and draft laws generally relating to the economy, public budgeting and finance. The BST works closely with the Budget and Finance Committees and the Economic Committees of both houses. In addition, the BST has a budget sector policy coordination team that works closely with other sectoral committees of the parliament to help those committees engage on budget policies and priorities with their respective line ministries. The BST has also developed an impressive Economic and Fiscal database containing extensive data on budget and macroeconomic trends. This database has been translated into both Dari and Pashto and disseminated within the parliament.

APAP has also worked with several parliamentary committees to provide technical assistance and advice on the conduct of public hearings and the questioning of government ministers and representatives. Parliamentary committees have conducted at least seven public hearings over the past two years, some of which have been designed to address critical policy and oversight issues.

Objective 4 is designed to *Improve Parliament's Capacity to Legislative*. The Legislative Support Unit (LSU) provides technical assistance and training designed to strengthen parliamentary committees and improve the legislative process more generally. The members of the unit work closely with committee assistants to draft law summaries, draft law briefing books, and prepare amendments, among others. The LSU has prepared a number of publications for the parliament including a committee procedure manual, a legislative drafting manual, and a legislative process manual. In 2010, APAP began embedding LSU staff into committees in the Wolesi Jirga and the Meshrano Jirga as a way of mentoring existing committee staff. The LSU has also created a Legislative Status System that will be used by the parliament to regularly track draft bills and parliamentary actions. The system will include all versions of a draft law, thereby greatly increasing parliamentary transparency.

## **B. Publications**

Over the course of the project, APAP produced an impressive number of publications and documents. These include an extensive array of handbooks and manuals on legislative process and procedures including, but not limited to, a legislative process manual, a committee procedures manual, a parliamentary oversight manual, a legislative drafting handbook, a legislative budget process and oversight handbook, and a constituency relations manual. A number of parliamentary public outreach publications were developed including a *Know Your National Assembly* brochure and in conjunction with the Parliament's Media and Public Relations Department, an MP parliamentary directory. The Budget Support Team published extensive documents on the budget and financial management systems such as budget analysis reports on the year 1388, 1389, and 1390 national budgets, quarterly budget bulletins containing financial, budgetary, and macroeconomic information, and a publication on budgeting and parliamentary budget institutions in Afghanistan. Review of these budget related materials indicates that the level of information and analysis contained in these documents is on par with similar documents and analysis provided by budget offices in much more advanced parliaments.

How widespread these publications are read and relied upon by members and staff of the Afghan parliament or by the public is difficult to measure. A survey conducted by APAP of Afghan MPs and staff indicated that at least some of those surveyed indicated that they increased their knowledge through reading of parliamentary documents although it is unclear whether they were including APAP documents as sources of information. However, since the APAP has been responsible for producing a significant number of parliamentary documents, it can fairly be assumed that some of those documents have been utilized by MPs and staff.

## **C. Environment for Parliamentary Strengthening**

The conditions under which the APAP operates are not very conducive to legislative strengthening efforts designed to build a strong, effective, and independent parliamentary body. These conditions include challenging political, institutional, and security environments as well as relatively low levels of human capacity development. As noted previously, security conditions and poor travel infrastructure restrict travel and movement of MPs as well as APAP staff. Within Kabul, tight security restrictions prevent citizens from attending sessions of the parliament and sometimes results in the cancellation or postponement of APAP events. Outside of Kabul, poor security conditions have made it difficult for APAP to operate in the provinces. Although APAP has funded civil society organizations to organize and conduct town hall for MPs in districts outside of Kabul, helped parliamentary committees conduct field visits to provincial locations, and facilitated public outreach activities around the country, these programs have been limited in scope and geographical reach. APAP efforts to help expand the parliament's reach and influence outside of Kabul have proved difficult, especially after the deaths in 2007 of six MPs during a provincial visit resulted in a significant decrease in organized events such as public hearings and field visits to the provinces. These security constraints have disrupted legislative activities and diminished interactions between MPs and citizens making it more difficult for the parliament to perform its representative and legislative functions and for the APAP to achieve its objectives. A number of people interviewed for this assessment commented that the parliament has limited reach and a small footprint in many parts of the country. For these reasons, it is difficult to measure the results or impact of APAP efforts to improve the Afghan parliament's broader public education and MP constituency outreach efforts outside of Kabul.

