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# AFGHANISTAN PARLIAMENTARY ASSISTANCE PROGRAM EVALUATION

FINAL REPORT

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## **DISCLAIMER**

This is an external evaluation. The views expressed in this document are the authors' and do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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# ACRONYMS AND ABBREVIATIONS

APAP	Afghanistan Parliamentary Assistance Program
API	Afghanistan Parliamentary Institute
CSO	Civil Society Organization
CSTs	Committee Support Teams
DIPR	Department of Information and Public Relations
EPD	Equality and Peace for Development
FEFA	Free and Fair Election Foundation of Afghanistan
HICD	Human and Institutional Capacity Development
IDLG	The Internal Directorate for Local Government
IFES	International Foundation for Electoral Systems
IWA	Integrity Watch of Afghanistan
MJ	Meshrano Jirga
MP	Member of Parliament
NA	National Assembly
NDI	National Democratic Institute
PAC	Public Accounts Committee
PIPS	Pakistan Institute for Parliamentary Services
SEAL	Support for the Establishment of Afghan Legislature
SNTV	Single Non-Transferable Vote
SUNY	State University of New York
TAF	The Asia Foundation
THRA	Training Human Rights Association for Afghan Women
UNDP	United Nations Development Program
USAID	United States Agency for International Development
USIP	US Institute of Peace
WJ	Wolesi Jirga

# EXECUTIVE SUMMARY

This report is an evaluation of Phase 1 of United States Agency for International Development's (USAID) Afghanistan Parliamentary Assistance Program (APAP) implemented by the State University of New York's Center for International Development (SUNY). The program covers the period between October 2004 and August 2012. A team of two US evaluators along with two Afghan experts conducted field visits in Kabul between July 27 and August 17, 2012.

The purpose of the evaluation was to assess the level of success and impact of APAP in contributing to the increased institutional capacity of the Afghan National Assembly's ability to legislate, represent, and provide oversight of government activities. The evaluation also reviewed measures undertaken by APAP to include gender considerations in carrying program activities. Additionally, issues concerning performance of parliament during this period, improvements in Afghan governance as a result of APAP assistance, counterpart satisfaction with APAP, sustainability, differences from first to second parliament, links to sub-national governance, and relation to the USAID Mission Results Framework and M&E, were also considered.

The evaluation assessed the strengths and weaknesses of the project activities through a series of in-depth interviews with key stakeholders, a review of relevant USAID, SUNY, APAP, and other source materials, and, where possible, analysis of empirical and comparative data. The report concludes with a series of recommendations for USAID and its implementing partner in Phase 2 of APAP.

The evaluation found that:

- APAP played an essential role in the establishment of the parliament, particularly with regard to helping manage the extreme growth of the parliament's labor force experienced in the first eighteen months of coming into existence;
- APAP facilitated the establishment of procedural and operational protocols for the smoother more predictable operation of parliament on the whole and committees in particular;
- The placement of embedded APAP staff in targeted committees significantly raised the level of administrative, oversight, and legislative performance with regard to the number of hearings, meetings, reports, and legislation action of said committees;
- APAP's work with the parliament's Budget Committee directly contributed to a significant increase in the parliament's ability to hold the Executive Branch more accountable and an increase in overall budget transparency;
- APAP programs and technical assistance helped raise the profile of parliament in the national media and among civil society organizations; and
- APAP was very successful in supporting the parliament to build its institutional capacity, however, to sustain this growth, the parliament will need considerable additional support to achieve administrative and financial autonomy from the government.

With regard to APAP's design and operating assumptions, the evaluation found that:

- Throughout Phase 1, the project did not have specific strategic or intermediate objectives to guide APAP's performance. Rather, due to the unique Afghan circumstances, the project was guided by a series of program assessments conducted by USAID staff and implementing partners; and
- USAID's assumption that the establishment of a functioning national legislature as a necessary component to Afghanistan's democratic transition, while correct, did not however capture the broader political and ultimate funding challenges of the new parliament.

## RECOMMENDATIONS

The following recommendations are based on Democracy International's findings from its evaluation of Phase 1 of APAP:

- Enhance parliament's capacity to manage its own budget and administrative institutions. Parliament continues to be constrained by a dependence on the executive branch for budget, staff and other resources. This is largely a political issue, but APAP (together with other implementers and donors) should emphasize the necessity of fiscal and administrative independence for the parliament, and build the parliament's technical capacity to manage its own budget;
- Provide additional resources that help clarify and implement protocols for improved relations between the parliament and the Executive, in particular with regard to the role of the Ministry of State for Parliamentary Affairs;
- Increase support to the budget process. Engagement with the executive on the budget is arguably the most important function of the Afghan parliament, and the area in which the parliament has developed the most traction and momentum. Greater budget transparency and oversight by parliament can be an important tool to fight government corruption and waste. A key element of this support should be to encourage members of parliament (MPs) and committees to take a more proactive role in the budget process;
- Increase support to key legislative committees. MPs consistently praised the work of APAP's Committee Support Teams (CSTs) which provided important policy advice to key committees. Providing substantive support to the committees is both strategic and critical if MPs are to play a constructive role on the key issues facing Afghanistan in the coming years, including the electoral law, extractive industries, gender issues, delivery of social services, and economic growth; and
- Close coordination with the pending UNDP Parliament Support Project on strategic priorities, including future funding and institutional independence as well as joint effort support to provincial representation.

# METHODOLOGY

Consistent with the terms in the Statement of Work (SOW) of the Task Order, DI submitted a detailed workplan to USAID before arriving in Afghanistan. The workplan included a methodology to be used and activities planned, an outline of the structure of the final report, and an illustrative list of individuals and organizations the evaluation team planned to interview. Upon arrival in Afghanistan, the evaluation team met with USAID to finalize and approve the workplan, and to identify additional interviewees.

The evaluation team conducted fieldwork in Kabul from July 27 through August 17, 2012. Before their arrival in country, team members reviewed pertinent documents sent by USAID and SUNY and met with representatives from USAID's Center for Democracy, Human Rights, & Governance and the Office for Afghan/Pakistan Affairs. The documentation included formal contractual documents, work plans, monthly reports, previous assessments, and program highlights. The team utilized this documentation and the meetings with USAID/Washington staff to better understand the genesis of APAP, its accomplishments to date, and to identify interviewees.

This evaluation report is based on interviews with key stakeholders, including members of the Afghan parliament, representatives from Afghan civil society and media, representatives of international organizations, UNDP officials, Afghan academics, and American Afghan scholars. Evaluation questions were designed to elicit information on the impact of program activities consistent with the contract's core components. While most of these interviews were face-to-face, some took place over the phone. Where necessary, an interpreter was used. Due to the security situation and the prohibitive security cost of traveling outside the capital, all interviews were conducted in Kabul. The evaluation team interviewed a total of 62 individuals (see Appendix A) and met with 11 international and domestic organizations.

The team drafted an outline of its findings, and recommendations while in country and presented its findings to USAID in an outbrief on August 15, 2012.

Methodologically, the lack of effective performance monitoring during the length of the program made it difficult to substantiate empirically the evaluation findings in regards to program impact. Nonetheless, the evaluation team is confident in the findings presented in this report.



# APAP AND AFGHANISTAN'S PARLIAMENT

Ringed by a phalanx of security posts and high barb-wired walls, a modest series of one and two-story buildings in central Kabul is the home to Afghanistan's National Assembly (NA). The Assembly of 352 MPs is a bicameral body with two chambers. The Upper House, Meshrano Jirga (MJ), has 102 Members (one-third appointed by Provincial Councils, one-third appointed by the President, and another one-third intended to be appointed by District Councils). The Lower House, Wolesi Jirga (WJ), has 249 popularly elected members. The NA convenes during four and a half month sessions, twice per year. During these sessions, legislative business is conducted four to five times a week in either plenary or separate commission/committee meetings.

Each member has one personal assistant, a driver and four bodyguards. Approximately 600 administrative support staff provided through the Civil Service Commission support the two Houses. MPs earn approximately \$3,000 per month, while their staff earn from \$150 to \$200 per month. The parliament's annual operating budget is approximately \$25 million. Each House has its own administrative structure/secretariat: the MJ has approximately 250 staff for its operations and the WJ has approximately 350. There are 28 commissions/committees: 18 in the WJ and 12 in the MJ. Committee Chairs are elected, decisions are made and recorded by vote, and written rules of procedure guide the conduct of legislative business. None of this existed eight years ago.

USAID's 2004 decision to support the formation of an Afghan parliament came at approximately the same time that a new Afghan constitution established the terms of reference for the National Assembly. The parliament, the constitution proclaims, is the "highest legislative organ and is the manifestation of the will of its people and represents the whole nation." APAP, funded by USAID, was an essential and effective partner in the virtual construction of the new legislative body. Other international donors contributed, primarily through UNDP's Support for the Establishment of the Afghan Legislature Project (SEAL) but APAP has been the largest and longest serving international partner to the parliament.

Conceived as a check to the executive and the primary representative of the people at the national level, the parliament is responsible for engaging in the economic development of Afghanistan and serving as a vehicle for consensus, tolerance, and change in the first decade following 30 years of political violence and occupation, in an environment of continuing conflict. Expectations from both the Afghan people and the international community are understandably high.

