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STRENGTHENING AND WORKING WITH LEGISLATURES TO ACHIEVE DEVELOPMENT RESULTS

A Practitioner's Guide

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INTRODUCTION AND ACKNOWLEDGMENTS

This guide updates USAID's Handbook on Legislative Strengthening published in 2000. Building upon the handbook's information, this new guide reflects more recent scholarship, experiences, and evaluations from USAID programs over the past 20 years.

EXECUTIVE SUMMARY

This Practitioner's Guide provides practical advice for how to design, implement, and evaluate legislative strengthening and engagement projects. As discussed below and illustrated with project examples throughout this guide, strong and engaged national parliaments, assemblies, congresses, and legislatures serve as key foundations for democracy and socioeconomic development.[1]

Primarily addressed to USAID officers involved in programming decisions, the guide draws on USAID's extensive experience as well as lessons learned across the international community. USAID is one of the most active bilateral donors worldwide supporting national-level deliberative bodies, having funded more than 110 multiyear legislative projects in more than 70 countries worldwide since the late 1980s.

The guide begins with a review of the importance of supporting legislatures, trends in legislative programming, and how the field fits within USAID's DRG Strategy (Chapter 1). Next, it presents a framework for assessing the context for legislative programming (Chapter 2) and the types of legislative projects, strategies for design and implementation, and lessons and recommendations for conducting effective projects (Chapter 3). Lastly, the guide provides guidance for monitoring, evaluating, and learning for legislative programming (Chapter 4). In addition, Annex A contains useful resources, links, and index indicators, and Annex B contains links to reports and/or evaluations to all the projects mentioned in this guide.

To provide additional insights into legislative programming, a supplementary volume of Legislative Reference Papers accompanies the Practitioner's Guide. USAID convened a collaborative learning group of USAID officers, implementing partners, and academic experts to provide case examples from USAID projects worldwide, along with analyses of actors, methods, strategies, project activities, and evaluation frameworks for legislative strengthening.[2]

This executive summary constitutes a concise overview of the findings and lessons from the guide.

CHAPTER 1: LEGISLATURES, DEMOCRACY, AND DEVELOPMENT

What Do Legislatures Do?

- Legislatures **represent** people and groups in society, bringing specific regional, economic, and other concerns to the national level, where they can be factored into national policies. They mediate among various interests to help shape laws and budgets, making them more responsive to society's

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[1] For clarity, this guide will use "legislatures" as a general term for referring to national parliaments, assemblies, congresses, and related deliberative bodies. Also, legislators, parliamentarians, and members of parliament (MPs) are used interchangeably.

[2] The collaborative learning effort was led by Tom Bridle and Keith Schulz with USAID's Center of Excellence on Democracy, Human Rights, and Governance. Reference papers were discussed in a November 2015 conference held in Washington, D.C. Papers were produced by the five implementing partners that held USAID's Deliberative Bodies Indefinite Quantity Contract—i.e., Chemonics, DAI, Social Impact, SUNY Center for International Development, and Tetra Tech ARD—as well by practitioners from the International Republican Institute, National Democratic Institute, and academic experts engaged by NORC at the University of Chicago. The final document is titled "A Compendium of Reference on Legislative Strengthening."

needs (**lawmaking**). Further, they conduct **oversight**, ensuring that government projects are implemented effectively, legally, and transparently, and provide an important feedback function, facilitating governments to make needed budget and policy adjustments.

- Legislatures in emerging democracies often struggle to carry out these roles, frequently lacking financial resources, adequate infrastructure, or staff. They are often dominated by the executive branch or a single party and struggle to engage effectively with the public. When legislatures do not function effectively, societies suffer; the needs of groups and individuals are not well-represented; policies are less responsive; and government projects and budgets are less well-managed.

- Legislatures are complex, non-hierarchical institutions with multiple power centers — unlike most institutions that donors support. They tend to receive less attention from donors than do the executive branch, justice agencies, civil society organizations (CSOs), and local governments.

Legislative Programming Trends

- USAID legislative assistance began in earnest toward the end of the Cold War. Early projects built the technical capacities of legislatures and focused on Latin America and Eastern Europe, later expanding to all world regions. Projects next grew to help facilitate interaction between legislatures and groups in society to improve policy outcomes and accountability.

- Common themes of best practices in development programming, particularly when engaging with legislatures, include: (1) ensuring shared ownership of projects; (2) aligning projects with local priorities; (3) ensuring projects are harmonized, transparent, and effective; (4) seeking clearly defined results and using data to measure progress; and (5) being jointly accountable with parliamentary partners for results.

- Programs focused explicitly on thinking and working politically (TWP), supporting reform champions, and understanding the incentives and disincentives of different parliament actors who could push reforms ahead – or back. Notably, legislative projects are part of USAID's cross-sectoral integration strategy, linking development outcomes in a sector with parliamentary support.

CHAPTER 2: ASSESSING THE CONTEXT FOR LEGISLATIVE PROGRAMMING

In assessing the context for legislative programming, planners should consider (1) the legislature's role in the national DRG context; (2) the legislature's needs, determining whether assistance would be welcomed; and (3) stakeholders' political will to implement reforms.

The Legislature's Role in the National DRG Context

DRG Assessments and Macro-Analyses

USAID has DRG assessments in most countries in which the agency has worked, and these comprehensive, systematic studies are a good resource when contemplating assisting a legislature. Missions often conduct DRG assessments as they prepare their five-year country development

cooperation strategy (CDCS). Resources for understanding the national DRG context also include analyses conducted by host-country experts and relevant reports by other donors.

Assessing the Legislature's Constitutional Roles

What is the legislature empowered to do? The national legal, social, and political context broadly defines the opportunities and challenges for legislative programming. The host-country's constitution and laws define the legislature's formal roles. The ways parliaments carry out their functions varies, depending on:

1. **Degree of separation of powers.** In parliamentary systems where there is a fusion of legislative and executive powers (i.e., the executive is selected from the legislature to form the government and the fates of both are closely linked), there are disincentives for the branches to compete or for the legislature to develop robust committees to challenge the executive. Yet the legislature still plays important roles, including executive oversight. There is greater separation of powers in presidential systems, where members of the two branches are elected separately and their fates are not so closely intertwined. Legislatures have greater incentives to develop strong committees and legislative capacities, though legislatures and executives controlled by the same parties have fewer reasons to be competitive.

2. **Electoral system.** Legislators elected in single-member districts (like in the United States) are intricately linked to the constituents who directly elect them, and they have strong incentives to be responsive to the constituents in the district that elected them. Those elected through proportional representation (PR) systems (most Western European nations and their former colonies) have strong incentives to be responsive to party leaders—and less so to constituents — as party leaders determine legislators' position on the party list and, through that, the likelihood of their being elected.

3. **Formal powers.** Legislatures' powers in the budget process, in lawmaking, in overriding executive vetoes, approving cabinet officials, in removing the chief executive and cabinet members, etc. vary. Generally, the more such powers a legislature possesses, the greater its ability to impact national budgets and policies.

Political Regimes and the Legislature's Practices

The host country's unique historical experiences—such as civil conflicts, ethnic and religious divisions, and unequal access to land or other resources—also shape the political system and the practices and traditions of the legislature. Assessments track legislative practices and traditions and how these may present challenges or opportunities for a legislative project.

Assess the Legislature's Needs and Performance

Objective legislative standards and benchmarks, such as the comprehensive Commonwealth Parliamentary Association's *Recommended Benchmarks for Democratic Legislatures,* can help legislators and donors to recognize needed changes to help their legislatures conform to internationally accepted standards. These standards help identify a parliament's needs, lend legitimacy to reform objectives, and

may help build support for project goals. Pairing both legislative standards, like the CPA benchmarks, with self-assessment questions (like those from the International Parliamentary Union (IPU) Self-Assessment Toolkit), can help legislators think through priority reforms and means of addressing them.

Assess Stakeholders and Political Will

Legislative reform is a political enterprise because individual parliamentary and political actors stand to gain or lose from reforms. Assessments should help identify reform champions (and potential champions), opponents (and likely opponents), and the resources and influence they control. If those in control believe reform efforts will reduce their own influence, they may oppose them.

Project planners should understand the incentives and disincentives for political reform for influential actors (e.g., the speaker, members of parliament (MPs), administrators, and party leaders) to design informed, effective projects.

CHAPTER 3: DESIGNING AND IMPLEMENTING LEGISLATIVE PROGRAMS

Chapter 3 describes different types of USAID legislative projects, presenting case studies and observations on factors that supported or hindered project success. The chapter concludes with lessons and recommendations on project implementation.

1. Dedicated Legislative Programs

Where there is domestic political will to see the legislature strengthened, USAID dedicated projects support the legislature as an institution, strengthening its oversight, lawmaking, and representation functions, as well as its administration and management. USAID support can therefore substantially assist legislatures that may be understaffed, have inadequate resources, suffer from restrictive procedures, and for which MPs and staff may possess little institutional memory. Having flexible project funding enables USAID to respond quickly to unanticipated needs and opportunities.

1.1. Strengthening legislative oversight. Many legislatures struggle to conduct effective oversight because chief executives and ruling parties generally prefer not to be scrutinized and legislatures lack authority or professional staff and resources. USAID projects often provide training and technical assistance to improve oversight practices, support money and jurisdictional committees, support rules reform to give legislatures greater oversight authority, or try to improve links with and help strengthen other oversight institutions (e.g. Supreme Audit Institutions (SAIs)) to work collaboratively with the legislature.

USAID has assisted a number of legislatures to develop budget analysis units, but efforts are only successful when key actors in the parliament are committed to establishing them. Again, designing projects with flexibility to retarget support to different institutions within the legislature (e.g., budget or

sectoral committees) allows projects to work with different institutions within the parliament in cases when planned support is no longer welcomed.

1.2. Improving lawmaking. Common issues for legislatures struggling to fulfill their lawmaking role are poorly trained and too few staff, weak committees, and inadequate library and research services. Project measures to address these include training legislators to develop legislative agendas and become more expert in legislative procedures, helping to professionalize committees, and assisting to develop policy and research capacities.

USAID also establishes and supports issue-based caucuses, informal groupings of MPs with shared policy or reform interests who often work more easily across partisan divisions to develop and enact legislation. USAID support helped establish a Green Caucus and a Health Caucus in Somaliland and in Peru, which both developed legislation and enacted several important bills.

1.3. Strengthening representation. USAID assistance involves building the capacity of the legislature to be more transparent in operations and responsive to public views, while helping groups and individuals in civil society to better understand and participate in legislative affairs. Assistance includes support for committee and MP visits to hear from local groups on topical issues and constituent concerns and for systematizing proceedings for public hearings.

Information management and administration programming supports parliamentary management — the office of the clerk, or secretariat — and includes training in management and assistance with legislative websites and information technology (IT). A key question in legislative management is who controls legislative staff (i.e., the legislature or the executive?). Where parliaments control their own staffing and remuneration, there is a greater likelihood of their developing dedicated, long-term professional expertise.

It is important to remember that parliamentary administrators are gatekeepers and that their buy-in is needed if projects are to succeed. The Armenia Parliament's Chief of Staff terminated USAID assistance ahead of schedule, despite the new capabilities established for the Secretariat by the **_Armenia Legislative Strengthening Program_** (ALSP). The Kyrgyzstan secretariat, in contrast, eagerly partnered with **_USAID/Kyrgyzstan Parliamentary Strengthening Program_** to develop a professional, merit-based parliamentary service because the secretariat and KPSP were both working to support a more effective, corruption-free administration.