In addition, the parliament operates in a political environment in which the executive has strong constitutional powers, greater resources and staff, and significant institutional advantages. This is evidenced in part by the Afghan parliament's score on the Parliamentary Powers Index (PPI)<sup>32</sup> which assesses the strength of national parliaments. A high score generally denotes a country in which higher levels of constitutional and institutional power and authority is vested in the parliament. The Afghan parliament's score of 0.38 on a scale from zero (low) to one (high) places it towards the bottom of the list of 158 countries. These results are not surprisingly given that President Karzai was formally elected President in 2004, a year before the parliament was inaugurated, although he had effectively been the Head of State for almost 3 years before his election. Given Karzai's early ability to attract educated staff, appoint key personnel, determine budget policies and practices, issue legislative decrees and to generally develop governing processes and procedures without regard to parliamentary oversight or intervention, the executive branch benefitted from an initial institutional advantage and predominance over the parliament which continues to the present. This inequity in political and institutional power poses challenges to APAP's efforts to strengthen parliamentary oversight and independence.

#### **D. Significant APAP Accomplishments and Achievements**

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<sup>32</sup> The Parliamentary Powers Index (PPI) was published in 2007 and is designed to assess the strength of the national legislatures of every country in the world with a population of a least a half-million inhabitants. It focuses specifically on the legislature's ability to influence the executive, its institutional autonomy, its authority in specific areas, and its institutional capacity. See M. Steven Fish and Matthew Kroenig, *The Handbook of National Legislatures: A Global Survey*, (New York: Cambridge University Press).

It is evident that APAP has achieved some significant successes over the course of its lifespan for which SUNY/CID and USAID/Afghanistan can be proud. These accomplishments were achieved despite less than optimal conditions for legislative strengthening efforts as noted in the previous section. Among the most significant accomplishments are the following, in no particular order:

### *1. Confidence and Support of the Parliament*

Any successful legislative strengthening project must enjoy the confidence and support of significant segments of the parliament, especially the political and institutional leaderships. Although the assessment team did not meet with the Speakers of either the Wolesi Jirga or the Meshrano Jirga, it did meet with the Secretary Generals of each house. In each of these meetings, the respective Secretary Generals' expressed their appreciation for the project and their overall satisfaction with project results. Many of the MPs and staff that the assessment team met with also indicated their satisfaction with the project.

### *2. Establishment of Afghan Parliament*

When APAP commenced in September 2004, there was no parliament in existence. However, during the course of the next 14 months APAP, in close conjunction with UNDP's Support to Establish the Afghan Legislature (SEAL) project, provided extensive technical advice and support, training, and equipment to enable the Parliament to be fully functioning on December 19, 2005, the inaugural date of the first session of the new Afghan Parliament. The task of standing up an entirely new legislative institution of the size and scope of the Afghan parliament was an enormous undertaking. The Parliamentary Secretariat was created in November of 2004 with the hiring of its initial staff of approximately 10 department directors. USAID and UNDP worked closely to coordinate their programs which initially consisted of working with the heads of the new Secretariat departments to develop rules of legislative procedures, an organizational structure, and training for the initial professional staff of the parliament. In addition, these programs provided much of the infrastructure inside of these buildings to accommodate the legislative body, including two plenary halls, a burgeoning library, operating committee rooms, and administrative offices.

Partly because of the extensive support and assistance provided by APAP in the lead-up to the first session of the parliament, the parliament was able to get off to a quick and productive start. In the first session, the parliament adopted rules of procedures that were developed by the Secretariat beforehand with the assistance of APAP, elected legislative leaders, and established legislative committees.<sup>33</sup> Within the first six months, the parliament had rejected 5 out of 25

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<sup>33</sup> "The first session of the parliament was an historic event .... Some political analysts believed that it could take months before the parliament would be able to fully perform its duties. Many of the legislators had little or no experience in politics and scant knowledge about how a parliament functions. Yet it worked smoothly; elections of presidents and their deputies for both houses were held, house procedures were successfully executed, standing committees formed in both

cabinet nominations, debated and passed the national budget, and questioned various government ministers.