Today, the parliament's relevance is evidenced by the hundreds of hours of commentary and debate seen on commercial television and articles in Afghan newspapers covering salient activities of parliament's members. The parliament has, on occasion, distinguished itself as a unitary body, most recently voting "no confidence" in the stewardship of the Defense and Interior Ministers with regards to national security. The President publicly accepted the parliament's decision and the Defense Minister subsequently resigned. (The Interior Minister had not registered any formal protest by the time of the evaluation team's departure). Many outside observers considered this move by the parliament as a defining moment, despite criticism that the whole affair happened because the President had acquiesced in advance. Nonetheless, the parliament is increasingly engaged through its various committees in influencing the performance of line ministries. With 87 female members, the Afghan parliament is among the most gender-balanced national deliberative bodies in the world. Much institutional progress has taken place over the last eight years; and this is particularly significant as it has and continues to occur in an environment still fraught with political violence and national and personal insecurity.

The parliament has had notable accomplishments; however, as an institution, it is weak and its foundation is not yet firm. It has little to no financial or administrative independence. Its rules of procedures are a mix of

practices borrowed from multiple sources (that have not yet been vetted through time and trial and error). The body is woefully understaffed, and those on staff are significantly underpaid. Members divulged (to the evaluation team) a full range of internal divisions that track along religious, ethnic, and geographic lines. Perhaps most importantly, the parliament is viewed by a large segment of the Afghan populace in largely negative terms. Charges of fraud and corruption are constantly leveled at members. The two parliamentary elections held in Afghanistan since the fall of the Taliban were largely deemed flawed by 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.

The lower national turnout in the 2010 parliamentary elections compared to the 2005 elections is, at the least, indicative of some loss of enthusiasm for democratic participation in Afghanistan. As the first two elections of the new parliament offered hope for a different way of conducting public affairs, these electoral lapses, unfortunately, seemed to magnify, and perhaps to reinforce generally held negative beliefs about the government's irrelevance or inability to improve the everyday life of ordinary citizens.

Through the first 8 years since the passage of the new Afghan Constitution and the creation of new political order, APAP succeeded in building, partnering with, and at times gently guiding the new institution. Project strategies and operations were always mindful that the project was and still is a capacity building endeavor that has to "earn the confidence" of often suspicious and self-assured MPs. Moreover, APAP effectively navigated a fine line between recognizing and responding to the political nature of the NA while also adhering to good legislative practices and contract requirements without appearing to have its own motives or agenda. Poor navigation of these competing forces could have jeopardized their acceptance to provide advice and support.

This evaluation assesses the impact of APAP on parliament over time and its impact on governance in Afghanistan. Moreover, the evaluation reviews USAID's original assumptions and subsequent planning, monitoring, and evaluating prescriptions concerning how APAP performed with regard to building institutional capacity (with special attention to gender considerations) by strengthening the institution's rulemaking, outreach, and oversight function. The evaluation also examined the sustainability of the project's impacts, links to other parts of government in Afghanistan, as well as general counterpart satisfaction.

# EVALUATION OF APAP'S PRIMARY OBJECTIVES

This section evaluates APAP's four primary objectives, their contexts, the activities implemented to achieve each objective, and provides comments, recommendations, and lessons learned.

## **OBJECTIVE 1: IMPROVE THE PARLIAMENT'S CAPACITY TO PLAN AND IMPLEMENT INSTITUTIONALIZED DEVELOPMENT POLICIES**

This objective includes the ability to plan and implement development policies, as well the support provided to the institution itself.

### **(A) SUPPORT FOR THE ESTABLISHMENT OF THE PARLIAMENT**

When USAID awarded SUNY the APAP contract in September 2004, the parliament had not yet been elected. However, Afghanistan's Civil Service Commission had designated eight individuals as department heads in a secretariat that would serve both houses of the future parliament. These "core eight" were initially responsible for designing an organizational structure and preparing the way for additional staff. A January 2005 assessment by SUNY (part of the first task order under the new contract) of the status of the planning for the legislature in Afghanistan describes these eight department heads as "bright and well-educated, but lacking in direct legislative experience." During this period, there was a high degree of international donor interest in the parliament. The UNDP's SEAL Project was the main donor vehicle for this expression of interest and support.

### **Staff Training**

SUNY'S performance in providing material support, training, and technical assistance to parliamentary staff as it grew from 8 to 270 civil servants by late 2005, and then to approximately 500 by the end of 2006, was comprehensive, responsive, and timely. This rapid expansion of staff would put a tremendous strain on any organization. The evaluation team found that APAP (along with UNDP) played a consistently key and resourceful role in managing the enormous growth of parliament's labor force. In addition to providing direct technical assistance (and indirect technical assistance through international exchanges) to shape a new administrative structure, APAP also provided timely resources to assist with defining job descriptions, recruit MP applicants and sponsors, and run seminars and workshops on basic parliamentary operations. Many observers noted that without APAP those first eighteen months would have been chaotic.

### **Study Tours**

International study tours, requested by Afghan officials, were a controversial component of the program; some of the interviewees categorized these study tours as "tourist trips" that did not add measurable or substantive knowledge for the participants and took valuable personnel away from Kabul for extended periods. Moreover, critics of the practice argued that international trips were simply not cost effective. However, the Secretary General of the MJ was complementary of the assistance for travel. He and others repeatedly remarked that the trips provided a very solid basis for understanding and experiencing the complexity of a parliament as well as facilitating a better understanding of their respective jobs. UNDP's SEAL program provided considerable support for international study tours, with many of the program's donors inviting Afghan parliamentarians to visit their respective deliberative bodies. APAP was also supportive of international travel but tended to utilize those events more thematically. For example international travel was supported for strategic planning meetings in 2006 and 2007 to New Delhi, and 2008 and 2009 to Istanbul.

## **Infrastructure and Equipment in Parliament**

While APAP was not intended to be a procurement program, it did provide equipment, furniture, and office space to the parliament. Early on APAP invested in the provision of goods (e.g. furniture, computers, and office equipment). According to APAP officials, this type of support was important to enhance the program's standing with parliament. As noted before, there was considerable international interest in working with parliament and there was competition among the donors to do so. Competition among donors to work with host governments is not uncommon. This was the case in Afghanistan regarding the parliament. APAP endeavored to link the provision of commodities to a person or purpose, resulting in the facilitation of their ability to execute project activities. Taking action to achieve one objective (e.g. deliver training) took on a higher priority than waiting for the Afghan Government to rehabilitate the facility.

## **Rules of Procedure**

The evaluation team reviewed more than a dozen manuals and rules of procedure (e.g., rules on ethics, travel, and parliamentary decorum) developed with support from APAP. However many Afghan MPs indicated that the implementation of procedures are uneven. This may be partly the result of rules being imported from other parliament's experience rather than formulated over time to respond to local peculiarities. In June 2006, APAP brought an expert (former Florida House of Representatives Chief Clerk John Phillips) to Kabul to do an article-by-article examination of the WJ rules of procedures. The Speaker was interested in this effort at the time and it may be worth revisiting in the future.

## **Comments**

Experience of other legislatures has shown that implementation of new modes of operation can be difficult to achieve from within. An outside advocacy effort for improved implementation of rules of procedures in parliament is something APAP 2 may consider.

## **(B) SUPPORT TO STRATEGIC PLANNING**

Beginning in 2006, APAP encouraged and supported several high-level efforts to develop a strategic plan for parliamentary operations consistent with Afghanistan's National Development Strategy.

## **Strategic Planning Retreats**

APAP organized several retreats for parliament leadership and administration officials that were designed to develop a comprehensive strategic and implementation plan. In 2006, at one such event, the leadership created medium-term development plans and conceived the Parliamentary Training Institute, which became the Afghan Parliamentary Institute (API), and the Parliamentary Budget Office. In 2007, APAP organized the "Parliamentary Leadership Strategic Planning Conference" for Afghan MPs and staff in New Delhi. Comments from interviews with leadership indicated that there was value in bringing leadership together in these retreats, particularly for establishing future APAP priorities, operational benchmarks (such as trainings), and generating new parliamentary initiatives such as API. However, follow-on "post-retreats" never achieved the same level of enthusiasm among MPs and many ideas were left up to donors and international partners to act on.

## **Comments and Recommendations**

It is important that a parliament derives its direction from sound planning. However, under the best of circumstances it is very difficult to do a meaningful strategic plan for an organization as complex and political as a parliament, when the parliament is not in control of its own budget, which is determined and fixed by the Ministry of Finance. Moreover, while parliament's leadership was supportive of strategic planning exercises, APAP and SEAL, at times struggled to coordinate support on the implementation of strategic plans leading to uneven execution and resource allocations. The evaluation team was impressed with APAP's attempt to bring more clarity of action through strategic planning; the ineffectiveness of the strategic plans are perhaps more a product of the circumstances under which the parliament operates. This

situation is unlikely to change until the parliament has a greater degree of autonomy over its budget, staffing, and other resources.

Considering the circumstances, there is still value in bringing the parliamentary staff and leadership together to discuss the institution's strengths and weaknesses and plans for the future. Coordination should be done with other funders, such as UNDP, which have indicated a willingness to support the leadership's efforts to identify the parliament's strengths and weaknesses. However, the evaluation team found that there is considerable (and perhaps more cost effective) value in strategic planning at the committee level, where APAP has a distinct advantage. The evaluation team recommends greater focus and resources to strategic planning at the committee level.