2. Democratic Accountability Programs

Legislatures contribute to national accountability by drafting laws strengthening accountability, overseeing accountability institutions such as anti-corruption commissions and auditors general, and compelling testimony from government officials. They contribute to all three sub-types of accountability: (1) **vertical** (citizen to representative), (2) **horizontal** (legislature overseeing the executive or local governments), and (3) **diagonal** (being held to account by media and citizens).

Useful strategies for working with legislatures supporting accountability programs include:

- Working on lower visibility interventions or "low hanging fruit," which can be perceived as less threatening to the executive, and therefore enjoy less resistance to change. Such quick wins can develop useful institutional practices that build trust and momentum for later reforms.
- Collaborating with other donors to increase impact (useful when supporting more than one accountability institution, such as supreme audit agencies, legislative committees, and public accounts committees (PACs)).
- Assisting CSOs to support legislatures in conducting their accountability work by, for example, conducting research and bringing attention to audit findings.
- Addressing audit findings in a timely manner.

As alluded to above, projects also support the work of committees with oversight responsibilities for sub-national government systems, including local government financing, laws, and regulations and overseeing the local government ministry.

3. Cross-Sector Programs

Cross-sector projects work with legislative bodies to support substantive, issue-based reforms of interest to USAID sector teams. They also work simultaneously with other government and nongovernment counterparts desiring to participate in the reform process. Legislative projects of all types managed by DRG sector teams commonly include cross-sectoral focus. Programs managed by other sector teams may also be designed to work with the legislature as part of their policy and legislative reform efforts. The pressing issues are determining the roles of the legislature in policy reform and whether a legislative activity could make a difference.

4. Legislative Programming in Conflict/Post-Conflict Environments

Despite often enormous weaknesses, parliaments in post-conflict and fragile states may make unique contributions to rebuilding nations because they represent more groups and interests than the government. Sometimes, they can ensure that important interests are considered in overseeing peace agreements and reconstruction efforts, may legislate for transitional justice mechanisms and resettling internally displaced persons, and may establish checks on the executive authority and security services.

In this vein, USAID supported the Rwanda Transitional Assembly and the National Assembly (NA) toward the re-establishment of parliament; Afghanistan in the re-establishment of a new parliament; and the Kenya parliament in implementing its 2008 National Accord and Reconciliation Act. Assistance to legislatures to strengthen a country's management of conflict issues often include:

- Establishing sub-structures within the legislature, such as legislative committees and cross-party caucuses, that strengthen the legislature's ability to build compromises to resolve conflict issues.
- Building the capacity of the legislative branch to address conflict effectively, *independent of the executive*, and to provide oversight of executive peacebuilding and conflict management efforts.
- Improving communication between the legislature, legislators, and their constituencies to ensure that interests underlying current or future conflicts are represented.

Lessons and Recommendations for Program Design and Implementation *(see page 47 for more information on each of the 14 below).*

Consultations and Developing Trust:
1. Consult broadly with legislative leaders and other stakeholders.
2. Develop trust and working relationships with project participants with a few early quick wins.
3. Co-design and co-produce activities.
4. Begin programming with dedicated institutional support for the legislature to open the door for more diversified cross-sector and democratic governance programming.
5. Cultivate reform champions and political will for reform.

Understanding the Context: Ongoing Analysis:
6. Using objective legislative standards and benchmarks as an assessment tool can help legislators recognize needed reform based on internationally accepted standards.
7. Political Economy Analysis (PEAs) can alert projects about closed doors and can sometimes identify strategies that help open them. *Without support for reforms, projects falter.*

Responsive, Adaptive and Astute Programming:
8. Anticipating electoral cycles is key.
9. Longer engagement with national legislatures, including over several electoral cycles, lead to more sustainable results.
10. Referring to international standards can build stakeholder support for cross-sector issues.
11. It is important to present project approaches as technical, not political.
12. Relationships and trust engendered through legislative projects may position USAID to help the legislature respond constructively during periods of conflict, crisis, and transition.
13. Technology is a tool. It can support, but does not guarantee, improved institutional performance.
14. Taking advantage of windows of opportunity is critical.

CHAPTER 4: MONITORING, EVALUATION, AND LEARNING

Lastly, this guide covers addressing challenges to applying monitoring, evaluation, and learning (MEL) practices for legislative projects. For example, these projects are often small in scale, so it may be difficult to attribute impacts separately from other national and international factors. It is also difficult to apply quantitative evaluation techniques involving comparison with a control group to evaluate project impacts because there is only one national legislature in a country. The flexible implementation strategies of legislative projects also pose complications, as mid-course programming shifts can render some indicators irrelevant and lessen the value of baseline data.

Nonetheless, experience and lessons learned from past projects can help in developing MEL approaches. For example, collaboration with local experts to develop outcome indicators and anchoring indicators to objective standards and benchmarks, often based on international standards, will strengthen monitoring. Further, using multiple data collection methods and transparent reporting out on evaluation limitations will achieve higher quality legislative evaluations. In addition, there are proven strategies to enhance

learning for the legislative project, legislature, and legislative communities. These include applying co-creation techniques for activity design, supporting legislative links to host-country think tanks and universities, and developing the capacities of host-country parliamentary monitoring organizations in civil society.

1.0   LEGISLATURES, DEMOCRACY, AND DEVELOPMENT

1.1   WHY STRENGTHEN AND ENGAGE WITH LEGISLATURES?

First, legislatures **represent** peoples and groups, bringing their needs, aspirations, and concerns to the national level where they can be factored into the policymaking process. Unlike chief executives, who are responsible for representing the nation and society as a whole, legislatures represent the differences in society – geographic, economic, religious, gender, ethnic, etc. – ensuring that the specific concerns of peoples and groups are heard at the national level. Political scientist Nelson Polsby has called legislatures the "nerve endings of the polity,"[3] because effective legislators understand and bring the concerns and issues of their constituents to the national level where they can impact the design and implementation of policies. Legislatures are the people's branch of government, the institution where citizens' interests are expressed and transformed into policy.

Second, legislatures not only represent the diversity and differences in a nation but, when they function well, mediate among the various interests they represent. In this

> More empowered legislatures lead to more resilient democracies.

way, they reach agreements and pass laws on budgets and policies that meet national needs, even as they respond to specific geographic and group concerns. This is the **lawmaking function** of legislatures, in which they make, or at the very least, approve the laws and budgets of the nation.

Third, legislatures conduct **oversight**. They review the activities of government, ensuring that executives implement budgets and policies legally, effectively, transparently, and according to the intent of the legislature.[4] Several factors influence how legislatures carry out their functions (see Chapter 2).

Cross-national research has found that more empowered legislatures lead to more resilient democracies.[5] Stronger legislatures are more likely to protect civilian control over the military and limit military influence over public policy.[6] Stronger legislatures are also more likely to contest authoritarian leaders who seek to rig elections and suppress

> Stronger legislatures are more likely to contest authoritarian leaders who seek to rig elections and suppress popular participation and more likely to support checks and balances between branches and offices of government.

[3] Nelson Polsby, "Legislatures," in Handbook of Political Science: Government Institutions and Processes, eds., Fred Greenstein and Nelson Polsby, Reading, MA: Addison Wesley, 1975.

[4] John K. Johnson and Robert T. Nakamura, Orientation Handbook for Members of Parliaments, World Bank Institute, 2006.

[5] The study by M.S. Fish, "Stronger Legislatures, Stronger Democracies," Journal of Democracy 17 (2006), provides comparative empirical evidence that legislative strength is correlated with democracy. Detailed country studies provide narrative explanations for how legislatures contribute to democratic development. See, for example, Joel D. Barkan, Editor, "Legislative Power in Emerging African Democracies." Boulder: Lynne Rienner, 2009. The report by C. Levan and N.T. Smith in the supplementary volume of reference papers "Legislative Strengthening Programs in Uganda and Nigeria" summarizes recent research on ways that stronger legislatures strengthen democracies.

[6] M. Sing, "Explaining Democratic Survival Globally," The Journal of Politics, 72 (02), 2010; and Staffan Lindberg and John F. Clark, "Does Democratization Reduce the Risk of Military Interventions in Politics in Africa?" Democratization 15, 1.

popular participation and more likely to support checks and balances between branches and offices of government.[7] Regarding legislatures and development, while democratic politics can sometimes lead to policy gridlock, the presence of a strong, engaged legislature able to pass sound legislation is key for achieving socio-economic objectives.

Challenges. Legislatures in emerging democracies often struggle to perform their constitutional roles. In lower income countries and post-conflict contexts, legislatures and other government institutions are often fragile, lack financial resources and infrastructure, and may have few members and staff who understand legislative process and procedures. In countries with authoritarian politics, legislatures are dominated by the executive branch or by strong single parties. They struggle to act independently and tend to remain disengaged from the public.

Legislatures that are weak and disengaged have limited ability to support democracy and development and to recognize and respond to needs, including the needs of specific people and groups, through laws and budgets. Without the "feedback loops" of legislative oversight, the government has less understanding and ability to adjust programs and policies to respond to the needs of constituents.

Moreover, programmers must also consider the "legislative communities," that is, the organizations and individuals throughout civil society, the private sector, and the broader government that have an interest in legislative performance. These communities seek reforms passed or oversee or provide services to the legislature.

Despite the importance of the legislative branch, development programs typically focus either on the executive branch or civil society. Yet the legislature is critically relevant to a nation's democratic health, development, and other socioeconomic development goals. According to internal USAID analysis, over a recent period spanning four fiscal years (FY), almost $3 billion was planned for governance or rule of law assistance. Of that, less than 5 percent was dedicated to parliamentary strengthening projects, while more than 70 percent was earmarked to the executive branch.[8]

1.2   TRENDS IN LEGISLATIVE PROGRAMMING

USAID Leadership in Legislative Strengthening

Early USAID legislative projects in the late 1980s and early 1990s, along with other U.S. government projects for legislative support, such as the congressional House Special Task Force on the Development of Parliamentary Institutions (later known as the Frost Task Force), tended to focus narrowly on building the technical capacities of legislatures and support services such as legislative libraries, research services, and legislative drafting.[9] By the late 1990s and in the following two decades, USAID legislative programming evolved markedly. This evolution included:

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[7] Larry Diamond, "Building a System of Comprehensive Accountability to Control Corruption," Lecture at Commonwealth Club of San Francisco, May 2008; and OECD Development Assistance Committee, "Accountability and Democratic Governance, 2013.

[8] Internal document: Rule of Law Program Tracker FY17 - Governance and Rule of Law Mapping FY12-FY15.

[9] Two reports in A Compendium of Reference Papers on Legislative Strengthening discuss the history of USAID leadership in legislative strengthening; Edward McMahon, "Legislative Strengthening Programming in Indonesia"; and John K. Johnson and Elizabeth C. Hudler, "Strengthening Deliberative Bodies."

Geographic expansion. Initial projects were primarily in Central and South America, such as in El Salvador, Chile, and Bolivia, as well as in Eastern Europe, with support to the newly independent states following the collapse of the Soviet Union. Over the past two decades, USAID expanded its legislative strengthening projects to all world regions.

Sustained projects. With experience, USAID has learned that longer engagement with national legislatures, including over several electoral cycles, was more likely to lead to sustainable results. Some countries have had sustained or successive USAID projects lasting more than a decade, such as the *USAID-Afghanistan Parliamentary Assistance Program (APAP)*[10] and the *USAID/Kenya Parliamentary Strengthening Program*.