### **3. *Creation of Afghan Parliamentary Institute***

The creation and accreditation of the Afghan Parliamentary Institute (API) as a permanent training and educational facility for the Afghan parliament represents a sustainable outcome of the project. What began in 2007 as an effort to develop a permanent training facility for the parliament resulted in the API's official establishment as an institution of higher education by Presidential Decree on May 23, 2011. APAP assistance has been instrumental in helping the API to create training courses and curriculum, develop operational rules of procedure, and hire qualified staff. Training courses that have been developed and conducted by the API include management and leadership training, computer and language courses, legislative process, legislative drafting, committee procedures, budget and financial management, and legislative research. APAP also was instrumental in helping to facilitate funding from the Canadian International Development Agency (CIDA) for the renovation of the API building.

### **4. *Budget Analysis Support***

One of the most impressive elements of APAP is the professional quality of budget and fiscal analysis that it provides to the parliament which has clearly helped the parliament establish its authority and capacity to review and approve the national budget and to monitor its implementation. The Parliament's active engagement on the national budget did not begin immediately but it did increase substantially over the course of its five year term. For example, the number of significant changes to the national budget as a result of MP input was substantially greater in 2010 than in any previous year. Likewise, APAP's support to strengthen the parliament's ability to engage on the budget started modestly with the hiring of two full-time budget experts in 2007. This support has grown so that APAP's Budget Support Team now includes 10 full-time budget experts. The BST currently supports the parliament with a full and extensive array of technical and analytical services relating to budget, fiscal, and economic policies including, but not limited to, annual budget reports, sector budget reports, budget seminars and briefings, a handbook entitled *Legislative Budget Process and Oversight in Afghanistan*, a draft plan for creating a new Public Accounts Committee, and technical comments on the draft Budget Management Law.

Importantly, the BSP has been able to negotiate on behalf of the parliament, certain financial reporting practices by the Ministry of Finance to the parliament including quarterly financial reports from each ministry and regular budget execution reports. The BSP helped the parliament develop a Budget Performance Template through which ministries provide budget performance

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houses and soon discussion on different issues was started. "Naseer Ahmad Naweedi and Sheheryar Kahn, "Afghan Parliament: Expectations, Challenges, and Opportunities," *Policy Perspectives*, Vol. 3, No. 2, Institute of Policy Studies (available online at <http://www.ips.org.pk/pakistan-and-its-neighbours/1018-afghan-parliament-expectations-challenges-and-opportunities.html>)

data which allows the parliament to engage in greater in-depth review and analysis of budget implementation and performance. The BSP has also created an economic and fiscal database for the parliament.

### ***5. Public Hearings***

APAP support for the organization and conduct of public hearings by several parliamentary committees helped to establish public hearings as an accepted practice within the parliament. The assessment team met with the chair of the MJ International Relations Committee who described his committee's recent public hearing on trade issues between Afghanistan and Pakistan. The chairman indicated that APAP provided training for committee members and staff on organizing and conducting public hearings, helped facilitate pre-hearing planning sessions for the committee, and also facilitated contacts with civil society organizations. During the hearing the committee heard from Ministry representatives, MPs, civil society representatives, and businessmen and traders most directly affected by trade obstacles between Afghanistan and Pakistan. The chairman stated that it was a successful hearing and credited the APAP for much of that success. Although still not a regular occurrence, at least seven public hearings were conducted with APAP support during the 2010-2011 timeframe. More importantly, it appears that a few committees have since conducted public hearings organized by committee and secretariat staff without the direct assistance of APAP.

### ***6. Increased Parliamentary Capacity and Improved Committee Functioning***

Although sometimes difficult to measure, there is both quantitative and antidotal evidence of increased parliamentary capacity and improved committee functioning.

APAP's survey of MPs conducted in 2010, even though a relatively small response sample, demonstrated that the vast majority of respondents attributed some of their increase in knowledge about their roles and functions in parliament to APAP workshops and seminars. A similar APAP survey of parliamentary staff, conducted around the same time, found that 64% of the respondents indicated that they were applying skills and knowledge derived from APAP training programs in their work. APAP's performance monitoring data indicates that the number of draft bills accompanied by detailed technical analysis has increased significantly from five in 2007 to eighteen in 2011. According to the chair of the WJ Women's Affairs Commission, her committee is now developing annual work plans, reviewing legislation, conducting public hearings, and engaging in gender budget analysis. The MJ Health and Natural Resources Commission conducted an oversight visit, facilitated by APAP, to Badakshan to investigate illegal mining activities with the result that criminal proceedings were brought against several individuals. Other commissions have also started conducting field visits and holding public hearings; events that require substantial MP and staff preparation and planning.