### **(C) AFGHANISTAN PARLIAMENTARY INSTITUTE (API) AND OTHER EFFORTS TO BUILD PARLIAMENT'S INTERNAL TRAINING CAPACITY.**

API emerged from the June 2006 strategic planning retreat facilitated by APAP. Its relevance to the Afghan parliament was solidified by visits to the Bureau of Parliamentary Services Secretariat in New Delhi and the USAID-funded Pakistan Institute for Parliamentary Services (PIPS). By December 2006 a memorandum of understanding (MOU) between the parliament and the Ministry of Higher Education was signed. In June 2007 a SUNY expert on Training Institute Development was engaged to work on the institutional design, and a MOU was being developed with SUNY's Rockefeller College of Public Administration and Policy to support API. In 2011, after considerable efforts by APAP and leadership from the Lower House, API was awarded a Presidential decree as an institute of higher learning.

#### **API's Mission**

API's mission is expansive and included basic training in computer skills and English, higher-level work in specialized areas of legislative expertise, and broad knowledge of political science. MPs and others interviewed by the evaluation team continue to have high expectations for what API might bring to MPs in terms of very high-level education from Kabul University professors, international experts, and others. One MP interviewed stated "It was always envisioned that [API] would provide substantive training in legislative practice and skills, such as budgeting, legislative drafting, legislative process and rules of procedure and other technical areas."

#### **API Trainings**

In practice, API provided training in English language and basic computer skills. APAP's April 2011 IQC Final Technical Report notes that between 2006 and 2011, 958 students completed API language and computer skills classes. That pattern continues today. While there is evidence of the number of trainings provided and of the number of students who participated in the trainings, there is little evidence of the impact of those trainings.

#### **API Governance Structure**

Parliament envisioned that API would become an entity independent of APAP but this has not yet happened. There is no distinction between APAP and API. Part of the problem is related to the absence of parliamentary autonomy. The parliament must request permission from the Executive Branch to create a new institution, and to create a budget line for that institution. This has now happened with the Presidential decree, and, in theory the Afghan budget can provide funding for API starting in the next budget year, but in practice this is not likely. The governance structure of API is unclear. There are by-laws and there is a board, but it has rarely been active. Conflicts between the two Houses are also problematic, with members from the Upper House expressing concern/belief that API was designed only to serve the Lower House. The evaluation team also perceived a posture by some MPs who felt that API is something that the international donors want and that the MPs themselves find no reason to spend their own money on it.

## Comments and Recommendations

API is not yet viewed as a major accomplishment of the program. APAP has established a foundation for future efforts, but it may have been too early in the parliament's development in Afghanistan for this to succeed.

The evaluation team believes the mission and structure of API should be reconsidered, building on what APAP has done with the Presidential decree. There is considerable experience with parliamentary institutes and efforts to build parliamentary capacity to do their own training now than when API began. The most important lessons learned from these efforts is how hard the process can be, how much effort has to be devoted to getting the governance structure right, and the need for buy-in from the key parliamentary leaders in the secretariat and among members.

The most immediate lessons may be from the PIPS effort in Pakistan, which took several years to establish a board and by-laws and to get their parliament to pass legislation creating the auxiliary institute. PIPS encountered many of the same problems as API, including the struggle for control between the Upper and Lower Houses. (Note that PIPS was established by Pakistan's parliament, not by decree from the President. The parliament should at least have the autonomy and independence to create an institution that will serve its own needs.) Other examples, with less success, exist in Nigeria and Bangladesh.

The evaluation team noted that teaching English and providing basic computer skills are core API activities. The team believes that there are public and private institutions in Kabul that specialize in similar training and that it might be more cost-effective to simply provide staff with a voucher to get training at an established educational institution, and then test the students independently to verify if they have actually improved their skills as a result of the training. API should exist to provide specialized training in legislative matters that the parliament needs and that cannot be provided by other institutions.

### ***Role of API in the Context of USAID/Forward Reforms***

While slow to start, the future of API has implications for USAID as it pursues USAID/Forward reforms to work more closely with and provide funding through local partners. The 2011 Legislative Strengthening Assessment conducted by USAID suggests that API "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 APAP. If continued support for API is needed under a new project, such support could... gradually be transferred to the parliament over a multi-year period." The evaluation team feels that API is not yet able to do that but perhaps may be achieved through APAP 2.

## **(D) FELLOWSHIP PROGRAM**

APAP brought 30-40 university students into parliament for a three-year period from 2008 to 2010, paid their salaries and provided training to them. Started by the National Democratic Institute (NDI), the program was taken over by APAP in 2008. Participants in the program performed duties over a 3, 6, or 9 month period. Originally for undergraduate students and college graduates, the fellowship was later limited to graduates. The program ended in 2011 for budgetary reasons. In 2009 there were 34 Fellows (32 male, 2 female) and 31 in 2010 (2 female).

## Comments and Recommendations

The evaluation team believes that the Fellowship Program was a very worthwhile endeavor. However, in practice, it proved difficult to manage and long term funding again was an issue, as well as institutional buy-in. Perhaps it would have greater impact or utility if the program were developed in the context of other human resource practices and committee staff development, and together with an Afghan university outreach program.

## **OBJECTIVE 2: IMPROVE PARLIAMENT'S CAPACITY TO REPRESENT**

For this line of inquiry, the evaluation team defined the representational role of MPs to include outreach and engagement with civil society and the media, the provision of traditional constituency services and provincial visits.

APAP utilized institutional or procedural protocols to encourage MPs to look at their constituents more as sources of information, power, and legitimacy rather than charges to shepherd. APAP promoted Committee and Public Hearings to encourage MPs to listen to their constituents and engage them on issues relevant to the budget and other legislation, both as a source of information and guidance. The evaluation team found that over time, certain committees and individual MPs began to more systematically research what people wanted and were active in communicating their interest to line ministries. Moreover, several representatives from the Government of Afghanistan indicated—albeit to their consternation—a significant jump in MPs' direct engagement with line ministries on behalf of a constituent in the last few years. Specific praise was made of MP interpellation of Finance Ministry officials on budgets and legislative priorities. Increasingly, individual MPs used the media, civil society organizations, and public hearings to pressure the Executive to include their constituent's interests in legislative priorities and the national budget.

### **(A) ENGAGEMENT WITH CITIZENS**

Since 2006 more than a dozen MPs have been assassinated and many more have been threatened. The death of six MPs on a provincial visit in 2007 caused by a terrorist attack was a specific incident often cited as a pivotal event that has discouraged MP efforts at outreach to citizens (particularly outside of Kabul). Some MPs say they cannot go back to their provinces due to security risks. (Some say that this is an excuse; it is just more comfortable living in Kabul.) However, some MPs have non-legislative, electoral incentives to increase communication with their constituents; their victory margins in the last elections were so close that only a handful of votes separated winning and losing. In reviewing vote counts, the evaluation team found that in almost every province, approximately one quarter of currently serving MPs are in this position and have strong motivation for being more engaged with their home province. The development of political parties would create another mechanism in the parliament for citizens to interact with MPs, address complaints, and lobby for government action on issues.

### **Outreach to Citizens Through Media**

Through a sub-contract with Internews, APAP helped the parliament produce a series of ten TV and radio programs entitled "Face the Nation." Also, radio roundtables and weekly programs featured MPs and community leaders talking about issues, politics and parliament. According to senior management staff at TOLO News, Afghanistan's top news network, MPs are increasingly seeking opportunities to be on the news and this has helped their 24-hour news programming. The evaluation team believes the media outreach to citizens should be continued and even enhanced. This could happen through a larger effort or advocacy for parliament as an institution.

### **Comments and Recommendations**

Election officials and legislative experts agree that election practices (i.e. type of voting system in place) influence how elected officials see their role. Afghanistan's Single Non-Transferable Vote (SNTV) electoral system is often cited as reducing an MP's accountability to their constituency, arguing that because they are only one of 8 to 12 representatives for a whole province, they only have to be concerned with their most immediate group and not the entire province. On the other hand, there is some anecdotal evidence that suggest that SNTV can create an incentive for the MPs to engage more with their constituents. One MP, the evaluation team met with commented on the electoral vulnerability of many of her colleagues and believed that building more connections with citizens was important to staying in office as well as being better legislators.



## **(B) ENGAGEMENT WITH CIVIL SOCIETY.**

Strengthening relations between civil society and parliament was not a priority for APAP in Phase 1. As articulated in APAP's 2011 final report, "USAID expressly advised SUNY at the time to focus on parliament rather than civil society activities, which were otherwise being funded specifically through other USAID implementing partners<sup>1</sup>." The level of assistance provided to CSOs to engage with parliament was one of the statistical indicators established for the program in 2009, but as noted in the 2011 IQC final report, USAID guidance on this was not always consistent. Interlocutors from both civil society and parliament confirmed that there was minimal engagement between parliament and CSOs in the first parliamentary session from 2005-2010. This changed from 2009 to 2011 when APAP focused on CSO engagement with the parliament and culminated in an MOU signed by the Secretary General and a group of CSOs receiving support and assistance from USAID through Counterpart International. In addition to the Counterpart MOU, the parliament has also entered into other agreements with CSOs.