Engaging legislative communities. Earlier projects focused primarily inside legislatures to improve the skills of members of parliaments and staff while strengthening legislative systems and processes. Programs then expanded to support legislative openness and responsiveness to citizens' concerns. Increasingly, USAID projects work not just with the legislature but also with interested external organizations to advocate for policy preferences or to oversee and make transparent legislative actions. For example, the **USAID Indonesia Program Representasi** *(ProRep)* supported "policy clusters (or communities)" that connected the legislature to CSOs, policy experts, and the media, as well as to executive-branch policymakers.

Expanding scope. Earlier USAID projects often focused narrowly on institutional strengthening of the legislature. As USAID's approach evolved, scopes of work broadened to include:

o *Cross-sectoral projects.* Programs such as the *USAID/Kyrgyzstan Parliamentary Strengthening Program* supported development outcomes in elections, education, tourism, access to water, and health.

o *Accountability projects.* Programs such as the *USAID/Georgia Good Governance Initiative* strengthened accountability and transparency by integrating legislative assistance with support for the national auditor (i.e., ensuring better understanding and responsiveness to audit findings), executive branch offices, local government, and CSOs.

Growing Numbers of Organizations/Other Trends

A 2015 mapping found that, since 2000, there has been a rapid proliferation of organizations involved in legislative programming.[11] Significant trends in programming during the 2000s include: (1) improvement in the effectiveness of development assistance, (2) development of objective standards for legislative performance, (3) tracking of political and social contexts, and (4) increase in flexibility in project design. More on each trend is presented directly below.

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[10] A link providing more information on APAP and other projects mentioned in this guide can be found in Annex B.

[11] Including the United Nations Development Programme (UNDP), European Commission, multilateral organizations such as the World Bank, national parliaments, international parliamentary associations and networks, political party foundations, nonprofit institutions, academic institutions, and private consulting firms. See: Franklin De Vrieze, "Global Mapping and Analysis of Parliamentary Strengthening," Democracy Reporting International consultancy for the Swiss Agency for Development and Cooperation, 2015.

Improving Aid Effectiveness. USAID and other donors have developed principles and commitments to improve the effectiveness of development assistance overall, and to better achieve the United Nations' Millennium Development Goals. Following a series of high-level forums organized by the Organization for Economic Co-operation and Development (OECD), the 2005 Paris Declaration on Aid Effectiveness stated key "partnership commitments" on which governments and aid organizations agreed, which included:

- **Ownership.** Donors and host countries share responsibility for assistance programs.
- **Alignment.** Donors work in line with locally defined priorities and strategies.
- **Harmonization.** Donors coordinate, simplify procedures, and share information to avoid duplication to increase transparency and effectiveness.
- **Managing for results.** Donors' projects seek clear results and use data to measure progress.
- **Mutual accountability.** Donors and host countries are both accountable for project results.

The subsequent Accra Agenda for Action in 2008 identified ownership, inclusive partnerships, delivering results, and capacity development as actionable ways to implement the Paris Declaration and improve aid programs.[12]

USAID aims to design and manage legislative strengthening projects consistent with the Paris Declaration and related commitments. For example, for alignment, projects likely should include activities in support of parliament's modernization plans and national development priorities. Equally, USAID projects manage for results by adopting clear results frameworks and associated MEL plans.

At the same time, implementing legislative projects in accordance with the Paris Declaration can be complicated. First, shared ownership for a legislative project is not always easy to define or achieve. This is because legislatures tend to be "flat" organizations with multiple centers of authority, and powerful actors often disagree on what the desired reforms are.[13] For example, changes in legislative structures can cause a redistribution of power, and those benefiting from the status quo may feel threatened by reforms. Thus, a project may need to cultivate constructive relationships and some degree of shared ownership with multiple legislative offices and officers, political parties, and other centers of power.

Developing Standards for Legislative Performance. Concurrent with the efforts to improve aid effectiveness, there has been a movement to develop objective standards of legislative performance. Led by organizations such as the Commonwealth Parliamentary Association (CPA), National Democratic Institute (NDI), and IPU, this standards movement sought to provide donors, parliaments, and development practitioners more objective, more transparent, and less ad hoc points of reference to identify gaps and deficits in the rules, structures, and performance of national deliberative bodies. At the same time, these efforts developed self-assessment tools to assist legislatures in their own reform

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[12] Focusing in more specifically on how to improve assistance to legislatures, the International Parliamentary Union similarly led a collective process in 2014 that led it to adopt a set of "Common Principles for Support to Parliaments." To date, this effort has not generated the same level of commitment from donors and aid organizations as seen in the OECD-led efforts for the Paris Declaration and Accra Agenda for Action.

[13] Unlike ministries and other hierarchical organizations, where those at lower levels of the organization are responsible for carrying out instructions of those above in order to accomplish the objectives of the institution, legislatures are "talking shops" (Old French parlement, from parler "to speak").

efforts.[14] The standards and self-assessment tools were carefully developed and are quite comprehensive. More information on standards and assessment tools can be found under Section 2.2, The Legislature's Needs and Performance.

Emphasizing Political and Social Context. Early legislative projects often focused on reforming the legislature's formal rules (e.g., controlling laws and procedures) and building internal institutional capacities, but paid less attention to the de facto power arrangements and incentives that influence legislative actors. De facto political incentives may be exerted by sectarian groupings, political parties, bureaucratic factions, nongovernmental organizations (NGOs), private sector associations, corrupt crony groups, or even criminal and terrorist organizations. Early legislative projects tended to view legislatures as self-contained entities, rather than as institutions embedded in unique political and social contexts. As a result, programming was not closely attuned to what kinds of reforms were politically feasible for the given moment.[15]

The recent trend is to more systematically map and assess political and social incentives, and through TWP, design and implement legislative and other governance projects in ways that better account for what is likely to be politically feasible. USAID has key tools to support TWP, such as DRG assessments and, more recently, PEAs. [16] Similarly, other legislative assistance organizations developed tools and analytical approaches—for example, the United Kingdom's Department for International Development (DFID) uses Drivers of Change while the Swedish International Development Agency (SIDA) developed Power Analysis. [17]

Adopting More Flexible Programming. A notable fourth trend, which builds on the increased focus on political and social context, includes efforts to build more flexibility into how legislative and other democratic governance programs are designed and implemented. *In fact, rigid designs and work plans for legislative projects can be counterproductive.* As the activities evolve, there will likely be new opposition to some project goals from MPs or staff who perceive proposed reforms as disadvantageous. Such pushback can result in shifts and even reversals in project efforts during implementation. Thus, the design

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[14] For a thorough review of the efforts by diverse donors and international organizations to develop these standards, see Anthony Staddon, Benchmarking for Parliaments: Self-Assessment or Minimum Criteria?, Office for Promotion of Parliamentary Democracy, European Parliament, Brussels, 2012.

[15] As stated by Thomas Carothers, a prominent analyst of USAID and donor democracy projects, "The point is not that weak, troubled legislatures can never change. It is, rather, that treating legislatures as self-contained entities that can be fixed by repairing internal mechanisms is unlikely to get very far. Rather than seeing the task as legislative assistance per se, it is more useful to think in terms of helping a society develop the capacity to enact laws that incorporate citizens' interests and reflect sophisticated knowledge of the policy landscape. Ultimately, helping bolster this capacity will mean working with many people and groups outside the legislature, including political parties, citizens groups, the media, officials from the executive branch, jurists, and others." Thomas Carothers, Aiding Democracy Abroad: The Learning Curve, The Carnegie Endowment, Washington, D.C., 1999, p. 182.

[16] "Conducting a Democracy, Human Rights, and Governance Assessment: A Framework for Strategy Development," Office of Democracy, Human Rights, and Governance, Bureau for Democracy, Conflict, and Humanitarian Assistance, USAID, December 2011; and "Thinking and Working Politically through Applied Political Economy Analysis: A Guide for Practitioners," Center of Excellence on Democracy, Human Rights, and Governance, Bureau for Democracy, Conflict, and Humanitarian Assistance, USAID, April 2018.

[17] DFID methodologies are discussed in Political Economy Analysis: 'How to' Note, DFID, London, 2009. SIDA's methodology is described in Jethro Pettit, Power Analysis: A Practical Guide, SIDA, Stockholm, 2013.

of legislative and other political projects needs to allow for flexibility, with "Plans for Sailboats, Not Trains," as strategies will likely need revision iteratively as programming proceeds.[18]

1.3 USAID'S DRG STRATEGY AND HOW LEGISLATIVE STRENGTHENING FITS WITHIN IT

As indicated above, the first decades of legislative programming saw USAID policy focused on strengthening key institutions (e.g., ministries, legislatures, and courts), instead of strengthening the democratic system as a whole.

In 2013, USAID created the DRG Center, significantly revising its policies with the USAID Strategy on Democracy, Human Rights, and Governance. The four development objectives of the DRG Strategy are:

- Promote participatory, representative, and inclusive political processes and government institutions.
- Foster greater accountability of institutions and leaders to citizens and to the law.
- Protect and promote universally recognized human rights.
- Integrate DRG principles and practices across USAID's development portfolio.

This new strategy provided an opening for our missions to think about how they could strengthen both participation and accountability which is reflected across a new trend in programming.

In 2015, the Administrator Raj Shah signed the Agency Action Plan for Cross-Sectoral DRG Integration to further prioritize the importance of integrating DRG principles across sectors and into each mission's CDCS. Although this integration in some cases took place before 2013, the DRG Strategy provided missions with a fresh conceptual framework to develop new types of legislative projects in addition to those primarily dedicated to institutional capacity building. For example, missions have sponsored cross-sector projects to work with legislatures in support of substantive, issue-based reforms in areas such as health, education, and economic development. Missions have also supported broad democratic accountability projects that work with legislatures and other government offices to improve accountability, transparency, and public participation in areas such as policy and lawmaking, public finance management, anti-corruption, and local governance.

President Biden established fighting corruption as a core U.S. national security interest through the first Presidential Memorandum of its kind in history. In June 2021, Administrator Power created the Anti-Corruption Task Force to elevate, strengthen, and integrate anti-corruption work throughout our whole Agency. Given the roles that legislative bodies can play in promoting transparency and accountability, they will be integral to our efforts in curbing corruption.

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[18] The quotation is from the title of a well-cited article on this topic: Rachel Kleinfeld, Improving Development Design and Evaluation: Plans for Sailboats, Not Trains, Carnegie Endowment for International Peace, Washington, D.C., 2015.

2.0   ASSESSING THE CONTEXT FOR LEGISLATIVE PROGRAMMING

This chapter describes the areas project planners should consider in assessing whether to conduct a legislative assistance project and what areas a project should address. Assessments should focus on the following three areas:

1. The legislature's role in the national DRG context (i.e., understanding how constitutional, political, and other factors influence what the legislature does and what it might do).
2. The legislature's needs and performance to help determine appropriate types and targets for assistance.
3. Stakeholders, including the speaker, political party leaders, parliamentary administrators, and executive branch leadership, and the political will for legislative reform, that is, understanding the incentives and disincentives of influential actors with formal or informal authority to promote, or block reforms.

> **LEGISLATIVE PROGRAMMING ASSESSMENT: KEY STEPS**
>
> **Legislatures' Role in National DRG Context**
> Review DRG assessments and macro-analyses
> Identify constitutional role for legislature
> Consider legislative practices under the political regime
>
> **Legislatures' Needs and Performance**
> Refer to international standards and benchmarks
> Consider options for legislative self-assessment
>
> **Stakeholders and Political Will for Legislative Program**
> Evaluate momentum for legislative reform
> Identify influential individuals and sources of influence

These three areas are interrelated and together provide a solid information base for designing a legislative strengthening project. In cases where significant information is already known about one of the assessment areas, methodologies should articulate knowns and unknowns to ensure research focus on the knowledge gaps. Table 1 presents a summary of the assessment framework.