### ***7. Legislative Status System***

APAP supported the development of an electronic legislative status system that will contain copies and track the progress of draft bills and provide a complete history of legislative actions on those draft bills in English, Dari, and Pashto. Although the legislative tracking system has not

officially become public, it is substantially complete and will represent a major step forward for parliamentary transparency and accountability. APAP is continuing to assist the parliament in taking responsibility for maintenance and continuous updating of the system in order to ensure its sustainability.

### **8. *Parliamentary Fellows Program***

In 2007, APAP assisted Parliament in establishing a parliamentary internship program for university students. The program places current or recent University students within the parliament to assist MPs and staff and to improve the students' skills, knowledge and legislative experience. This success of this program can be measured by the parliament's hiring of some of the interns to work full-time within the Secretariat and the parliament's commitment to assume increasing financial and administrative responsibility for the program.

### **E. Progress Towards Achievement of Project Objectives**

The overall goal of APAP is to establish and develop a strong, independent and effective Afghan Parliament. For purposes of reviewing and analyzing progress toward that overall goal, this report will divide APAP into three phases approximately corresponding to the timing of significant increases in the budget of the project under the Deliberative Bodies IQC. These phases are as follows:

Phase 1: September 29, 2004 – September 30, 2007

Phase 2: October 1, 2007 – October 31, 2009

Phase 3: October 31, 2009 – April 30, 2011

In each of these phases, objectives and tasks designed to achieve those objectives were developed to guide the implementation of program activities and to help measure progress and results. Over the course of the APAP task order, the project cycled through several iterations of objectives and tasks. Starting with phase three, APAP settled on four a number of objectives to help measure progress and results toward attaining the overall project goal. In Phase 3, the project settled on four general objectives which can be characterized as follows:

- Improve Parliament's Capacity to Legislate
- Improve Parliament's Capacity to Oversee
- Improve Parliament's Capacity to Represent
- Improve Parliament's Institutional Development

For purposes of analyzing progress towards achievement of APAP objectives, the assessment team decided to focus on phase 3 of the project. The objectives under phase 1 and 2 of the project were either too general to be useful for measuring progress or not relevant to the purpose of the assessment. In addition, phase 1 and 2 of the project encompassed the timeframe during which Mr. King, one of the members of the assessment team, was the APAP Chief of Party. As a result, the assessment team determined that it would not be appropriate to focus on those phases as part of this assessment.

There are a number of ways to measure the progress and achievements of parliamentary strengthening programs. Having a strong and robust performance monitoring plan to measure changes in performance by the parliament over time is critical to empirically based results monitoring and analysis. Conducting regular MP and staff surveys to determine changes in perceptions, attitudes, and behavior is another important monitoring tool. Citizen surveys or opinion polls can shed light on public perceptions and attitudes towards the role and effectiveness of the parliament and its members and staff in addressing critical issues of national and individual concern. Interviews with MPs, staff, civil society representatives, journalists, and political scientists and think tank experts can also shed useful light on the role and impact of outside assistance programs in strengthening the skills of MPs and staff and/or improving the work and effectiveness of the parliament.

Measuring the impact of APAP is difficult because of the absence of strong and robust performance monitoring tools. The majority of this assessment is thus based on qualitative information gleaned from interviews by the Assessment Team with a number of individuals from within and outside the Afghan parliament.

The assessment team finds that during the course of the APAP project, the parliament made significant progress on three of the four overall objectives: improving the capacity to legislate, improving the capacity to oversee, and improving institutional development. Less significant progress was made in improving the parliament's capacity in the area of representation.

### **1. Capacity to Legislate**

The numbers reported by APAP as part of its PMP demonstrate significant increases in the number and pace of draft laws being reviewed, amended, and enacted by the parliament. More important is the increased scrutiny of draft legislation by the parliament as seen in the increased use of public hearings, detailed technical analysis, committee discussions, and greater engagement with civil society organizations and other outside groups. Whether this increased scrutiny has resulted in higher quality laws being enacted is difficult to measure because of the subjective nature of legislation. Certainly the capacity and mechanics of legislating have improved substantially over the term of the APAP project which in itself represents an important achievement.