### **Comments and Recommendations**

Engagement with civil society is an important function for parliament and should be supported by APAP 2. However, consideration should be given as to what other donors are doing with CSOs and parliament in order to avoid duplication of effort and an overburdening of the limited human resource capacity of parliament, MPs, and MPs' offices. Where APAP can make a more explicit impact is in continuing to sensitize MPs to the contributions that civil society can make to the legislative process and to continue to facilitate availability of avenues for civil society contributions (e.g., by sponsoring hearings). In addition, APAP can encourage civil society engagement with committees, through strengthened Committee Support Teams. These teams, made up of APAP-funded experts embedded as technical staff for targeted committees would work with MPs and staffs to identify which NGOs and civil society organizations are important and appropriate for their work. As an example, Integrity Watch Afghanistan is already working with the Mining and Natural Resources Committee of the WJ to support its understanding of mining and mineral rights extraction issues.

## **(C) ENGAGEMENT WITH SUB-NATIONAL LEVELS OF GOVERNMENT.**

APAP supports domestic travel by MPs particularly for parliamentary Committee meetings to provinces. APAP was instrumental in encouraging this domestic travel and its impact is now evidenced by the fact that parliament along with provincial leaders routinely organize provincial trips as part of committee work.

### **Comments and Recommendations**

The Internal Directorate for Local Government (IDLG) does most of the economic development work in the provinces. IDLG is not a ministry. The Director of IDLG is appointed by the President and not confirmed by the parliament; parliament has little oversight authority over IDLG. IDLG receives massive levels of support from the US and other donors (in particular UNDP). As long as this situation persists, APAP and USAID need to be realistic in their objectives for parliament's role in provincial administration.

Today, leaders in parliament indicated that there are plans to create parliamentary provincial offices. If these plans move forward it is anticipated that more infrastructure, training and communications technology will be required than exists at present. Experience with similar efforts in other countries indicates that such efforts must have the full buy-in and resource support of the national government; they cannot be financed by outside donors. The evaluation team believes that while it is a worthy endeavor if resources are available, continued APAP support to committee work done in the region may be more cost effective and would not further drain important human resources.

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<sup>1</sup> APAP IQC 2011 Final Report p 11. This is similar to the experience with engagement with sub-national government, where USAID alternately encouraged and restricted APAP from making this a priority.



## **(D) PUBLIC AND PARLIAMENTARY HEARINGS.**

The evaluation team heard from several interlocutors that public hearings, even those held in the parliament's compound in Kabul, are a challenge for the parliament. The first obstacle is security; conditions do not allow for free public access to the parliament.

When the parliament first began holding hearings in 2006-2007, there were few public hearings and those that occurred were focused primarily on provincial relations. Hearings stopped altogether after the 2007 attack that killed 6 MPs. Since 2008-2009 the number of hearings has slowly increased and in the last two years some two dozen public hearings by multiple committees have taken place in Kabul and have covered a wide array of topics including: higher education; problems affecting the disabled and families of martyrs; basic health services; trade issues between Afghanistan and Pakistan; and problems affecting prisoners and prison conditions.

APAP provided support to all of these hearings, primarily through CSTs, which helped identify hearing topics, organize hearings, develop hearing formats, and publicize hearings. MPs and others noted that if there had been more CSTs and more funding for CSTs, there could have been more hearings.

## **Comments and Recommendations**

Public hearings can play a critical role in the work of parliament. However, it is important to place the hearings in the context of a larger body of work by the legislature. Public hearings should be opportunities for MPs to understand citizen concerns and priorities, and convey those concerns – directly and through the media – to the Executive to ensure that they are included in the list of legislative priorities to be delivered.

## **(E) WEEKLY PARLIAMENTARY NEWSLETTERS**

Weekly parliamentary newsletters prepared by APAP are asset for the international community as well as a record for future study of the Afghan parliament. APAP also produces a daily summary of the events in the plenary session when the parliament meets. APAP is working with the parliament's Department of Information and Public Relations (DIPR) to transfer this responsibility. DIPR however has not shown the interest or capacity to take on this responsibility

## **Comments**

Doing this kind of reporting consumes considerable resources of APAP and requires considerable staff time and capacity; it takes one or two local staff to collect the information and prepare drafts for senior APAP staff review. Expatriate staff then translates them into English and distribute them.

## **OBJECTIVE 3: IMPROVE PARLIAMENT'S CONDUCT OF OVERSIGHT**

This objective focuses on APAP's support to the Budget Committee, the budget process, and parliament's relationship with the Ministry of State for Parliamentary Affairs.

## **(A) PARLIAMENTARY OVERSIGHT OF THE BUDGET PROCESS**

### **Evidence of Stronger Parliamentary Engagement on Budget**

There is clear evidence and broad agreement that parliament's ability to more systematically engage the government on budget matters has significantly increased because of APAP's support to the Budget Committee. There is a clear evidence of progression in parliament's engagement with the national budget. In the first 2 years, 2006-2007, parliament did little with the budget. In 2008-2009 amendments were introduced and bargaining between the Executive and MPs commenced. Starting in 2009 and continuing to the present, parliament engaged in the budget process, including the process of consideration by committees and joint committees, the rejection of whole or parts of budget by MPs and a much more vigorous debate over spending and priorities. This is one area where the parliament has clearly improved its capacity over time and demonstrated a serious policy and political role in government. One telling example cited is how

the Parliament Budget Committee has been directly responsible for a reduction in the amount of the national budget—from 30 percent to 10 percent—that is controlled solely by the President and not subject to parliament oversight.

## **APAP Impact on the Budget Process**

APAP played a significant role in making parliament more effective in engaging the Executive on the budget. Parliament now routinely brings in officials from the Ministry of Finance, not only for the purpose of budget preparation, but also for performance updates. The Budget Committee prepares well-researched analysis that is provided to all standing committees of parliament for review and comment. There is real demand for budget information from committees. For example, in 2010 there were four requests for APAP-supported sectorial analysis compared to 2012 when that number jumped to 12. It was also at APAP's recommendation to adjust the government's fiscal year to start in spring to better align Afghanistan's fiscal year with its actual economic and cultural calendar year.

## **The Role of Donors**

At a very practical level, governing involves the collection and distribution of public resources. In Afghanistan, half of this equation is missing, since most of the financial resources currently come from international donors. As such, parliament's role is at times marginal. For example, parliament is often critical of the government's performance concerning the timely execution of economic and infrastructure projects and its failure to expend appropriated funds within a fiscal year. However, a significant percentage of the budgets for these initiatives are based on donor pledges and promises for assistance. However, donors sometimes are unable to deliver on those pledges in a timely manner or sometimes at all, thereby affecting government performance and the orderly drawdown of expenditures. Criticism from parliament has little effect on improving the process.

## **Qatya and Performance Monitoring**

The *qatya* is an annual financial statement. All ministries must submit an annual *qatya* to the budget committee with quarterly reports on money spent. In addition to *qatya*, beginning this fiscal year APAP has helped institute quarterly performance reports as part of the *qatya* preparation process which will include expenditure burn rates as well as project performance updates.

## **Public Accounts Committee (PAC)**

APAP is assisting leadership in parliament with the creation of the Public Accounts Committee (PAC). In 2010, parliament agreed to the formation of a PAC. At this writing, a PAC is being considered as a sub-committee under the Budget Committee. This is an important step for parliament as it attempts to deal with broader government-wide issues concerning public corruption.

## **Comments and Recommendations**

Second only to the timely support APAP provided parliament in 2004-2005 at its founding, APAP's work with the Budget Committee is often cited as its other most impactful intervention. Engagement with the executive on the budget is arguably the most important function of the Afghan parliament, and with APAP's help, the area in which parliament has developed the most traction and momentum. Greater budget transparency and oversight by the parliament is one of the keys to curbing corruption and waste in Afghanistan.

## **(B) OVERSIGHT IN NON-BUDGET COMMITTEES**

As previously noted, the relationship between parliament and the executive is, at times, tense. Finding the right balance between cooperation and conflict is a work in progress. During interviews, most respondents were in favor of more assertive oversight by parliament, but not open conflict, which many respondents feared would embarrass and perhaps damage the institution's credibility.

## **Role of the Ministry of Parliamentary Affairs**

The Ministry of Parliamentary Affairs serves as the main point of contact between the government and parliament. Based on interviews with representatives from the Ministry and the parliament's leadership, the two institutions have very different views of each other's respective role. The Ministry asserts that all business that parliament wants to engage the government in should go through the Ministry for Parliamentary Affairs, while parliament asserts that it has the constitutional authority to engage any part of the government as it deems necessary.

## **Comments and Recommendations**

APAP 2 may be well positioned to facilitate "working protocols" to help improve communication between the parliament and the Ministry for Parliamentary Affairs. This could be a near-term priority and is especially important if more standing committees in the parliament continue to engage more government ministries in the conduct of their business.

As noted in more detail in Objective 4 below, the evaluation team recommends that APAP 2 increase its work directly in support of committees to provide them with the capacity they need for more effective oversight.

## **OBJECTIVE 4: IMPROVE PARLIAMENT'S CAPACITY TO LEGISLATE**

Specific tasks under this objective, which were in full force between 2007-2009, were to train staff to analyze legislation and draft amendments, provide hands-on technical assistance to targeted committees and caucuses, assist chairs in managing committee responsibilities, and assist the Secretariats to support leaders, committees, and individual MPs.