TABLE 1. LEGISLATIVE STRENGTHENING ASSESSMENT FRAMEWORK

1. ASSESS THE LEGISLATURE'S ROLE IN THE NATIONAL DRG CONTEXT
Macro-Analysis – The Context for Legislative Assistance

- Social and political context
- Changes taking place in the country
- Role of the legislature in the country

Constitutional Role of the Legislature

- Political system (presidential, parliamentary, or hybrid)
- Electoral system (single-member district versus party list/proportional representation)
- Formal legislative powers and their use (powers to question ministers, override executive vetoes, amend the budget, introduce legislation with fiscal costs, etc.)

Political Regimes and Legislative Practices

- Liberal/consolidated democracy – USAID does not assist
- Authoritarian – usually limited, targeted assistance, focused on openings for democratic change
- Hybrid – support reforms, citizen advocacy, and institutional strengthening

2. ASSESS THE LEGISLATURE'S NEEDS AND PERFORMANCE
Legislative Standards/Benchmarks

- Adequacy of general structures, rules, and functioning of legislature
- Organization: adequacy of rules of procedure (debate, voting, records, etc.)
- Committees: organization, powers (summon witnesses, right to access experts, etc.)
- Political parties and cross-party groups
- Parliamentary staff: professional, controlled by legislative (not executive) branch; transparent recruitment and promotion; and professional parliamentary service
- Legislative powers to draft and amend legislation, determine and approve budget, etc.
- Oversight powers to require timely responses from the executive, receive annual reports, pass and scrutinize the budget, impeach or censure executive branch officials, etc.
- Representation: adequate resources to fulfill constituent responsibilities
- Accessibility, openness to media and people with disabilities; updated website
- Ethical governance: transparency and integrity, codes of conduct, provide for public access to government information (freedom of information)

Legislative Self-Assessments

- Involve legislative leaders and staff in assessing their capacities and needs

3. STAKEHOLDERS AND POLITICAL WILL

- Incorporate elements of a political-economy analysis to better understand power dynamics of political actors, incentives, and disincentives for reform
- Determine momentum for legislative strengthening in the legislature
- Identify reform champions, opponents, and their incentives

2.1   THE LEGISLATURE'S ROLE IN THE NATIONAL DRG CONTEXT

The national social and political context and the trajectory of change that a country is experiencing broadly define the opportunities and challenges for DRG programming, whether for legislative or other forms of assistance. Multiple sources can provide needed information and insights when initially considering a legislative project. Central among these are analytical tools USAID has already developed and frequently used, such as DRG assessments.

DRG Assessments and Macro-Analyses

National-level DRG assessments are an informative and practical tool that the agency has honed over several decades.[19] Hundreds of assessments have been conducted in virtually all countries in which USAID has worked worldwide. Conducted by field teams composed of international and local experts

[19] The DRG Assessment methodology was initially developed in 1999. The methodology was updated in 2014, including to directly incorporate human rights considerations, with the publication of Democracy, Human Rights and Governance Strategic Assessment Framework.

alongside one or more mission officers, DRG assessments follow a detailed strategic assessment framework (SAF) methodology. This ensures that assessments are not ad hoc but are comprehensive and conducted in a systematic process. Missions often conduct DRG assessments as they prepare their five-year CDCSs.

Beyond DRG assessments, Annex A provides links to multiple publications on donor strategies and lessons learned in implementing legislative projects, benchmarking and assessing parliaments, and understanding national DRG contexts. Annex B contains links to reports and/or evaluations to all the projects mentioned in this guide. Officers considering a legislative assistance activity similar to one appearing in this guide can click on the link to the activity's final report or evaluation for more detailed information.

Constitutional Role of the Legislature

Democratic legislatures share the same basic functions, but how they carry them out varies greatly from country to country. When conducting a DRG assessment, it is important to understand the legislature's formal role and functions in relation to the country's constitution and subsidiary laws. This includes understanding the overall powers and responsibilities of the legislature with respect to the executive and judicial branches, as well as how legislators and political parties gain and maintain

PROGRAMMING IMPLICATION

If supporting a legislature in a parliamentary system, consider carefully before making a major investment in building a robust bill drafting system. Parliaments rarely initiate, but commonly make minor amendments to government legislation. Supporting over-sight through, for example, strengthening the Public Accounts Committee (PAC) may be more fruitful.

power and their incentives to reform or maintain the current system. Three fundamental structural factors influence the way the legislatures function: (1) the degree of separation of powers between the legislature and executive, (2) the electoral system, and (3) the formal powers of the legislature.

Degree of separation of powers between the legislature and executive. The DRG assessment should also provide context on constitutional and legal variables, which impact the incentives and behaviors of legislators. A key differentiator is the degree of separation of powers between the executive and legislative branches, that is, whether a country has a "parliamentary" or a "presidential" political system:

- **Parliamentary systems.** In parliamentary systems, the executive is formed out of the parliament, with the prime minister and cabinet selected from the majority political party or coalitions. While the legislature and the executive are separate branches of government, there is an essential fusion between the two, and there are few incentives for the legislature to act independent of the executive. The executive (the "government") initiates nearly all legislation and drives policy reforms. There may also be a head of state, whose duties are usually ceremonial, that is separate from the prime minister. Reflecting the influence of the majority political party, strong legislative-executive conflict is rare in parliamentary systems. Legislative committees–especially PACS– conduct executive

oversight in parliamentary systems. These committees review and make recommendations to the government regarding the audit reports of the supreme audit agency and conduct practices such as "question time." Parliamentary systems exist worldwide, most commonly in Europe and Anglophone democracies.

- **Presidential systems.** In presidential systems, the president is elected separately from the legislature (often for different terms), and the constitution establishes clear separation of powers among branches of government. Legislatures generally have greater incentives to initiate laws, influence policy reform, and control their own agenda. Presidential systems tend to have strong oversight capacities, especially when the legislature is not controlled by the same party as the executive. These systems have active committees that question executive officials, hold public hearings, and conduct independent inquiries into executive malfeasance. Presidential systems are common in the Americas and parts of Africa and Asia.

Worldwide, many constitutions are hybrid in that they combine features of both parliamentary and presidential systems. Thus, a president may be directly elected, but there may also be a prime minister (often appointed by the president) who has separate authority. Some hybrid systems have significant oversight tools, particularly those with strong committee systems.

Electoral systems. A second legal/constitutional variable is the system through which representatives compete for office. The electoral system impacts the way representatives relate to constituents and to their parties.

- **Single-member districts (also called plurality-majority, constituency-based, or first-past-the-post).** Constituents in a geographic area vote directly for a candidate, and the candidate receiving the most votes wins. Because constituency votes directly determine who wins office, representatives have great incentive to be responsive to voter interests. The United States, United Kingdom, and many former British colonies use this system.

- **Proportional representation (PR).** In contrast, in PR electoral systems, candidates are placed on an electoral list and citizens vote directly for parties rather than for candidates. The percentage of votes the party (not the candidate) receives determines how many candidates from that party take office. For example, if a party wins 40 percent of the votes, the top 40 percent of the candidates on the list win seats in parliament. Party leaders determine where candidates are placed on the list, creating a strong incentive for them to be responsive to party leaders who decide where they will be placed on the list.

Semi-proportional electoral systems combine aspects of both single-member and PR systems, generally to ensure that the parliament is connected to and responsive to citizens (through the single-member district legislators) as well as to broader party and national concerns (through PR systems). In a nation with a bicameral

> **PROGRAMMING IMPLICATION**
>
> When planning representation assistance for MPs, realize that their electoral system may impact their willingness to invest significant time and resources in constituent outreach.

legislature, members from one house may be chosen according to a PR system and in the other through a single-member district system. Alternatively, a percentage of members in the lower house could be selected through a single-member district system and others in the same house through PR. Russia, Germany, Bolivia, and Mexico all use semi-proportional systems.

Formal powers and their use. A third legal/constitutional variable that helps determine the legislature's roles in the political system is the legislature's formal powers, delineated in constitutions, laws, and the legislature's standing orders. The more formal powers a legislature possesses, the greater its capacity to influence budgets and policies and the exercise of oversight. (The text box on the next page lists several formal legislative powers). Some parliaments enjoy broad formal powers, allowing members and committees to introduce legislation (even legislation with significant financial impact), to dramatically rework executive taxing and spending plans, and to require the executive to obtain legislative approval to borrow money. Formal powers in other legislatures are more circumscribed. As noted above, legislatures in presidential systems tend to possess greater formal powers than do legislatures in parliamentary systems. However, parliamentary systems have oversight mechanisms not common to presidential systems; specifically, there are question periods in which ministers and PACs examine how governments use their funds. Some parliaments use those powers to conduct oversight more thoroughly than their presidential counterparts.

Legislatures, especially in developing nations, often possess more powers than they use effectively. Donor programs sometimes assist legislatures in expanding their formal powers. In most cases, a project will support legislatures in narrowing the gap between the formal powers they possess and those they exercise.

In concluding this section on the formal roles of legislatures, it is important to realize that political architecture is not destiny and that these factors do not, in and of themselves, determine legislative behavior. Legislatures often fail to use their powers effectively. Some legislatures in parliamentary systems have strong committees and play more significant lawmaking and oversight roles than do some separation of powers legislatures (e.g., Scotland). In addition, some legislatures with PR electoral systems are more responsive to constituents than are some single-member district systems.

EXAMPLES OF FORMAL LEGISLATIVE POWERS

Power of members and/or committees to introduce legislation
Power of members to introduce legislation with fiscal costs
Power to substantially amend executive proposals
Power to override executive vetoes
Power to approve cabinet officials
Power to approve court justices
Power to approve government borrowing
Power to compel the executive and others to provide information
Power to censure government ministers and other officials
Power to approve/disapprove the budget
Power to reduce, increase, shift spending in the budget
Power to remove the chief executive
Authority to set the parliament's budget, manage own staff

Political Regimes and the Legislatures' Practices

Past civil conflict or war; ethnic, tribal, and religious divisions; rivalries or disparities among regions; and the unequal access of groups to land, capital, or other resources — all shape how countries are governed. These factors constitute additional research considerations regarding legislative strengthening that should be included in DRG assessments.

The 2013 DRG Strategy presents a fourfold regime typology to distinguish similar from dissimilar political regimes, which helps in broadly assessing if and what kind of DRG and legislative assistance is appropriate. USAID does not provide DRG assistance to liberal and consolidated democracies as they have either graduated from assistance or are not aid recipient states. We do provide DRG assistance at some level for the other three regime types: authoritarian, hybrid, and developing democracies.

Authoritarian regimes. Many countries worldwide have authoritarian political regimes, including dictatorships, one-party rule, and neo-patrimonial (characterized by clientelism and endemic corruption). Although authoritarian regimes may maintain some of the institutions and practices of democracies, they can also combine this with co-option and repression of dissent, rigging of elections, and manipulation of institutions. According to one well-established governance indicator—the Economist Intelligence Unit's (EIU) Democracy Index—in 2019, 54 countries with about 35.6 percent of the world's population were governed by authoritarian regimes.[20]

DRG and legislative assistance in authoritarian contexts is often limited and targeted. This reflects that governing elites and their allies tightly control citizen participation and the institutions of government prefer this status quo. However, in such closed systems, there may be opportunities to strengthen legislative practice, committee functions, and policy formulation.[21] Engaging legislators to address local issues and concerns can improve representation efforts and subtly exercise oversight powers. Doing so can help build champions for democracy, promote political party functionality, and strengthen the institution of parliament to respond effectively should a democratic opening emerge.