### **2. Capacity to Oversee**

The Afghan parliament has made tremendous strides in its capacity and ability to oversee the work of the executive and to hold it accountable. The clearest illustration of this progress can be seen in the significant increase and improvements in the parliament's engagement on budget review and oversight. The number of amendments of the national budget that occurred as a result of parliamentary action rose from 3 in 2008 to 18 in 2011. In both 2010 and 2011, approval of the budget was delayed because the parliament demanded additional information and clarification on keys budgetary and financial issues having to do with provincial budget allocations and discretionary funds under the auspices of the President's office. Various sectoral

commissions of the parliament, not just the Budget and Finance Commission, have begun to conduct in-depth review of the budget projections and performance of line ministries and government agencies. Partly as a result of these efforts, most of which were undertaken with the assistance of the APAP Budget Support Team, the score for budget transparency and accountability of the Afghan budget increased from 8 in 2008 to 21 in 2010 in the International Budget Partnership's Open Budget Index.

### **3. Capacity to Represent**

It appears that APAP has made less progress in strengthening the representational functions of the Afghan parliament. While a number of significant activities were conducted to help the parliament communicate and engage with the public, it is less evident that this engagement has resulted in substantial public input that has had significant impacts or influence on legislative decision-making. APAP has provided assistance to the parliament's Departments of Information and Public Relations including supporting the production and dissemination of materials about the parliament, funding radio roundtables and media programs featuring MPs, and helping in the development of parliamentary websites. However, it has also had less success in helping to regularize interactions between the parliament and civil society groups and other organizations.

### **4. Institutional Development**

APAP has successfully supported and nurtured the creation of the Afghanistan Parliamentary Institute, which has now become the permanent education and training facility of the Afghan parliament. This achievement by itself is a significant result under the objective to improve the parliament's institutional development. The parliament also has an ongoing parliamentary fellows program which was initiated with APAP assistance and which has been a source for hiring qualified permanent parliamentary staff. While APAP has successfully supported the development of parliamentary staff in certain areas such as committees, library, and research, it has failed to develop the skills of permanent budget support staff.

## **F. Project Challenges and Constraints**

A parliamentary strengthening project of this size and duration, and operating in a very difficult political and security environment, is bound to face serious challenges and constraints to achievement of overall project goals and objectives. The APAP has had its share of challenges and constraints but has continued to move forward with project implementation and achieved impressive results under the circumstances. Among the most notable challenges and constraints which have confronted the APAP are the following:

### **1. High Staff Turnover**

One constant about the APAP has been the lack of continuity among personnel associated with the project. This includes APAP leadership both in Kabul and Albany, APAP technical staff, USAID contracting and technical officers, and staff of the parliament. There have been at least

five full-time or acting Chiefs of Party, four Albany based home office project managers, and four USAID COTRs. In addition, many of the staff of the Afghan parliament that the APAP worked with, provided training to, and improved the capacity of, have left the parliament for other job opportunities. This high turnover among APAP leadership and staff has the obvious effect of slowing down project implementation as time, attention and resources are focused on hiring new staff, getting them into place, orienting them to the project, educating them on their duties and responsibilities, and introducing them to, and developing their relationships with, their counterparts within the parliament. Turnover among USAID COTR staff also slows down progress as it takes time for new COTRs to become familiar with the project, its work plans, develop relationships with parliamentary leaders, and interact with other USG officials and donor representatives.

High turnover among parliamentary staff is especially problematic since many of these staff hold key positions in parliamentary departments and committees that are critical to the successful and effective operation of the parliament. A number of people interviewed by the Assessment Team both from within and outside of the parliament highlighted the problem of talented and experienced parliamentary staff leaving the parliament for other jobs because of low salaries within the parliament and opportunities for much higher salaries in the private sector or with international organizations.

One manifestation of the high staff turnover is that certain critical project tasks or details have not received the attention they deserve. A primary example has been the lack of a robust performance monitoring and evaluation plan for APAP.