The parliament enacted 56 laws in the first session that ended September 2010, four of which were initiated by MPs.

Many MPs and administrative leadership of the Afghan parliament noted how disparate formal education levels are in the NA. References were made to the difficulty and sensitivity around literacy and the ability of some MPs to fully comprehend the nuances or relevance of legislative issues, rules, and budgets that come before parliament. This difficulty is further complicated by a tradition of decision-making that does not rely on written evidentiary standards.

A poor educational background does not doom an MP's job performance. MPs are elected for political reasons. What MPs need are experts in various issues that can support them. It is the paucity of staff, and to a lesser degree their respective educational levels, who are assigned to work for MPs and committees that is a significantly more troubling reality. Beyond the fact that each committee has only one or two staff assistants, human resource personnel indicated that many of these assistants had limited to no legislative background or relevant skills. What roles they seemed to fill were those of distributing committee documents, arranging committee meetings, and other clerical tasks. Many of these assistants get their jobs through patronage or nepotism rather than through meeting stated qualification standards. Plus, of those that are hired, with salaries from \$100 to \$200 per month, most do not stay on the job very long. The turnover compounds the problem as rehiring and orientating staff consumes time and resources.

The contrast between parliament staffing and staffing to the executive branch is striking. A typical minister can have several dozen advisors capable of doing substantive or political work. Many of these advisors receive "super-scale" salaries that are largely paid by the international community through the Civil Service Commission. These salaries range from \$2,000 - \$10,000 per month, about 10 times the salary allocated for the average committee assistant in the parliament. Over the course of a year, the parliamentary committee that is supposed to oversee the work of a ministry might have access to 2-3 staff and is unlikely to spend more than about \$10,000 on research and staff support. The result is that parliamentary committees operate at a considerable disadvantage, both from a legislative and an oversight perspective. Low staff salaries and limited staff numbers keep the parliament weak. Some committees and MPs have very small amounts of

funding, either from the parliament budget or their own resources, to hire a part-time technical advisor for themselves or their committee, or they may have an informal group of advisors, but this is not an adequate substitute for having well-qualified, well-trained, well-paid, and experienced advisors who can assist the committees and the MPs with their legislative business.

### **(A) COMMITTEE SUPPORT TEAMS**

In 2007, APAP began providing consultants for the Budget Committee and four sectorial committees (Economy, Legislative, Health, and Environment). In 2009, when APAP received a significant increase in budget, this support was formalized as CSTs a structure in which two APAP staff are embedded within the standing committees and work with the parliament staff to consider legislation prior to consideration by the entire committee, prepare background materials for the committee to consider, and lead discussions in the committee on key legislative proposed changes. Since their inception, these CSTs have addressed a fundamental problem by helping MPs better understand issues and legislation. They have provided a service that the parliament secretariat has not yet been able to provide, which is substantive and analytical support on the issues facing the parliament. They have addressed a frequently repeated criticism of the parliament, that MPs are not informed about the issues.

CSTs are popular with the MPs the evaluation team interviewed. The evaluation team's findings with regard to support to committees echo those in the 2011 USAID legislative assessment, namely that "a number of committee chairs and MPs strongly expressed their appreciation for the commission support teams and specifically the work of the embedded APAP advisors in increasing the amount and quality of technical support and expertise on draft legislation."

There is no doubt that having a capable local parliamentary staff to serve the MPs is desirable. CSTs were designed to respond to immediate substantive and analytical needs while concurrently increasing the capacity of local staff through mentoring and modeling important behaviors. The long-term objective of sustainability does not always have to come at the expense of the more immediate objective of making parliament more capable of addressing Afghanistan's fundamental issues. The evaluation team's perspective is that, early in political transitions and particularly in volatile situations such as existed and continue to exist in Afghanistan, serving immediate objectives, such as resolving pressing differences over foundational policies, take precedence over sustainability objectives.

### **(B) LEGISLATIVE DRAFTING AND ANALYSIS**

APAP provided significant training on legislative drafting, although, in practice very little legislation originates in parliament. Laws are usually initiated by the ministries and then are handed over to the Ministry of Justice to produce a draft; the draft is voted on by the Council of Ministers and then sent to the parliament.

An issue related to legislative drafting that affects the quality of the legislation and can and should be addressed by parliament is that the laws drafted are often vague, and leave significant room for ministries to write regulations that have the effect of actually being the "real law." Imprecise drafting of bills was echoed as a problem on a number of occasions during evaluation team interviews. Currently, there is little capacity or resources available for the parliament to oversee the writing of regulations once a bill becomes law.. In 2011, APAP began mentoring NA legislative staff on how to prepare bill summaries and analysis. The evaluation team believes this is a very important step that can lead to better oversight of government by the parliament.

## **Comments and Recommendations**

APAP devoted a lot of attention to legislative drafting, and there is value to it, but this did not appear to be the highest priority for the parliament. Legislative analysis, on the other hand, is very important and should be a focus of APAP going forward. CSTs can play an important role in both providing good analysis and developing this skill in others.

### **(C) LEGISLATIVE PROCESS, LEGISLATIVE TRANSPARENCY AND THE LEGISLATIVE TRACKER**

A legislative tracker designed by APAP has been in the development phase for some time. The November 2011 APAP Final Report says, “The NA’s leadership has welcomed a transition in ownership and control over the APAP developed legislative tracking service. To implement this, the NA must 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 represents a significant effort to open up the NA’s legislative process to the public.”

#### **Comments and Recommendations**

While the software for the tracking system is in place on the parliament’s website and APAP has trained parliamentary staff on its use, the evaluation team did not see any signs that the tracker is in fact in daily use or being sustained by Afghans. Use of the tracker, and its development done by local staff should be encouraged.

# GENDER CONSIDERATIONS

Gender is a priority for USAID programs globally and in Afghanistan. All women in the Afghan parliament, per the constitution, are elected on a women's list. (Notwithstanding that several women have garnered high vote totals, regardless of special electoral list) Both the MJ and WJ have Women's Committees that have been particularly active on issues affecting women (e.g. violence against women legislation, human rights, the selection of women to the supreme court). The chair of the WJ Women's Committee, Fauzia Kaufi, is one of the highest profile MPs in parliament and has already announced that she will run for President in the upcoming elections.

Establishing a women's caucus in the parliament has not been successful despite the efforts of a number of international organizations. The failure of these efforts is dismissed as personal animosities between strong personalities in the parliament. Several female MPs interviewed commented that this characterization is unfair; they explained that women MPs have political, ethnic, ideological and personal differences and form political alliances based on all of those factors, just like their male counterparts.

The Women's Committees (which are open to men and currently have several male members) are chaired by women. The evaluation SOW states that "the evaluation should address gender considerations at all levels to assess if the program has affected men and women equitably." According to the April 2011 Final Technical Report, APAP took a twofold approach to gender programming: "(i) build the legislative skills and capacity of women legislators and (ii) to provide all legislators with access to information and expertise with regard to gender issues."<sup>2</sup>

APAP's work with the Women's Committees was described as very useful by the chair of the Women's Committee in the WJ. Moreover, APAP's support to the MJ Women's Committee in conducting field hearings was recognized as having played a significant role in building the capacity of that committee to more effectively engage civil society as well as other parts of the Afghan government in issues under consideration of the committee. APAP's work on the budget process contributed to the capacity of female MPs to understand how budget decisions affect women and issues important to women. Finally, APAP's CSTs were consistent in ensuring that women's and gender perspectives were included in legislative and other consideration in the committees where they were active.

Results from the telephone survey conducted by the evaluation team indicate that female MPs were particularly eager participants in the APAP trainings and other activities. The survey included 71 MPs from both chambers of which 19 or 25 percent of the total respondents were women: 16 from the WJ and 3 from the MJ, a percentage roughly equivalent to the total number of women in the parliament. Of that sample, 90 percent of the women said that they knew about and had participated in APAP trainings or other activities, 88 percent said that those trainings were useful, 100 percent said that APAP support should continue.

By contrast, male MPs participating in our survey (34 from the WJ and 18 from the MJ) were more skeptical about the benefits of the APAP trainings. About 60% said that they knew about or had participated in APAP trainings; 67% of those who had said that they were useful and about the same percentage of those who had participated in trainings said that APAP support should continue.

There were some negative voices as well. Some staff of NGOs who worked with women in parliament felt that APAP had not done enough to help MPs, and that they focused only on the few high-profile powerful English-speakers at the expense of the "backbench" women who really needed more assistance. Specific recommendations to address gender considerations includes:

- Continue and deepen support to the Women's Committees, especially in the WJ. APAP did not particularly focus on women staff in the parliament and this may be an area where APAP 2 can build capacity among committee and support staff in parliament.

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<sup>2</sup> 2011 p 18.

- Ensure that female constituents have access to MPs. Due to local morays, special steps will be required. For example, in some situations women may only have access to talk with other women. A way to respond to this is to train female staff to serve as liaisons between women constituents and male MPs and perhaps between women MPs and male constituents take advantage of and build on work being done by other organizations with women MPs in Parliament. Equality Peace and Development, an Afghan-run NGO with financing from the EU and others, has conducted a number of relevant programs. The Afghan Women's Network is a long-running and well-established NGO with strong connections to many female MPs.



# RECOMMENDATIONS & LESSONS LEARNED

## RECOMMENDATION 1

USAID and other donors should increase their assistance aimed at making the parliament more independent and effective, and the international community should pay more attention to parliament's role in Afghanistan's development.