Hybrid regimes. This broad category ranges from semi-authoritarian regimes to those with some civil and political freedoms but as-yet underdeveloped governing institutions. In many instances, hybrid regimes have basic contestation among groups and political parties over the correct directions to ensure national development. Particularly in post-conflict situations, it is also common in hybrid contexts for the legislature, ministries, and other government offices to be poorly staffed and poorly equipped, and for CSOs to not be well-organized or active in all regions. The EIU Democracy Index counted 37 countries with 16 percent of the world's population as having hybrid regimes in 2019.[22]

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[20] Economist Intelligence Unit Democracy Index, p. 3; index classification by country can be downloaded here: https://www.eiu.com/public/topical_report.aspx?campaignid=democracyindex2019

[21] See examples of two democracy and governance projects in Vietnam in John K. Johnson and Elizabeth C. Hudler, "Strengthening Deliberative Bodies," in the volume of Reference Papers.

[22] Op. cit., Democracy Index, p. 3. The index defines h ybrid regimes as follows: "Elections have substantial irregularities that often prevent them from being both free and fair. Government pressure on opposition parties and candidates may be common. Serious weaknesses are more prevalent than in flawed democracies—in political culture, functioning of government and political

In hybrid contexts, DRG assistance is selective and flexible in supporting reforms, standing up institutions following conflicts and during democratic transitions, or helping to elevate citizen advocacy and government oversight capacities. Assistance also commonly supports access to information and the media. Assistance to address specific needs, such as standing up legislatures, building staff systems and committees, and supporting CSOs, can be effective when there is political will for reform.

Developing democracies. Developing democracies are countries that are seeking to democratize and have undertaken legal or constitutional reforms to improve the performance of government institutions. In some instances, the political will for democratization is strengthened following watershed elections that bring in new political leaders and sweep out authoritarian incumbents, or when negotiated settlements break long-standing political stalemates.

According to the DRG Strategy, assistance for developing democracies aims to "shore up progress and to create democratic institutions and culture that are self-correcting in the face of progress."[23] Thus, DRG assistance design focuses not only on building, but also institutionalizing, democratic systems and processes. Prominently, this includes strengthening horizontal accountability and transparency among government bodies and deepening mechanisms for public participation in government. Legislative projects may work both within and outside of the legislature to strengthen key legislative capacities in lawmaking or budget review. Additionally, legislative units such as sectoral committees may be supported to be overseers or partners for development efforts in areas such as health, food security, the environment, and various service delivery systems.

2.2   THE LEGISLATURE'S NEEDS AND PERFORMANCE

Assessing the legislature's constitutional role and historical practices helps in understanding the political system and its structural variables and powers. The assessment will also help in determining the legislature's needs and performance in order to identify potential areas of support. Fortunately, international parliamentary organizations have developed useful tools to guide in this process, particularly: the Commonwealth Parliamentary Association's Recommended Benchmarks for Democratic Legislatures [24] and the Inter-Parliamentary Union (IPU)'s Evaluating Parliament: A Self-Assessment Toolkit for Parliaments. [25]

Standards and Benchmarks

From 2005 to 2010, widely accepted standards and benchmarks for legislative rules, structures, and performance were established through a concerted effort by interested legislatures, donors, and international organizations.[26] Given the number of legislative projects worldwide, a system of standards

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participation. Corruption tends to be widespread and the rule of law is weak. Civil society is weak. Typically, there is harassment of and pressure on journalists, and the judiciary is not independent."

[23] DRG Strategy, op. cit., p. 28.

[24] https://issuu.com/theparliamentarian/docs/recommended_benchmarks_for_democrat

[25] file:///C:/Users/drjoh/Downloads/self-e.pdf

[26] Before the development of a system of standards, legislative performance assessments were guided by analytical questions, for example, "Appendix A: Sample Legislative Needs and Priorities Assessment Questions" in the original *USAID Handbook on Legislative Strengthening* (2000). Other examples may be found in Hal Lippman and Jan Emmert, *Assisting Legislatures in*

enhances coordination and legitimacy of the standards. Moreover, as legislatures often develop preferred areas for external support, reference to standards helps ensure that assistance is not redundant or unsustainable over time.[27]

Two of the most widely cited standards documents for legislative performance were developed by the Commonwealth Parliamentary Association and National Democratic Institute:

- *Recommended Benchmarks for Democratic Legislatures*, CPA, 2018 (latest version).[28] This document lays out detailed standards for legislative performance under categories such as General Standards, Organization of the Legislature, Functions of the Legislature, and Values of the Legislature.
- *Toward the Development of International Standards for Democratic Legislatures*, NDI, 2007. NDI's standards are grouped into four main categories: Election and Status of Legislators, Organization of the Legislature, Functions of the Legislature, and Values of the Legislature. [29]

While the organization and specificity of the CPA and NDI standards differ, there is much overlap. One side-by-side comparison determined that "over 80% of the CPA Benchmarks and NDI standards are the same or similar."[30] Among the many areas of consensus are the importance of immunity provisions for legislators, provisions to protect the legislature's autonomy from the executive, the need for legislatures to approve their own budgets, provisions ensuring only legislatures may adopt and amend their own procedures, the right of legislatures to form permanent and temporary committees, the importance of legislative transparency and recordkeeping, and the need for ethics guidelines and codes of conduct for members and staff.

> **CPA RECOMMENDED BENCHMARK 3.2.4**
>
> *Committees shall have the right and sufficient resources to consult and/or employ experts.*

> Between February 2019 and February 2020, 13 parliaments completed CPA Benchmarks assessments: Anguilla, Belize, The Gambia, Ghana, Grenada, Kenya, Malaysia, Pakistan, Saint Lucia, Sierra Leone, South Africa, Tanzania, and Uganda.[31]

Developing Countries: A Framework for Program Planning and Implementation, USAID Program and Operations Assessment Report No. 20, February 1998; *Parliamentary Development: UNDP Strategy Note*, UNDP, May 2009; and ' *How to' Note: Parliamentary Strengthening*, Ministry of Foreign Affairs of Denmark, DANIDA International Development Cooperation, June 2010.

[27] Standards-based approaches have also emerged in other areas, such as for electoral assistance. See International Election Standards: Guidelines for Reviewing the Legal Framework of Elections, International Idea, 2005; and Declaration of Principles for International Election Observation and Code of Conduct for International Election of Observers, United Nations, 2005.

[28] https://issuu.com/theparliamentarian/docs/recommended_benchmarks_for_democrat

[29] Other examples of sets of standards include ones elaborated by the *Assemblée Parlementaire de la Francophonie,* as well as standards developed to reflect regional differences, such as those identified by the Southern African Development Community (SADC) Parliamentary Forum and by the CPA's Asia Regions parliaments.

[30] See p. 25 in Lisa von Trapp, Benchmarks and Self-Assessment Frameworks for Democratic Legislatures, Democratic Governance Group, Bureau for Policy Development, Global Programme for Parliamentary Strengthening, UNDP, March 2010.

[31] http://www.cpahq.org/cpahq/Main/CPA_Benchmarks/Main/Programmes/Benchmarks_for_democratic_Legislatures.aspx

The CPA Benchmarks have several strengths, including brevity and clarity. Legislators and donors can easily determine whether a legislature meets a standard. Further, developed by an association representing 180 legislatures worldwide, the CPA Benchmarks have broad legitimacy. Lastly, they are updated periodically: the latest version was published in 2018. CPA recommended benchmarks are most relevant to Commonwealth parliaments, but they are generally applicable to democratic legislatures worldwide.

Legislative Self-Assessments

Where there is political will within the legislature to undertake reforms, USAID can consider partnering with the legislature in conducting an assessment or in supporting the legislature to lead a self-assessment process. The IPU main toolkit, Evaluating Parliament: A Self-Assessment Toolkit for Parliaments, aids parliament members to rate their (1) representativeness, (2) executive oversight, (3) legislative capacity, (4) transparency and accessibility, (5) accountability, and (6) involvement in international policy. [32] Other IPU toolkits — Evaluating Parliament, Evaluating Parliament Gender Sensitivity, and Parliaments and Sustainable Development — have the twin goals of assisting legislatures to evaluate their own rules, structure, and performance, considering international standards and benchmarks, and then identify priorities and means for implementing reforms consistent with those standards. [33]

Involving the legislature in an assessment approach can add value. First, the willingness and interest in the assessment by legislative leaders indicate that they agree on the need for reform and thus will be more open to considering international standards and benchmarks. The assessment process itself will have the advantage of the active participation of members and staff who have insiders' insights and perspectives. As a result, the conclusions of the self-assessment and subsequent reform plans will enjoy greater support from the rank and file than with an external assessment.

Whether or not a legislature participates in a self-assessment, project designers can use both CPA benchmark and IPU toolkit questions in assessing a legislature's needs. The benchmarks define norms and standards, and the IPU Self-Assessment asks subjective "how effective" questions. Assessors/designers can use the IPU questions to help stakeholders rate their legislature's performance, then use the follow-on questions to help them in thinking through priorities and ways to strengthen weak areas (see text box at right).

IPU SELF-ASSESSMENT FOLLOW-ON QUESTIONS

- What has been the biggest improvement in the above?
- What is the most serious ongoing deficiency?
- What measures would be needed to remedy this deficiency?

The two tools complement each other. Benchmarks set norms that, through their wide acceptance, have some inherent legitimacy and authority. Self-assessments, by contrast, ask subjective "how" questions, helping legislators think through how effectively their institution uses the authority it possesses. We

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[32] http://archive.ipu.org/PDF/publications/self-e.pdf

[33] Examples of self-assessment frameworks may be found in Evaluating Parliament: A Self-Assessment Toolkit for Parliaments, IPU, 2008, and European Commission, Engaging and Supporting Parliaments Worldwide, Luxembourg, Publications Office of the EU, 2010.

noted in the Formal Powers and Their Use section, above, that assistance is generally less about helping legislature's acquire new powers (although they do this as well) and more about helping legislatures narrow the gap between the formal powers they possess and those they exercise. Compare CPA Benchmark 3.2.1 above, which names powers and resources a legislature should possess, with IPU Self-Assessment Question 2.2, which asks members to assess how effectively a power or capacity is used. Using the two together directs attention first to a power or capacity and then to its effectiveness.

Some missions have wrapped assessment into the project award in what is called a "design-build" or "inception period." These are in-depth exercises designed to develop project designs with stakeholder buy-in and support. For example, USAID conducted such an exercise under **APAP**, 2004 to 2013, to help re-establish a functioning parliament in Afghanistan. More commonly, USAID designs legislative projects that support a limited number of legislative offices or functions, yet still permits flexibility based on political will and changing environments.

2.3   STAKEHOLDERS AND POLITICAL WILL

Donor programs can facilitate legislatures changing their rules, functions, behaviors, and effectiveness, but ultimately local actors determine if change occurs, what those changes will be, and the pace of change. Legislative reforms are not politically neutral activities, as various groups of MPs and staff stand to gain or lose influence or resources. Equally, other government offices, particularly those of the executive, may have stakes in potential changes in the legislature's role, as do civil society organizations, professional associations, and private sector advocacy groups.