## ***2. Frequent Short-Term Contract Extensions***

The contractual history of APAP has not been smooth. APAP originated as a three year task order under the Deliberative Bodies IQC. The task order was subsequently extended for two years to September 30, 2009. Prior to September 30, 2009, USAID/Afghanistan made the determination to continue working with the Afghan National Assembly and to recomplete the project under the new Deliberative Bodies IQC. The new IQC was intended to replace the old Deliberative Bodies IQC which was originally set to expire on May 18, 2009.<sup>34</sup> However, the new Deliberative Bodies IQC was not in place before the end of the APAP task order and USAID/Washington subsequently extended the period of performance of the old Deliberative Bodies IQC until September 30, 2011. As of September 30, 2011, the new Deliberative Bodies IQC was still not in place. As a result, USAID/Afghanistan was forced to enter into a series of short-term project extensions to continue the project until such time as the new Deliberative Bodies IQC was in place and the Mission could recomplete the project under a new long-term task order.

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<sup>34</sup> Although the ability to begin new task orders under the old Deliberative Bodies IQC was originally scheduled to expire on May 18, 2009, its period of performance allowed existing task orders to continue one year beyond the expiration of the buy-in date to May 18, 2010.

The unfortunate result of the numerous project extensions was the inability to engage in longer-term project planning, disruptions in project implementation, and difficulties for SUNY/CID in retaining existing staff or attracting new, qualified staff for the APAP.

### ***3. Large Increase in Project Budget***

In most cases, significant increases in a project's budget during the course of the project can be a positive development, allowing the project to greatly expand its assistance activities and increasing opportunities for critical changes and reforms to take place. In the case of APAP, huge and unprecedented increases in foreign assistance budgets for Afghanistan resulted in the doubling of funding for the APAP in the 2010-2011 timeframe. This presented both opportunities and challenges for USAID and APAP in effectively programming this substantial increase in project funding.

With these increases, APAP substantially expanded its own project staff by hiring embedded advisors/staffers for 18 committees and greatly increasing the number of budget and finance experts in the Budget Support Team. APAP's embedded staff have worked as part of a larger commission support team for each commission that includes a parliamentary staff researcher, a committee clerk or assistant, and the chairperson of the committee. The Budget Support Team has increased from an original team of two budget/finance expert consultants to over 10 expert staff. A number of committee chairs and MPs strongly expressed their appreciation for the commission support teams and specifically of the work of the embedded APAP advisors in increasing the amount and quality of technical support and expertise on draft legislation. The assessment team heard similar accounts of the work of APAP's Budget Support Team, the results of which are readily apparent in the increasingly knowledgeable and sophisticated engagement of the parliament, its committees and members on issues relating to budget, finance and the economy.

Unfortunately there were negative ramifications of these project increases. In some cases, the project staff, while providing valuable technical assistance, advice and training, may have also supplanted staff within the Afghan parliament and prevented that staff from getting critical skills development and work experience. There also appears to be some resentment among some parliamentary staff as to the presence of higher paid outside technical consultants. For example, staff of the Research Department who focus on budget and finance have felt sidelined by APAP's Budget Support Team. In some ways, the APAP has achieved impressive short-term results in strengthening the functioning of the parliament but perhaps at the expense of longer-term sustainability of those results. It will likely be impossible for the parliament, given its current budget, civil service restrictions, salary constraints, and staffing structure, to sustain the Budget Support Team or to continue the commission support teams, certainly at the same level of quality and expertise as currently exists under APAP.

### ***4. Lack of Formal Coordination Mechanism within Parliament***

The Afghan Parliament does not currently have a formal steering committee or body which coordinates and prioritizes assistance among and between international donors. Instead, donor

organizations deal directly with the Deputy Speaker in charge of overseeing donor assistance projects or with the Secretary Generals of the two chambers. When the UNDP SEAL program was operating, there were regular donor coordination meetings which were attended by representatives of the parliament. More recently, these meetings have been discontinued. As a result, APAP is constantly fielding requests for assistance from different parts of the parliament. Even with substantial budgetary resources, there are limits to what APAP can respond to in terms of staff time, resources, and diversion from APAP's underlying goals and objectives. A more formal coordination mechanism within parliament would allow for greater consultation and agreement between USAID and the parliament on strategic priorities for USAID's future assistance efforts.