Over the past eight years, the entire international community, led by USAID and APAP, has invested between \$50 and \$60 million into Afghanistan's parliament, an average of about \$7 million per year. This does not include the \$100+ million Capital Improvement Project by the Indian Government to build a new parliament facility. Vastly larger sums have been spent to support the Office of the President, the ministries, IDLG, provincial governments, and the elections process. This imbalance leaves the parliament weak and dependent on the executive for most of its basic functions. That funding level will not change significantly with APAP 2 and the follow-on to the UNDP SEAL program.

The investment made has had tremendous returns. Parliament has done significant work to promote transparency in government spending and reduce corruption. No institution in Afghanistan's government has done more to demonstrate that it is possible to work out issues through political means. No institution has done more to restrain the power of the Executive. Donors are aware that power follows money. Parliaments have power in democracy in part because they represent the taxpayers who are the source of government funds. In donor-dependent countries like Afghanistan, donors disempower parliament by giving funds directly to ministries and the Executive with no requirement that there be any parliamentary oversight for that money. In fact, there is often implicit preference that there be no parliamentary oversight. Recognizing there is little chance of changing the structure of assistance to include greater parliamentary oversight of the allocation of donor funds, donors can and should do more to encourage greater transparency and parliamentary access to information about how much money ministries are receiving and how they use the funds.

## RECOMMENDATION 2

Support to key MPs and committees should be a central pillar of future support to parliament. Future programs should gradually de-emphasize broad institutional support.

### INCREASE SUPPORT TO THE BUDGET PROCESS

Engagement with the executive on the budget is arguably the most important function of the Afghan parliament and the area in which the parliament has developed the most traction and momentum. Greater budget transparency and oversight, which the parliament can provide, is one of the keys to curbing corruption and waste in Afghanistan. MPs and the Budget Committee should be encouraged and capacitated to take a more proactive role in the budget process. APAP 2 should emphasize that MPs should not wait for the budget to come to parliament and for their reaction to it; they should engage with constituents to understand their concerns and convey those concerns to the Executive to influence the government's budget while it is being formulated. Furthermore, the parliament is considering measures to increase budget oversight, including more active monitoring of the quarterly *qatya* or budget execution reports from the ministries, performance monitoring, and the establishment of a Public Accounts Committee. Supporting these activities should be a priority for APAP 2.

### CONTINUE AND INCREASE SUPPORT TO KEY LEGISLATIVE COMMITTEES

MPs consistently praised the work of the CSTs that provided important substantive policy advice to key committees. MPs need to understand issues. The current parliamentary staff is not yet capable of providing



that kind of advice, and there is no reform on the horizon that will create a more capable parliamentary staff. Substantive support to the committees is critical if MPs are to play a more constructive role on the key issues facing Afghanistan in the coming years, including the electoral law, extractive industries, gender issues, delivery of social services, economic growth, and others. As with the budget process, the individual committees should be encouraged to take a more active role in the setting of government priorities. This should include greater engagement of civil society in the setting of social and economic development priorities.

### **FOCUS ON STRATEGIC PLANNING IN COMMITTEES, NOT AT THE INSTITUTIONAL LEVEL**

This is part of a general need to make the committees and individual MPs more proactive. One way to encourage this through is strategic planning, which is an especially useful tool for the Budget Committee. The purpose of this exercise should not be to simply to come up with a strategic planning document, but to identify ways that the committee can engage early on in the determination of the legislative agenda and budgets for upcoming years and then engage in the budget development process through various legislative tools, such as oversight, hearings, legislation, and popularizing issues.

### **RECOMMENDATION 3**

Help clarify and implement protocols for improving relations between the parliament and the Executive. This is particularly important with regard to the role of the State Ministry for Parliamentary Affairs. There is considerable ambiguity in this relationship and roles.

### **RECOMMENDATION 4**

Efforts to make support to parliament sustainable should have realistic expectations and be parallel and complementary to supporting the committees and MPs, not come at their expense.

A standardized training curriculum should be developed for and delivered to incoming staff, especially the staff that will support the committees.

APAP should work with the parliament to develop new strategies for staff retention. This may require USAID and other donors to encourage the Civil Service Commission to provide committee staff (especially those who pass a required training course) “super-scale” salaries.

### **RECOMMENDATION 5**

Refine the role of API and contribute to laying the foundation for its sustainability. API can play an important role in advancing a sustainable mechanism for training for the parliament but needs greater Afghan ownership, steady financial support, and a more balanced and effective governance structure. .

### **DEFINE API’S MISSION**

In the evaluation team’s view, the most important mission for API should be to provide all staff that comes to work in the parliament with introductory courses on parliamentary process and procedures. These courses should be designed by a professional in curriculum development and may include a combination of electronic and live teaching. It should integrate ongoing testing and feedback into the curriculum until respective staff attains requisite skill level.

### **DEFINE API’S GOVERNANCE STRUCTURE**

APAP has established some foundational elements, such as the presidential decree. Developing and executing a plan for making it an independent institution are critical next steps. Greater commitments from the WJ and the MJ, as well as the Ministry of Finance that will provide budget support, are required.

## **CONSIDER ENGAGING THE HUMAN AND INSTITUTIONAL CAPACITY DEVELOPMENT (HICD) METHODOLOGY**

Per ADS guidance USAID requires that institutional capacity development efforts use the HICD methodology. The HICD-Pro IQC for Critical Priority Countries has \$500 million ceiling. Once the IQC is awarded task orders can be procured. An HICD evaluation of parliament would be a good way to take a more systemic and systematic approach to the sustainability question.

### **RECOMMENDATION 6**

One area where administrative work should increase is on building capacity for greater budget autonomy and HR systems. One way to encourage building this capacity is to use USAID/Forward funding as the carrot. Due to political pressure and capacity deficiencies, the parliament has very little fiscal or administrative autonomy. While future parliamentary assistance should gradually de-emphasize support for institutional capacity that is directed through the central parliamentary administration, it could support building the capacity of the central parliamentary administration to manage its own internal budget, finances and administration. Along with the technical aspects of building the parliament's capacity to manage its own budget and HR, these efforts should emphasize the necessity and importance of increasing the fiscal and administrative independence of the parliament. Building parliament's internal capacity in this is particularly important considering the USAID/Forward objectives of increasing the amount of direct funding of government and non-government institutions, and decreasing reliance on implementing partners like US-based contractors.

### **RECOMMENDATION 7**

Support parliamentary advocacy, not just parliamentary monitoring. One reason that the parliament is viewed so unfavorably is that many citizens don't see their interests served by parliament. Parliament has a public information department, but the evaluation team did not see much evidence of outreach. Parliament needs advocates/champions. The evaluation team recommends that direct linkages with civil society organizations that might become advocates for the body, be pursued. The relationship that the legislature in the Philippines has with the Philippines Center for Legislative Strengthening might be a good example. There are efforts to monitor the parliament. These can be fairly conflictual and focus on things like MP attendance or legislation passed, etc. While important, at this critical stage in the institution's development, what may be equally important is local advocacy for parliament to fulfill its constitutional role.

### **RECOMMENDATION 8**

Provide resources and incentives for better short-term and long-term program monitoring and reporting, on performance and on impact.

### **RECOMMENDATION 9**

Encourage other USAID implementers to engage parliament in their programs. However, do not merge parliament programs into other DG activities.

## **COORDINATION WITH OTHER DONORS AND IMPLEMENTERS**

Close coordination with pending UNDP Parliament Support Project on strategic priorities and central planning and implementation plans to avoid resource shopping, duplication, and competition between projects. Keep legislative strengthening programs distinct from other DG programs, especially support to the executive. There has been some suggestion that it would be possible to fold parliament into other programs, for example to support the work of the parliament's budget process through programs that work with the executive branch and the finance ministry. The evaluation team concluded that coordination and cooperation between programs is almost always a good thing, but that the parliament and programs to support the parliament should be kept distinct and separate from those that support the executive branch.