CHARACTERISTICS OF PEA

- A concern with the role of formal and informal "rules of the game"
- An analysis of power and the processes of contestation and bargaining between economic and political elites
- A focus on the interests of different groups
- An analysis of how these interests impact development outcomes, at times to the detriment of broader development objectives

Political economy analysis (PEA) is a structured approach to examining power dynamics and economic forces that influence development. It can help officers understand the interests and relationships that will impact the shape and success of legislative assistance. Conducted informally by USAID missions and implementing partners since the 1990s, in 2018 the agency updated its PEA methodology with *Thinking and Working Politically Through Applied Political Economy Analysis: A Guide for Practitioners.* PEA "is an analytical approach to help understand the underlying reason why things work the way they do and identify the incentives and constraints impacting the behavior of actors in a relevant system." [34]

PEAs often focus on specific sectors or specific issues. Sector-level PEAs consider the key actors, incentives, relationships, and resources of a sector (e.g., water, health, education, environment, climate change, justice, or the legislature). Problem- or issue-level PEAs analyze the forces that create a specific

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[34] Thinking and Working Politically Through Applied Political Economy Analysis: A Guide for Practitioners, Center of Excellence on Democracy, Human Rights and Governance, USAID, April 2018, p. 1.

developmental or governance challenge; they frequently focus on the project/activity level and can be undertaken at the design or implementation stage.

Momentum for legislative strengthening. Previous reform efforts signal a likelihood of political will and that reform champions, with whom a legislative project may engage, likely remain within the membership or professional staff.

Prior reform efforts might be internal to the legislature itself in areas such as reforming the standing rules; reorganizing and empowering committees; increasing the number of professional staff or enhancing their training; or establishing new legislative units such as a legislative budget office. Some legislatures have formed modernization groups or committees or produced modernization plans. The legislature may also have taken measures to restructure and strengthen its relationship and standing with respect to other government offices or external organizations. Such measures could include the legislature acting to better control its own calendar and budget, creating a dedicated legislative service staff, making committee proceedings more transparent and open to public participation, upgrading the legislature's website, or improving public and media access to legislative proceedings.

> **ASSESSING POLITICAL WILL: SECTOR-LEVEL PEA**
>
> A sector-level PEA can help USAID understand the motivations of actors whose support would be needed, map stakeholder positions, and identify potential champions and possible reform areas.
>
> A small team (minimum two individuals) with comparative legislative strengthening experience; credibility and understanding to interview the speaker, leadership, administrative, and technical staff; ability to recognize the needs and capabilities of the institution and its members; and ability to bring comparative experience to bear on the analysis would be ideal.
>
> The team would work with a local expert with contacts in the legislature and develop a report that would map the positions and interests of key institutional figures, identify potential reform/support areas and obstacles, and suggest strategies and activities for facilitating reform.

Legislative strengthening is unlikely to proceed in a linear fashion, particularly when electoral cycles bring changes to the legislative leadership. However, even if election results keep the status quo, they nonetheless divert the attention of MPs toward campaigning; alter the composition of the membership; and call on the legislature to divert attention to orienting new members, reconstituting committees, and otherwise restarting itself. Legislative reforms are likely to be a low priority in and around electoral cycles.

Champions, opponents, and incentives. In addition to determining if the legislature has demonstrated momentum for reform, it is also important to understand the political context and how it shapes the incentives and behavior of influential actors and groups. Key assessment questions include:

- Who are the potential champions in the legislature likely to support reform?
- Who are the likely opponents?
- What resources and influence do they respectively control?

What often makes answering these questions difficult is that deliberative bodies are relatively flat hierarchies with no one fully in charge. Although each legislative body is unique, an assessment can seek to map out the following:

- **Individuals with influence.** Key figures could include formal institutional leaders (speaker, deputy speaker, and other elected leaders); legislative committee chairpersons; political party leaders (majority leader, party whips, and minority leader); and other senior and influential members.

- **Sources of influence.** Again, reflecting that legislatures are relatively flat hierarchies, there are multiple sources of influence that incentivize members and staff. These include legislative rules and procedures (standing orders); political patronage; and control over resources and discretionary funds. The assessment should consider how the reforms sought through a legislative project would potentially impact influential actors or possibly change the sources of influence (see text box at left of Greg Power's Five Core Principles for Parliamentary Programs).[35]

> **POWER'S FIVE CORE PRINCIPLES FOR PARLIAMENTARY PROGRAMS**
>
> **Understand what the institution looks like through the eyes of those in power.** Identify the key institutional figures, their role in running the institution and the sources of their authority. This provides a perspective on the causes of parliamentary underperformance and on prospects for realistic reform.
>
> **Identify the factors causing MPs to behave the way that they do.** Understand the impact of political, personal, and institutional incentive structures on MP behavior, and then seek to alter them.
>
> **Parliament needs a common understanding of the problem.** Change will only happen if a critical mass of MPs believe it is necessary and desirable. Program success therefore depends on the extent to which they are regarded as the solution to a commonly accepted problem.
>
> **Parliamentary development should be framed in personal terms.** Programs should define institutional deficiencies in terms of how they affect individual MPs and staff and develop programs which address them by helping individuals to do their jobs more effectively.
>
> **Programs must establish responsibility within parliament.** Change must be owned by MPs and administrators themselves. Programs should provide the incentives for MPs to own and drive that process of change, working with the grain of political opinion in a parliament.

Parliaments are not self-contained entities; they are part of a broader political system. The assessment of stakeholders and political will should also be complemented with considerations of how the legislature engages with and is influenced by external actors in government and civil society and how political parties influence their work. For a cross-sector project, an assessment would focus on sector ministries (e.g., health, education, and infrastructure) and relevant sector CSOs, private sector associations, and community groups, in addition to the legislature.

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[35] This discussion draws on the insightful analysis of power and political influence in legislative bodies contained in Greg Power, *The Politics of Parliamentary Strengthening: Understanding Political Incentives and Institutional Behavior in Parliamentary Support Strategies*, Westminster Foundation for Democracy and Global Partners and Associates, 2011. This publication is found linked in Annex B.

Before implementing a legislative assistance activity, USAID should have an understanding of (1) the legislature's role in the national DRG context; (2) the legislature's reform needs and what kinds of assistance would be useful and welcome; and (3) the incentives, disincentives, and desires of influential actors regarding potential assistance and reforms.

Legislature's Role in the National DRG Context

The degree of separation of powers between the executive and legislative branches, the electoral system, and the legislature's formal powers impact the ways parliaments carry out their functions.

The fusion of legislative and executive powers is a disincentive for the branches to compete, or for the legislature to develop robust committees to challenge the executive. Yet the legislature still has an important oversight function.

Greater separation of powers in presidential systems, where members of the two branches are elected separately, is an incentive for legislatures to develop strong committees and legislative capacities. Still, legislatures and executives controlled by the same party tend to be less competitive.

Legislators elected in single-member districts are closely linked to constituents and have great incentives to be responsive to them. Those elected through PR systems have strong incentives to be responsive to party leaders, who determine their position on the party list.

Constitutions, laws, and standing orders grant some legislatures more powers and different kinds of powers than others. Generally, the more such powers a legislature possesses, the greater its ability to impact national budgets and policies.

USAID rarely invests in legislative programs in authoritarian regimes. In hybrid regimes, USAID sometimes supports legislatures if there is political will in the legislature to reform. USAID's strategy in developing democracies (i.e., those attempting to reform) is to help build and to institutionalize democratic systems and processes. Assistance to developing democracy legislatures includes support to lawmaking and budget review, and to committees to be overseers or partners for development efforts in sectors such as health and environment.

The Legislature's Needs and Performance

Objective legislative standards and benchmarks help both legislators and donors to design programs based on accepted standards and widely accepted parliamentary areas of need and have wide legitimacy.

Legislatures using accepted self-assessment methodologies can get a better understanding of their needs and have the potential of building greater support for reforms.

Stakeholders and Political Will

Legislative reform is a political enterprise. The assessment should help identify reform champions and opponents and determine how influential they are. Program planners should understand the incentives and disincentives of influential actors, including speaker, members, administrators, and party leaders. Power's Five Core Principles for Legislative programs are useful for considering how the reforms sought through a legislative program would potentially impact influential actors or possibly change the sources of influence.

3.0   DESIGNING AND IMPLEMENTING LEGISLATIVE PROGRAMS

Once the legislative assessment is complete and flexible high-level project goals and strategies identified, the next phase for developing a project is to select entry points and consider programming options. An entry point refers to where and how to deploy USAID resources. This includes determining the offices and personnel; project partners or beneficiaries; and types of project activities, such as technical assistance, mentoring, and exchange projects.

Findings from the assessment phase may reveal that certain offices in the legislature or executive oppose reforms. In those cases, it is best to avoid programming efforts there. Initial consultations with legislative leaders or sector leads in other program areas (e.g., health, education, and economic growth) can help steer choices around more desirable and feasible entry points.

Entry points are likely to shift over time, and projects must adapt to shifting circumstances to be effective. For example, leadership changes can open the door to working with different offices or intensifying ongoing support. There are also certain watershed moments—often around elections, but also in response to significant events, such as environmental emergencies, extremist violence, a major corruption scandal, or adoption of peace accords following civil strife—that may provide fresh entry points for a legislative project. Missions frequently build into their projects flexible rapid response funding arrangements to take advantage of such windows of opportunity, such as "special initiatives" or "strategic activities" funds, enabling them to respond quickly to unanticipated needs and opportunities.

Effective projects collaborate with legislative counterparts in co-producing and co-designing activities. As stated by a USAID partner summarizing its worldwide experience, "In all of our cases, USAID projects provided capacity and convening support, but it was up to partners to deliver the behaviors required to produce the desired results. They must desire the reform being sought." [36] Effective projects require the development of trust and good working relationships between donors and counterparts and stakeholders. Co-design involves convening stakeholders interested in solving a governance challenge to fully diagnose the challenge collectively by examining it from diverse perspectives, and then to co-design solutions that are not just technically sound and innovative but will be supported by the stakeholders.[37] Co-design methodologies can also be effective for generating cost-sharing with the legislature and other stakeholders, as solutions that emerge from co-design are likely to be more highly desired than ones simply proposed by the project itself.

In the section below, examples of common entry points for legislative projects are organized according to the main types of legislative projects: (1) dedicated, (2) accountability, and (3) cross-sectoral. A final

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[36] See Robert Nakamura, et. al., "Strengthening Deliberative Bodies: Legislative Engagement Reference Paper," op. cit., p. 5.

[37] Diverse partner organizations for USAID have developed versions of collaboration and co-design methodologies. USAID's Global Development Lab has also recommended co-design and provided methodological guidance in the form of a Development Innovation Accelerator concept. See https://www.usaid.gov/GlobalDevLab/fact-sheets/development-innovation-accelerator-factsheet-10202014.

subsection discusses programming in post-conflict situations. This chapter concludes with lessons and recommendations for project design and implementation.

Table 2 includes an illustrative list of activities for legislative projects.