### ***5. Absence of Other Donor Programs***

The APAP has been the Afghan Parliament's longest and largest continuous assistance project. UNDP's SEAL project which began at approximately the same time as APAP, has been largely absent from the parliament since late 2009. Other bi-lateral and multi-lateral donors have provided limited assistance usually in the form of parliamentary exchange visits, one-off training activities, or technical assistance targeted at a specific function, committee, or department or focused on a particular issue or subject. This has created both opportunities and problems for USAID and APAP. While increases in APAP budget and staff have allowed it to fill some of the assistance gaps left by the departure of the SEAL project, and demonstrated USAID support and commitment to the parliament, there are some activities that the SEAL project previously undertook that the parliament began looking to APAP for support. These include funding parliamentary delegations to attend different international conferences such as meetings of the Inter-Parliamentary Union. It is questionable whether the benefits of these types of trips outweigh the costs to the project in terms of budget, staff time spent planning and organizing, and opportunity costs of not doing other activities.

### ***6. Parliament's Internal Challenges***

Institutional rivalries between the two chambers of the parliament have created difficulty for APAP in allocating time, effort, and resources. Originally APAP focused the majority of its programs and activities on the Wolesi Jirga. More recently, with the Wolesi Jirga being much less active in the period leading up to the 2010 elections and after with the post-election controversy surrounding the results, APAP has focused more attention on the Mershrano Jirga. While the APAP has had good success with the Mershrano Jirga, with some of APAP's programs and activities proving to be very beneficial to that chamber's growth and institutional development, it is also apparent that, owing to the particular nature of its bicameral structure, the Afghan parliament's overall development as a strong and effective parliamentary body will largely depend upon the performance of the Wolesi Jirga.

The large turnover in MPs from the first electoral term to the second term of the Wolesi Jirga following the 2010 elections may threaten some of the legislative and oversight progress and gains made by the parliament towards the end of the first term. The loss of experienced MPs, and the learning curve that is normally required for new MPs, may result in at least a short-term

reduction in legislative and oversight activities. The current phase of the APAP is focused on continuing to build the capacity of MPs and staff to effectively process legislation and conduct oversight and will be especially focused on new MPs and staff. However, under USAID's new program, there may be continued need for basic capacity building activities to help the parliament overcome the loss of experienced MPs and staff from the first five-year electoral term.

The Parliament suffers from its weak ties to citizens. This results from both the poor security conditions that affect many parts of the country but also from the nature of the electoral system. The Single Non-transferrable Voting system (SNTV) used for the Wolesi Jirga elections does not elect MPs from individual districts but rather MPs are elected on a province wide basis. Thus individual MPs do not have their own constituency which undermines their connection to, and ability to represent, individual constituents. In addition to weak ties to citizens, parliament's links to civil society organizations, associations, and the private sector are still underdeveloped, partly due both to the parliament's own public outreach limitations but also because of the nascent level of advocacy and participation by outside organizations in the legislative process.

Finally, the parliament's lack of autonomy over its own civil service and its difficulties in attracting and retaining expert professional staff because of low salary structures hinders its ability to provide high quality legislative support services and expertise. Initial staff of the parliament were well-trained and competent in providing basic support services. However, as MP's became more sophisticated in their work and their needs for higher quality information, research, and analysis increased, it became more difficult for the parliamentary staff to meet these expectations. In addition, hiring practices within the parliament have not always been based on merit or experience.

#### **Section 4. Lessons Learned from APAP and Considerations for the Design and Implementation of a New Parliamentary Strengthening Project**

##### **A. Lessons Learned**

- 1. Monitoring & Evaluation:** There is a need for a more robust system of Monitoring & Evaluation that is connected to the project and provides feedback on programming. This would include regular surveys and evaluation committees. The transition period should bring a focus on establishing a solid baseline against which future progress can be measured.
- 2. Project Reporting:** Project reporting tends to focus on activities but does not do a good job at analyzing impact of activities and linking to overall results and progress. There could also be increased reporting on the project within the parliament.
- 3. Sustainability:** The project must develop a transition plan that lays out how it plans to transition elements of the program to parliament and what the benchmarks/milestones will be in each area to mark progress along the way. The project needs to move towards a more capacity building focus and move away from simply being a service provider (i.e. budget support unit, committee mentoring program). This may mean a decline in quality of some services delivered to MPs.