# APPENDIX A: LIST OF INTERVIEWEES

## STATE DEPARTMENT

Mr. Andrew McDonald, Political Officer, US Embassy/Kabul

## USAID

Ms. Katharine Dow, USAID/Afghanistan

Mr. Abdul Samad Ghaznavi, USAID/Afghanistan

Ms. Belma Azra Ejupovic, USAID/Afghanistan

Mr. Ted Lawrence, USAID/Afghanistan (formerly)

Mr. Keith Schulz, USAID/Washington

Mr. Joe Brinker, USAID/Washington

Mr. Brian Vogt, USAID/Washington

## SUNY

Mr. David Ogle, SUNY

Mr. David Guinn, SUNY

Mr. Romualdo Mavedzenge, COP, SUNY/APAP

Mr. Taurai Kambeu, Program Officer/M & E, SUNY/APAP

Mr. Mohammad Akbar Zahid- Deputy Legislative Team leader, SUNY/APAP

Mr. Shamsulhaq Safi, Leg Program Officer, SUNY/APAP

Mr. Attaullah Asim, Budget Team Leader, SUNY APAP

Ms. Mariam Aslami, Gender Program Officer, SUNY/APAP

Mr. Yousuf Ghaznavi, Outreach Team Leader- Provincial Budgeting Specialist, SUNY/APAP

Ms. Zwakele Sayi, Outreach and Gender Specialist, SUNY/APAP

Mr. Raju Kalindi - Former SUNY/APAP staff

Mr. Eric Bartz - Former SUNY/APAP staff

Mr. David Payne - Former SUNY/APAP

## OTHER INTERNATIONAL ORGANIZATIONS

Ms. Mary Lou Schramm, Democracy & Governance Specialist, IFES

Mr. Adam Leclair, Civil Society Coordinator, IFES

Mr. Andrew Wilder, USIP

Mr. Brian O'Day, NDI

Ms. Jena Karim, Democracy International

Mr. Dan Murphy, COP, Democracy International

Mr. Abdullah Ahmadzai, Deputy Country Representative, TAF

Ms. Roohafza Ludin, Governance Program, TAF

Mr. Masood Amir, Governance Program/SEAL, UNDP

Mr. Shahmahmood Miakhel, Country Director, USIP

Mr. Tim Luccaro, Program Officer, USIP

Ms. Mary Lou Schramm, Democracy & Governance Specialist, IFES

Mr. Adam Leclair, Civil Society Coordinator, IFES

## **NATIONAL ASSEMBLY**

Hon. Shah Sulton Akifi, Deputy Secretary for Parliamentary & Legislative Affairs, Upper House

Hon. Bakht Mohammad, Deputy Secretary General for Financial & Administrative Affairs, Upper House

Hon. Mohd. Kazim Malwan, Secretary General, Upper House

Hon. Fazl Hadi Muslemyar, Speaker of Upper House

Hon. Haji Sakhy Moshwani, Upper House

Hon. Dr. Nelofar Ibrahimi, MP, Lower House

Hon. Ms. Farkhunda Naderi, MP, Lower House

Hon. Dr. M. Karim Baz, Deputy Minister of Parliamentary Affairs

Hon. Mr. Ramazan Jumazada, MP, Lower House

Hon. Khudai Nazar Nasrat, Secretary General, Lower House

Hon. Jahangir Khan, Director of Programs, Lower House

Hon. Muhammad Yousaf Saber, MP, Lower House

Hon. Eng. Sharifullah Kamal, MP Lower House

Hon. Mohammed Ibrahim Ghashtalay Ghushkala, Lower House

Hon. Mohammad Iqbal Safi, Lower House

Hon. Haji Mohammad Nazar Faqiri, Lower House

Hon. Khalid Pashtoon, MP, Lower House

Hon. Fauzia Kufi, MP, Former Dep. Speaker Lower House & current Chair of Women's Commission

Hon. Mr. Mohammad Asim, Former MP and General Secretary of the National Coalition of Afghanistan

## **OTHER LOCAL ORGANIZATIONS AND INDIVIDUALS**

Hon. Mr. Hodayoun Shah Assefy, former Candidate for President

Mr. Mujahid Kakar, Director of News, Tolo News

Mr. Lotfullah Najafizada, Current Affairs Manager, Tolo News

Mr. Jandad Spin ghar, Executive Director, FEFA

Mr. M.Naeem Asghari, Program Manager, FEFA

Hon. Roshan Sirran, Former MP & Director of THRA

Ms. Nargiz Narhan, Director of EPD

Mr. Yama Torabi, Executive Director, IWA

Ms. Fifi Sabang, Head of Programs, IWA

# APPENDIX B: STATEMENT OF WORK

## I. Background:

Ravaged by years of war and wholesale destruction of political infrastructure, Afghanistan has faced monumental challenges. With the ouster of the Taliban in 2001, the Afghan people began the task of rebuilding their society and government, and USAID was given a unique opportunity to assist during this transition period. The adoption of the Constitution in January 2004 provided a foundation for the establishment of a democratic society. Further, two subsequent elections, although far from perfect, have still managed to lay critical groundwork for the Afghan people to begin the process of forming a new representative government.

Since 2002, USAID has been assisting the establishment of a legitimate national government. USAID assistance through APAP began in 2004 and can be broken into three phases: phase one: Building the foundation, phase two: Implementing a strategy for comprehensive support, and phase three: In-depth technical support. During phase one, APAP was coordinated closely with the UNDP's Support to Establish the Afghan Legislature (SEAL) project. Together, these two projects were instrumental in laying the foundation for the new Afghan National Assembly which was formally inaugurated on December 19, 2005. In phases two and three, APAP focused on building the National Assembly's (NA) capacity with SEAL playing only a limited role. By the time APAP reached phase three, it was effectively the only project supporting the NA.

The NA plays an essential role for good governance: developing legislation to support key urgent political and economic reforms to stabilize the country; overseeing the operations of the executive branch; and representing important near and long-term interests of the public. Following parliamentary elections in 2011, Afghanistan's Parliament formally reconvened on January 26, 2011.

USAID is currently the only donor with a comprehensive program focused on building the Afghan Parliament's institutional capacity. As such, USAID has played a critical role in supporting Parliament to begin to play an oversight role, engage more effectively on legislation, and develop constituency outreach. USAID's efforts have increased Parliament's oversight capacity, assisting Parliament with more competent reviews of the national budget and more in-depth examination of legislation and ministerial candidates. APAP has also strengthened Parliament's public outreach capacity and established a Parliamentary budget office and training institute.

### Relationship to Mission Strategy:

Strengthening the capacity of Parliament and political parties is a high priority for and an integral part of U.S. assistance work in Afghanistan. As stated in the POST Performance Management Plan 2011-2015, the Afghanistan and Pakistan Regional Stabilization Strategy, reflects the urgency US policy attaches to building on the democracy and governance gains made since 2002. Improved public confidence in the government of Afghanistan requires improved service delivery, greater accountability, and more protection from predatory practices.

In light of that, the APAP program supports:

- *Assistance Objective 1:* Improved performance and accountability of governance
- *IR 1.3:* Strengthened governance and service delivery at national and sub-national levels.

## II. Purpose of the Evaluation:

The purpose of this evaluation is to assess the impact of APAP as implemented through the work of State University of New York (SUNY). The evaluation will examine all aspects of the program, with particular focus on evaluating the level of success in achieving the original program goals and impact they are likely to

have before the transition period begins in 2014. The evaluation will examine the relationship between APAP interventions and their impact on key developmental changes within the Afghan National Assembly and key political changes within the Afghan government as a whole as well as lessons learned for post-conflict legislative strengthening programs.

### **III. Detailed Scope of Work:**

The evaluation should examine to what extent SUNY's program has, through the provision of training, technical assistance, networking, mentoring and other assistance, achieved the programs four primary objectives:

- 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

The evaluation should also address gender considerations at all levels to assess if this program has affected men and women equitably. In evaluating the impact/results achieved by APAP programs, general questions that should be answered by this evaluation include, but should not be limited to:

- Assess and examine APAP's impact on Afghanistan's Parliament. Examine program impact against the stated objectives of individual project interventions and USG's broader objectives. Have APAP programs and activities achieved their intended results? Why or why not and to what degree? What factors contributed to success or failure? What were major constraints hindering success, if applicable? What are the strengths and weaknesses of programming to date? What lessons can be learned?
- Assess changes in performance of the Afghan Parliament over the course of the APAP including, but not limited to, improvements in parliamentary functions such as lawmaking, representation and oversight, administrative operations, committee effectiveness, public outreach and engagement, among others.
- Assess improvements, if any, in the democratic performance, political maturity, and effective functioning, of the Afghan government as a result of APAP assistance.
- What is the Parliament's (MPs, staff, etc.) impression and level of satisfaction with the program? Are they satisfied? In which areas do they think U.S. assistance was most effective?
- Examine the original assumptions (i.e. development hypothesis) used to justify USAID assistance in the legislative sector and the initial assessment and then, assess whether they were sound and provided a solid basis for post-conflict legislative strengthening programming. Did the program maintain this focus or were there modifications? What lessons can be learned for post-conflict legislative strengthening programming?
- Assess the sustainability of program interventions. To what degree was sustainability of the interventions achieved? Have new practices been institutionalized?
- Evaluate the differences between the first Parliament and the second Parliament, determining what skills and capacity were lost from the first and second and what implications this has for future legislative strengthening programming.
- Examine the links between national and sub-national governance. How has the program strengthened those links? Where do opportunities exist for the future?
- Evaluate the Mission's Results Framework and Performance Monitoring Plans as it relates to this program. What M&E measures have been the most successful? What M&E lessons can be learned? What suggestions can be made for future M&E programming?

To the extent possible, the evaluation team should use randomized evaluation methodologies to assess the impact of APAP. Since USAID assistance commenced even before the formal establishment of the National Assembly, when the baseline for the National Assembly's level of development was effectively zero, this evaluation presents the opportunity to measure impact by comparing the development and performance of

specific entities or individuals within the National Assembly that received APAP assistance with entities or individuals that did not receive such assistance. For example, during the first five years of the APAP, certain committees received APAP assistance while others did not. The evaluation team should devise an evaluation methodology that compares the level of activity and performance of committees that received assistance with those that did not, taking into account different variables other than APAP assistance that could have influenced different levels of development between the treatment committees and the control committees. There may be other areas in which APAP worked that might also be amenable to this type of evaluation approach.