TABLE 2. LEGISLATIVE STRENGTHENING ACTIVITIES

DEDICATED LEGISLATIVE PROGRAMS	
OVERSIGHT	- Expose legislators to legislatures with more effective oversight systems - Provide technical assistance and training to strengthen oversight practices - Support rules reform or legislation to strengthen oversight authority - Improve linkages with accountability offices such as the SAI and ombudsman - Support establishing/strengthening budget offices, including training, technical assistance, equipment, administrative (e.g., work plans, internal rules, structure, and job descriptions) - Provide technical assistance to oversight committees (e.g., budget, finance, and public accounts) and sectoral committees (e.g., health and education) to better conduct oversight, including: - Staff and member training oversight methodologies and strategies - Train and assist in conducting oversight hearings
LAWMAKING	- Technical assistance/training in improving the lawmaking process (e.g., analysis of policies and legislation; harmonization of bills with existing laws) - Technical assistance/training in conducting legislative impact assessments (budget, regulatory, and gender) - Support public consultation on draft laws - Support in developing legislative agendas - Develop/support legislative research capacities (including strategic plans, skills training, organization, and management design) - Support university intern programs assigning students to committees - Support interest-based caucuses in developing and enacting legislation
REPRESENTATION	- Assist legislators to develop and apply constituency outreach and communications skills - Assist with developing parliamentary/member websites - Design and make public bill-tracking systems - Help develop parliamentary outreach offices - Digitize and improve public access to transcripts and official records - Support legislatures to develop ethics codes - Train journalists on the workings of the legislature and on issues to help them improve reporting on the legislature - Support committees to systematize procedures for conducting public budget and legislation hearings - Work with CSOs to help them better understand and collaborate with the legislature
MANAGEMENT AND ADMINISTRATION	- Support to improve administrative procedures - Support to improve information and communications technology and record systems - Provide facilities and infrastructure support - Expose legislators to legislative systems with independent budgets and staffing (if the host legislature lacks these) - Provide organizational structure analysis and support for reform - Facilitate "change management" workshops and retreats

DEMOCRATIC ACCOUNTABILITY PROGRAMS	

	• Provide technical assistance to develop transparency and anti-corruption legislation (e.g. reducing executive discretion, requirements to address audit findings)
	• Assist legislatures and accountability institutions to develop more effective relationships (e.g., helping improve communication and cooperation between):
	   o PACs and national audit authorities
	   o Legislatures and human rights commissions
	   o Legislatures and ombudsman offices
	• Support meetings and improved relations between watchdog CSOs and parliamentary committees overseeing government ministries

CROSS-SECTORAL PROGRAMS	
	• Facilitate building of trust and working relationships between sectoral committees and sectoral interest groups • Facilitate cross-sectoral meetings, planning, strategy sessions among interest-based caucuses, CSOs, think tanks, experts, and executive officials on sectoral issues • Build committee capacity by connecting to local experts, think tanks, and interest groups
LEGISLATIVE PROGRAMMING IN CONFLICT/POST-CONFLICT ENVIRONMENTS	
	• Assist post-conflict legislatures in developing their basic functions (oversight, lawmaking, representation, and management and administration – see above) • Strengthen legislative committees and cross-party caucuses to build compromises and resolve conflict • Support improved communication between legislators and constituencies to ensure that interests underlying conflicts are represented • Support the legislature's efforts to debate and enact legislation implementing peace agreements' terms

3.1   DEDICATED LEGISLATIVE PROGRAMS

Dedicated legislative projects seek to strengthen legislatures in the overall management and administration systems of the legislature and/or one or more of the three core legislative functions, executive oversight, lawmaking, or representation. Reflecting this approach, several programming handbooks list ideas for project activities under these functions.[38] The table above and footnoted resources are useful for project officers and implementing partners to review when considering project options.

Importantly, dedicated legislative projects should be considered only where there is significant domestic political will within the legislature for strengthening.

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[38] See the "USAID Handbook on Legislative Strengthening," op. cit., Chapter 4: Designing Legislative Activities and Table 2: Legislative Strengthening Activities. Other examples include Swiss Agency for Development and Cooperation, "Global Mapping and Analysis of Parliamentary Strengthening," op. cit., Section 3.2: Entry Points for Parliamentary Support Projects; UNDP, "Parliamentary Development: UNDP Strategy Note," op. cit., Table 1: Entry Points for UNDP Parliamentary Development; and Ministry of Foreign Affairs of Denmark, "How to Note: Parliamentary Strengthening," op. cit., Section 4: Possible Entry Points for Support.

The subsection below addresses common opportunities and challenges in providing assistance to oversight, lawmaking, representation, and management and administration for legislative projects.

3.1.1 Executive Oversight

Oversight of the executive is a core legislative responsibility laid out in constitutions, subsidiary laws, and legislative rules. Legislatures are expected to review the annual budget proposal presented by the executive, help identify and investigate waste and fraud in public spending, ensure that policies announced by the executive are in fact delivered, and improve the transparency of government operations.[40]

Legislatures may possess significant oversight authority, yet fail to exercise it effectively.[41] This may be due to technical shortcomings, a lack of trained staff, or other shortfalls, but also to disincentives for

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[39] Each report cited in this chapter is listed, with links to the report in Annex B. See the USAID-sponsored review by Joel Barkan and Njuguna Ng'ethe, "An Evaluation of USAID Kenya Program to Strengthen the National Assembly," August 2004; and Greg Power, "A Political Approach to Parliamentary Strengthening: An Analysis of the Kenyan Experience and Recommendations for Future Programming," Global Partners Governance, 2015.

[40] According to the International Parliamentary Union, legislative oversight may be defined as "the review, monitoring and supervision of government and public agencies, including the implementation of policy and legislation." See Hironori Yamamoto, "Tools for Parliamentary Oversight: A Comparative Study of 88 National Parliaments," International Parliamentary Union, Geneva, Switzerland, 2007.

[41] In plenary sessions, members can question government officials, submit written inquiries or interpellations and hold debates on the wisdom or outcomes of government policies. Votes of censure or impeachment can target corrupt government officers. Legislative "money committees" can review budget proposals from the finance ministry as well as audit reports from the supreme audit authority. Departmental committees in areas such as health, education, and the environment can review budgets and spending for their portfolio. Committees can hold public hearings, conduct onsite visits, and open investigations as part of their oversight work.

MPs to exercise effective oversight. Chief executives and ruling parties may not welcome scrutiny identifying ineffective or even corrupt administration and ignore, criticize, and even punish MPs who vigorously oversee the executive. Also, individual MPs often struggle to separate their roles as political partisans from their roles as legislators with oversight responsibilities, and they may be more interested in constituency or lawmaking work than in oversight. In these circumstances, many legislatures simply do not fulfill oversight responsibilities.

USAID legislative projects have supported legislatures in conducting more effective oversight in several ways, including:

- Exposing legislators to similar legislatures in their regions with more effective oversight systems.[42]
- Providing technical assistance and training to initiate or strengthen oversight practices.
- Supporting rules reforms or legislation to strengthen legislative oversight authorities (e.g., to address rules or practices that allocate little time for budget review and debate).
- Improving linkages and communication between the legislature and other accountability offices in government, such as Supreme Audit and Ombudsman offices. [43]

3.1.1.A. Support for a budget analysis unit. Some projects have sought to develop a specialized budget analysis unit, usually within the parliamentary administration, to provide expertise to members involved in budget review. Three brief cases follow:

- **Uganda and Kenya.** USAID worked in partnership with parliamentary reformers seeking to overcome executive dominance by, in part, establishing parliamentary budget offices. Uganda established their parliamentary budget office (PBO) through the 2001 Budget Act. USAID provided training, equipment, and technical assistance as the office grew into its new functions. USAID supported

> **PROGRAMMING NOTE**
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> Ensuring that new budget, research, or professional services are established by law, or at a minimum, by regulation, makes it more difficult for future administrations to disband them.

reformers in the Kenya National Assembly who established their PBO in 2007 as a unit under the Directorate of Information and Research Services through a resolution of parliament. The Fiscal Management Act 2009 (FMA), strengthened the PBO's legal standing by establishing it as an office in the Parliamentary Service Commission (of note, establishing new legislative functions and offices by law or constitutional amendment helps ensure their longevity). In 2010, the office was elevated to a directorate, and both offices continue to effectively serve their parliaments.[44] Neighboring Tanzania

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[42] This proved effective in Kenya, where the Assembly's reform incorporated features of Uganda's 2001 Budget Act, including establishing a budget office. Success was linked to reformers' eagerness to exercise greater oversight and understanding how PBO could help them do it.

[43] See USAID Governance for Inclusive Growth (GIG) Final Report. GIG supported both the State Audit Office of the National Assembly and the State Audit Office of Vietnam to conduct better quality audits and new kinds of audits (including IT and environmental audits) and helped improve communication between these agencies.

[44] Moses T. Bisase, "The Role of Parliamentary Budget Office (PBO) in the Budget Cycle and Fiscal Oversight Function of Parliament (Ugandan Experience)," 2017; "About Kenya Parliamentary Budget Office," Kenya Parliament website.

followed in 2013, establishing its own PBO.[45] The growth of PBOs in East Africa illustrates the principle that reforms in a country can be effective in encouraging comparable reforms among neighboring countries.

- **Morocco**. In contrast to the projects in Kenya and Uganda, efforts to establish a budget office in Morocco were more donor than parliament-led and only marginally successful. An objective of the **Morocco Parliamentary Support Project (MPSP)**, 2004-2009, was to develop a budget office (*Bureau d'Analyse du Budget*, or BAB) within the parliamentary secretariat. MPSP worked with the secretariat to develop the BAB administrative structure, job descriptions, first-year work plan, and internal rules, and its supported staffing. MPSP tried to secure funding from parliament to institutionalize the BAB but failed. When USAID support ended, BAB staff were re-absorbed into the secretariat and the BAB was shut down.[46] USAID's independent assessment of MPSP determined that a key problem was a *lack of demand among MPs for the BAB. Members realized that the legislative role in budgeting was quite constrained by constitutional and legal boundaries.* Some members commented that assistance to build a general-purpose research service would have been more useful than the BAB.[47]

Donors can assist MPs to develop a vision for reforms and then to implement them through activities such as exposure visits to other parliaments undergoing reform, facilitating the establishment of reform groups in parliaments, and providing ongoing consulting/expert assistance to parliaments. However, as noted in Chapter 2, success depends on influencers' commitment to specific reforms.

3.1.1.B. Support for budget, finance, and sectoral committees. USAID projects support committees with specific budget and oversight responsibilities (such as budget, finance, and PACs) and sectoral committees with general oversight responsibilities (such as health and education) to more effectively oversee government projects.

USAID/ARMENIA SUPPORT TO THE ARMENIAN NATIONAL ASSEMBLY PROJECT, 2012-2016: FLEXIBLE PROGRAMMING

USAID designed SANAP to work with selected National Assembly (NA) committees to improve their performance and ability to represent citizens' interests in legislative review, budget scrutiny, and executive oversight.

The project design envisioned working with five standing committees, which included the Financial-Credit and Budgetary Affairs Committee because of its role in the budget review process. However, when SANAP approached the Finance Committee chairman, he turned down USAID assistance.

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[45] https://agora-parl.org/interact/blog/how-parliamentary-budget-offices-help-mps-hold-line-across-africa

[46] See Nakamura, et. al., "Strengthening Deliberative Bodies," pp. 17-20 in the supplementary Reference Papers, for a discussion of the MPSP.

[47] Keith Schulz, Mohamed Odour, and Andrew Mandelbaum, "Report on the End of Project Review and Assessment of the Parliamentary Support Project (PSP) 2004-2009," USAID Morocco, June 2009. The reviewers noted that "the project was designed in a relatively short period of time and without adequate involvement from the Parliament."

Adjusting its approach, SANAP began working with other standing committees that welcomed assistance, while also developing alternative ways to support budget review and oversight. SANAP introduced participating committees to a program budgeting methodology that strengthened their ability to scrutinize and oversee executive branch spending in their jurisdiction areas. As this methodology and SANAP's relationships with committees became known, the Finance Committee chair reconsidered his position and began working with SANAP.