4. **Parliament's buy-in:** This is a critical factor in the transition period and for a new project. For the transition period to be successful, the parliament will need to take key actions to assume increased responsibilities for certain services and activities.
5. **Branding:** There is a need to relax branding requirements for publications or events which need to be the domain of the parliament. For example, officially adopted manuals, public hearings, etc. should not include the USAID logo.
6. **Declining Budgets:** Declining budgets will require making tough decisions concerning continued support for certain activities and will result in a smaller, more stream-lined and focused future project. This should be taken as an opportunity to realign USAID support in a more appropriate approach by downsizing the number of project staff and focusing on building the capacity of parliamentary staff.
7. **Lack of other Donor Programs:** Although other donors are assisting parliament on a small-scale, USAID is currently the only major project in operation. This puts tremendous pressure on USAID to respond to parliamentary requests. Although the UNDP is supposed to reengage with the parliament in the near future, it will be a much smaller, less resourced program than SEAL.

#### **B. Considerations for the Design and Implementation of a New Parliamentary Strengthening Project**

USAID Forward consists of a series of reforms designed to change and improve how USAID operates and delivers assistance. One component of USAID Forward is the Implementation and Procurement Reform Initiative (IPRI) which is designed to increase the use of host country systems and organizations to deliver assistance. IPRI calls for USAID to work more closely with government institutions and non-governmental organizations that meet certain financial accountability and good governance criteria by providing funding for specific programs and activities that are implemented directly by the institution or organization.

This approach is predicated on the assumption that successful and sustainable development depends in large part on the efficiency, effectiveness, and integrity with which a country manages and expends public resources. By utilizing a host-country's institutions and systems to deliver aid, and providing technical assistance to strengthen those institutions and systems, USAID is making an investment in the country's long-term capacity to manage its own development programs.

There is a recognition that USAID will need to phase in this approach gradually over a period of years. Full implementation of the IPRI will require additional funding and staff resources to provide technical assistance and to administer, manage, and monitor the increased number of direct agreements with host country institutions and organizations. Consequently, while USAID's goals for the IRPI are relatively modest over the next 3 to 5 years, USAID Missions are expected to expand their direct relationships with, and assistance to, host country governments and non-governmental organizations, while also maintaining an overall portfolio that continues to utilize contracts, grants, and agreements and similar indirect mechanisms with U.S. based and international partners when necessary.

With these considerations in mind, the assessment team recommends that USAID/Afghanistan continue to utilize a project-based platform for delivering the majority of assistance under a future program that includes an internationally experienced legislative strengthening implementing organization. The new Deliberative Bodies IQC provides a mechanism by which the Mission can compete the future project among five experienced legislative strengthening organizations. APAP has developed a sufficient positive reputation and track record within and outside the Afghan Parliament to generate credibility and receptivity for future USAID legislative strengthening efforts. The groundwork laid by the APAP should serve USAID well as it negotiates the design of a new project with the Afghan Parliament.

However, there are several different ways in which USAID/Afghanistan can implement certain aspects of a new program utilizing Afghan organizations or institutions. For example, the Afghanistan Parliamentary Institute should be capable of standing on its own should the transfer of financial and management responsibility to the Afghan Parliament take place by the end of the APAP. Future MP and parliamentary staff training courses can be purchased from the API (rather than organized directly by the implementer). If continued support for API is needed under a new project, such support for the API might originate from USAID's future assistance project but could gradually be transferred to the parliament over a multi-year period. USAID/Afghanistan can negotiate a direct financing agreement with the Afghan Parliament in the form of an implementation letter or memorandum of understanding by which the parties agree to a transitional arrangement that provides for a phase down of USAID funding over a three year period with the Afghan Parliament assuming increasing responsibility each year and complete responsibility by the end of the third year.

In addition, local Afghan organizations such as universities, think-tanks, civil society organizations, associations, and private businesses should be utilized to the fullest extent possible in the implementation of activities in the new project. The implementer's project staff should be kept to a necessary minimum; technical assistance and training should be conducted by and through local organizations to the fullest extent possible. These efforts should be supplemented by the project's own long-term staff or short-term consultants only when the requisite technical expertise is not available locally.