To the extent possible, the evaluation should disaggregate out the impact of APAP from the UNDP SEAL, and acknowledge where it is not possible. In addition, achievements made by the first Parliament may not have been sustained by the second Parliament, and the evaluation should distinguish between the two Parliaments as assessments made of progress may vary depending on which Parliament respondents are most familiar.

#### **IV. Proposal Guidelines:**

##### **1. Team Composition and Participation:**

The assessment will be carried out by a four person team. The team shall include:

**1. Program Development Specialist:** The candidate filling this senior level position will serve as Team Leader. They should have a professional background in international development work and a strong background in development program impact evaluations. He/she should possess work experience in legislative strengthening, parliamentary development and political party building, as well as relevant academic credentials. Experience in good governance and civil society strengthening is desirable. Previous Afghanistan experience and background knowledge of the country or region is preferable. Ability to conduct interviews and discussions and to write in English is required. Knowledge of the host country language is a plus but not required as long as another team member is fluent (written and spoken). General knowledge of the USAID monitoring and evaluation process is strongly preferred. Minimum levels of work experience and academic degrees for this senior level position must include one of the following options:

1. Ph.D and eight (8) years of experience
2. JD/ABD and ten (10) years of experience
3. MS/ MA/MBA and twelve (12) years of experience
4. BS/ BA and fifteen (15) years of experience
5. Less than Bachelor's and twenty (20) years of experience

**2. Political Scientist/Political Economist:** The candidate filling this senior level position will serve as Team Member (International). This person's work experience should include substantial demonstrated experience in providing analysis, advice and guidance based on education in and/ or practical knowledge of one or more of the following areas: political party building; parliamentary development; and civil society development. Regional experience and / or country knowledge is required. General knowledge of USAID programming and procedures is preferable. Ability to write in English is required. Knowledge of host country language is not required as long as another team member is fluent (written and spoken). Minimum levels of work experience and academic degrees for this senior level position must include one of the following options:

1. Ph.D and eight (8) years of experience
2. JD/ABD and ten (10) years of experience
3. MS/MA/MBA and twelve (12) years of experience
4. BS/BA and fifteen (15) years of experience
5. Less than Bachelor's and twenty (20) years of experience

**3. Political Scientist/Political Economist:** The candidate filling this mid level position will serve as a Team Member (Mid Level: Local Expert). This person should have experience in political processes, political



party and parliamentary development, possessing strong background knowledge of Afghanistan politics and experience in the design, implementation and/ or evaluation of foreign assistance programs. Strong writing and word processing skills are a requirement. Knowledge of Dari is required. Knowledge of Pashto is desirable. Minimum levels of work experience and academic degrees for this mid level position must include one of the following options:

1. Ph.D and three (3) years of experience
2. JD / ABD and five (5) years of experience
3. MS/MA/MBA and six (6) years of experience
4. BS/ BA and eight (8) years of experience
5. Less than Bachelor's and twelve (12) years of experience

**4. Administrative Assistant/Translator:** This person will provide secretarial, logistical and operations support to the contractor team. The Administrative Assistant should have relevant experience in the provision of administrative/operational support. This person must possess the communication and organizational skills to set up interviews with key subjects, manage the interview schedule of the evaluation team, and take the lead in other logistical details such as housing, transportation, and other issues as required by the team. Knowledge of Dari is required. Knowledge of Pashto is desirable. Ability to serve as translator may be required. Minimum levels of work experience and academic degrees for this position must include one of the following options:

1. Ph.D and zero (0) years of experience
2. JDIABD and zero (0) years of experience
3. MSIMAIMBA and zero (0) years of experience
4. BSIBA and two (2) years of experience
5. Less than Bachelor's and four (4) years of experience

## **2. Proposed Level of Effort:**

The evaluation will require approximately 42 working days of combined preparation time and interviews in Washington D.C., Afghanistan-based field research, travel, and preparation of the final evaluation report. A six-day workweek is authorized while in Afghanistan. No premium pay is authorized. The contractor will be responsible for providing any interpretation and making all logistical arrangements (housing, transportation, etc.) for the duration of the evaluation.

Prior to departure for in country field assessment, the Team Leader and Team Member (International) shall review background documents, over a period of five days which will include:

- USAID assistance strategy for Afghanistan during the period of the APAP program;
- USAID Operational Plan documents regarding Afghanistan during the period of the APAP program;
- USAID annual report documents regarding Afghanistan during the period of the APAP program;
- Agreements, Work plans, Quarterly and Final Reports submitted by SUNY.

The team shall consult with appropriate USAID and SUNY staff prior to departure for

Afghanistan. The team will also communicate before departure for in country field assessment with USAID/Afghanistan for advice on whom to interview in Afghanistan. Scheduling of appointments in Afghanistan will be done by the Administrative

Assistant hired by the program before the arrival in country of the Team Leader and Team Member (International). Five workdays will be needed by the Team Leader and Team Member (International) in the United States to consult with USAID and SUNY staff and to review relevant background materials as determined by the staff of those organizations and the assessment team itself. Approximately two workdays

will be needed by the Administrative Assistant to begin arranging appointments before the international team member's arrival in Afghanistan.

In Afghanistan, the field assessment will be conducted utilizing information from the following sources:

- 1) Interviews with implementing partner staff, Speakers of the Wolesi Jirga and Meshrano Jirgas, parliamentary staff, Members of Parliament, U.S. Government field staff including specifically USAID field staff, other donor representatives, and NGO and media representatives. USAID / Afghanistan office will provide the team with a list of recommended interviewees.
- 2) Site visits to SUNY's office and Parliament.
- 3) In addition to relevant USAID documents, a review of secondary literature as determined relevant by the assessment team.

The following level of effort is required for the evaluation:

<b>Tasks</b>	<b>Estimated Timeline for Completion</b>	<b>Team Member's Responsible</b>
Preparation and Research (prior to arrival in country, includes draft of an initial work plan, review of background materials and discussions with USAID/OAPA and SUNY)	5 days	Program Development Specialist; Political Scientist/Political Economist (International)
Administrative Support prior to arrival of international team	2 days (concurrent with preparation time in the U.S. by International Team Members)	Administrative Assistant
Round trip travel (US-Afghanistan)	4 days	Program Development Specialist; Political Scientist/Political Economist (International)
In-Country Evaluation and Out-brief	18 days	Entire team
Draft Report (Full draft report, including executive summary)	5 days	Program Development Specialist; Political Scientist/ Political Economist (International)
Final Report due	10 days	Program Development Specialist; Political Scientist/Political Economist (International)
<b>Total Days/Proposal Elements:</b>	<b>42 days</b>	

A proposal responding to this Statement of Work shall address the following items:

- 1) Methodology of the evaluation (e.g. focus groups, structured, interviews, surveys, site visits, etc.);
- 2) Personnel: Implementation of this award will require a four member team as discussed in detail under the team composition. The Team Leader will have the ultimate responsibility for overall

coordination and development of the final report. The Contractor should also identify how it would handle administrative/operational support in advance of, and during, the course of the evaluation;

- 3) **Demonstration of Technical Competency:** Prior experience in conducting impact evaluations for legislative strengthening, parliamentary development and political party building is essential for performance of this contract. In addition to submission of detailed Curriculum Vitae (CV) for proposed personnel, the proposal shall include a summary of proposed individuals' experience in the areas of: evaluation; parliamentary development; and relevant regional experience.

#### **4. Deliverables:**

The evaluation team will complete:

- 1) **Work plan:** A draft work plan will be submitted two days before arrival in Afghanistan to be approved by USAID/Afghanistan, in which the methodology and activities of the evaluation are clearly stated. Within two days of arrival in Afghanistan, the team will submit a detailed work plan incorporating USAID/Afghanistan feedback along with the schedule of field work specifying tentative appointments and how the information will be collected, organized and analyzed to meet the information need specified in the SOW
- 2) **In-briefing:** The team will conduct an in-brief with USAID staff including Mission Director on arrival
- 3) **Out-briefing:** The team will conduct an oral out briefing to USAID covering its findings at the conclusion of its field work in Afghanistan accompanied by a written summary of no more than three pages containing key findings and recommendations.
- 4) **Draft Evaluation Report:** The Contractor will deliver a written draft report, with an executive summary and body of not more than 30 pages to USAID/Afghanistan within one week (five working days) arrival in the U.S. The draft report and its executive summary shall describe the team's methodology, and contain its findings and conclusions. The Mission will have 10 working days to provide comments on the draft report. The written report should contain the following sections:
  - Executive Summary, not to exceed three pages in length, composed of evaluation findings, best practices identified, conclusions and key recommendations;
  - Brief Description of Methodology;
  - Overview of the Parliamentary Support Program in Afghanistan;
  - Analysis of Findings;
  - Best Practices Identified and Key Recommendations;
  - Conclusion
- 5) **Final Evaluation Report:** The Contractor will have ten working days after receipt of USAID's comments on the draft report to submit the final evaluation report.

#### **5. Special Provisions:**

- The team is responsible for its transportation, office space and communications.
- Six day work week is authorized for this evaluation while in Afghanistan.

### **V. Relationships and Responsibilities**

The Evaluation Team shall work under the guidance and general direction of the USAID I Afghanistan Office of Democracy and Governance.

### **VI. Security:**

The contractor shall only utilize the services of a security organization that is registered with the GIRoA. The contractor shall develop and prudently manage a security program for its personnel, both expatriate and local employees, and other resources which facilitate safe and successful accomplishment of the work.