3.1.2 Lawmaking

Passing laws is a key function of legislatures, and lawmaking practices are complex and differ across nations and political systems. Features of effective law-making include: 1) discussion and analysis of proposed policies; 2) standardized drafting and harmonization of new bills with existing law; 3) a legislative review process and calendar; 4) wide circulation of successive bill drafts; 5) internal legislative impact assessments that lay out budgetary, gender, regulatory, or other likely impacts of a new law; and 6) follow-on mechanisms to monitor the law's implementation (can ensure that a law does not become a de jure law, i.e., "on the books" but not followed in practice).

Many legislatures struggle to effectively perform lawmaking responsibilities due to issues including poorly trained legislative staff, outdated library and research services, and inadequate or absent public consultation processes. To address these weaknesses, activities may consider tasks such as:

3.1.2.A Support legislators to better understand and participate in lawmaking. Elected members are rarely subject matter experts for the draft bills they review and vote on. Equally, it takes time to become familiar with complex legislative procedures. Legislators do not need to understand the intricacies of legislative drafting, but instead how to best express their intent and examine the risks and consequences of proposed legislation, including unintended consequences.

3.1.2.B Support policy analysis and research capacity. Informed legislative review requires MPs to have access to policy analysis and research. Legislative projects have strengthened legislative research capacity, professionalized legislative libraries, encouraged the adoption of new analytical practices such as regulatory and impact assessments, and established internship programs or other linkages with universities to expand access to policy expertise. The text box below describes an effective USAID legislative research support project.

USAID/VIETNAM LEGISLATIVE RESEARCH PROGRAM (LRP), 2011-2013

Although Vietnam is a one-party state ruled by the Vietnamese Communist Party (VCP) and 80 percent of the National Assembly (NA) were VCP members, the NA had demonstrated some independence from the executive. The NA vetoed cabinet appointments, amended commercial laws, and expanded legislative authorities in areas such as budget review, holding no-confidence votes, and dismissing senior officials.
USAID's decision to launch LRP followed an official request for assistance from the president of the Institute for Legislative Studies (ILS), who was also an MP. USAID responded by organizing a comprehensive assessment of the ILS, including consultations with ILS leadership and staff, led by a former senior Congressional Research Service staff member. Following the assessment, USAID launched LRP with project

components to (1) assist the ILS in drafting a strategic development plan; (2) improve the information, research, and analytical services of the ILS; (3) build the skills and capacity of ILS staff; and (4) improve the organization and management of the ILS. Due to LRP support, surveys of MPs in 2012 and 2013 showed marked improvements in the timeliness of ILS responses to document requests, quick-information requests, in-depth legislative research requests, and requests for policy analyses.[48]

Keys to success. There was specific demand for the project, and it collaborated closely with the ILS in assessing needs, developing work plans, and conducting activities. The ILS adoption of a strategic institutional development plan guided implementation and helped to prevent gaps in project coverage and duplication of effort by other donors. Involving the ILS in the development of the detailed work plan gave the institute a vested interest in the implementation of project activities and helped ensure success. Also, LRP allowed for adjustments during project implementation to help ensure activities continued to be relevant to the beneficiary's needs. Rachel Kleinfeld advises, "engage local partners to take on the mission as their own" and "state goals clearly but maintain flexibility and expect projects to be altered."[49]

3.1.2.C Support committees in their lawmaking function. While legislatures differ in their authority to propose and amend draft bills, legislative projects commonly work to improve committee procedures, develop legal drafting skills or legal drafting offices, and train secretariat staff to more professionally support MPs to review and amend bills. Committees have multiple responsibilities, including oversight of the executive and the drafting and review of bills. Standing committees traditionally parallel executive ministries (e.g., the health committee parallels the health ministry). This allows members to develop expertise in the particular committee's subject areas.

When project resources are adequate, it may be possible to work comprehensively with a legislature's overall set of standing committees, professionalizing the overall committee process. Often, however, legislative projects work with a subset of committees, such as the finance committees or committees with sector jurisdictions relevant to the donor's cross-sectoral focus. However, supporting some committees but not others can create a performance and resource imbalance and raise tensions among members and staff about the legislative project. Standing committees can be difficult to work with if the chairperson is a poor manager or has misgivings about working with donors. Projects will be more effective if there is flexibility to select committees to work with that desire assistance and are managed well enough to benefit from it (see SANAP text box, earlier).

3.1.2.D Support issue-based caucuses. Standing committees are a permanent institution established in a legislature's standing orders. Issue-based caucuses are less formal groupings, formed by MPs, with shared policy or other interests that work across parties in pursuit of those interests. This can be helpful in newly formed legislative bodies and in situations where party polarization is high and thwarts multi-partisan legislative efforts.[50] This differs from the common situation with standing committees in which it is the political party or legislative leaders who assign members to committees. The U.S. Congress has hundreds of caucuses (e.g., Congressional Black Caucus and Congressional Sugar Caucus).

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[48] For an overview of the USAID/Vietnam Legislative Research Program, see John K. Johnson, Ph.D., and Elizabeth C. Hudler, op. cit., pp. 27-31.

[49] Rachel Kleinfeld, "Improving Development Design and Evaluation: Plans for Sailboats, Not Trains," 2015, pp. 32-33.

[50] See the discussion in the IRI contribution to the supplemental volume of Reference Papers, "Legislative Change Agents: Multi-Partisan Caucuses."

3.1.3. Representation

Heads of State represent nations as a whole, while legislators represent the differences in a nation. Further, the decision-making process in chief executive offices and ministries is often not public, while decisions made in legislatures are often open to public scrutiny and input, through plenary sessions, committee meetings, and official legislative votes. Lastly, legislators are more accessible to constituents than Heads of State. USAID representation assistance is intended to help legislators more effectively represent constituents.

Representation involves first listening to the views of the public, and then representing those views through lawmaking and during oversight of governmental affairs. _Generally, strengthening representation efforts build internal capacity of the legislature to be more transparent in operations and responsive to public views, while helping groups and individuals in civil society to better understand, communicate with, and participate in legislative affairs._ Projects also support rule reforms and other efforts to increase opportunities for civil society, professional associations, and private sector groups to voice views to MPs, as well as support member outreach projects.

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[51] For a full description of the IRI work with the Women's Peruvian Parliamentary Caucus, see "Legislative Change Agents: Multi-Partisan Caucuses," op. cit.

The NDI Constituent Relations Guide, linked below and in Annex B, provides several parliament-focused suggestions for improving representation (see text box).[52]

Legislative projects commonly combine supply-side assistance to improve the legislature's transparency and responsiveness with demand-side assistance to improve civil society capacity to participate in legislative affairs. For example, projects have trained reporters to improve their understanding and ability to report on complicated legislative proceedings. Projects have also worked with CSOs and professional associations to improve their understanding of the legislative calendar and how best to advocate to MPs and testify before a parliamentary committee.

> **PROGRAM OPTIONS FOR IMPROVING REPRESENTATION AND LEGISLATIVE OPENNESS**
>
> - Assist MPs in conducting constituency visits outreach and constituent communication
> - Assist in developing casework tracking systems and in making formal inquiries on behalf of constituents
> - Conduct training/skills workshops in community development
> - Open or professionalize public relations offices and visitor information sites
> - Develop content-rich websites
> - Design and make public bill-tracking systems
> - Improve facilities and opportunities for media access and coverage of legislative affairs
> - Digitize and improve public access to Hansard records
> - Support legislative committees to systematize procedures and practices for holding public budget and legislation hearings, including:
>   - Train journalists on the legislature and on issues to improve reporting
>   - Support legislatures to develop ethics codes

3.1.4 Management and Administration

Legislatures, like other institutions, require effective management and information systems. Types of capacity building assistance vary and include training for legislative staff, improving administrative procedures, modernizing recordkeeping, improving research services, and developing legislative websites. Occasionally, USAID programs provide support to improve legislative facilities and infrastructure when costs are not prohibitive.

In considering these kinds of support, it is important to evaluate if and how the support will contribute to high-level project goals. Improved legislative services may not lead to better legislative performance if members are disinterested or lack political will to use them.

3.1.4.A Legislative secretariat. A common entry point for management and administrative support is the legislative secretariat, also referred to as the Office of the Clerk.[53] The secretariat manages the legislative staff, oversees legislative service offices, organizes parliamentary committee and plenary sessions, and provides procedural guidance for members. An overarching consideration when working with a legislative secretariat is whether it is an independent office of the legislature or part of the general civil service controlled by the executive branch. An independent secretariat ensures that the Office of

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[52] See Alison Paul DeSchryver, John Johnson (editor), Constituents Relations: A Guide to Best Practices, National Democratic Institute, 2008. https://www.ndi.org/sites/default/files/2407_gov_constituentsmall_engpdf_10082008.pdf. Drafted for MPs, the guide also provides practical project ideas for donors seeking to help MPs strengthen constituent relations.

[53] Bicameral legislatures generally have an independent secretariat for each house.

the Clerk and senior secretariat managers work for parliament, not for the executive, and this may make it easier for a legislative project to establish working relationships.

Also, whether they are independent or not, legislative secretariats are complex bureaucracies in which entrenched networks and systems of patronage can push back against proposed organizational reforms. In many cases, these management systems are governed by consensus of both the ruling and minority party leadership. This was the case in the Iraqi Council of Representatives (COR), where USAID's **Iraq Legislative Strengthening Project (ILSP)** had to maintain a balanced relationship with all factions, at a time when the body was strongly divided on the United States' influence in the country. For many years the project was able to deliver results and not fall victim to divisive political positions regarding US assistance and military presence.

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SUPPORTING ADMINISTRATIVE REFORM IN A PARLIAMENT DESIRING REFORM:
USAID/KYRGYZSTAN PARLIAMENTARY STRENGTHENING PROGRAM (KPSP), 2010-2015

KPSP support to the secretariat of the Jogorku Kenesh (JK), Kyrgyzstan's national legislature, was launched in the immediate aftermath of the nation's profound 2010 political transition. The newly elected provisional government was aggressively fighting official nepotism, patronage, and corruption, and JK's secretariat was eager to address the reform. KPSP quickly partnered with the secretariat to (1) analyze its needs and determine an optimal organizational structure, (2) design and implement a merit-based hiring and staff retention system for parliament, and (3) conduct training to increase capacity and improve individual and collective productivity. Beginning in 2010, MPs and staff leadership were surveyed on whether parliament "is a more constructive, effective, and well-managed institution than it was 12 months earlier." By 2013, the positive response had climbed from a baseline of 26 percent to 62 percent, leveling at 63 percent by program close.[54] The project's success can be credited to timeliness. It was a pivotal change moment as the Kyrgyz people were demanding reform, and political elites feared change would be violent if the government did not respond to its citizens. Parliament's leaders were anxious to show real reform, and KPSP helped them achieve their objectives.

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3.2   DEMOCRATIC ACCOUNTABILITY PROGRAMS

While many legislative projects have sought to strengthen oversight of the executive branch, executive oversight is only one means, or an element of interrelated systems, for holding government accountable. Consequently, the 2013 USAID DRG Strategy conceptualized accountability broadly as "the systems, procedures, and mechanisms that ensure public officials and institutions perform their stated duties." Accountability projects strengthen governance systems and processes for accountability, inclusion, and transparency.[55] These projects also include assisting civil society, the media, and private sector

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[54] For a discussion of the KPSP's work with the JK Administration, see Carmen Lane, Peter Dimitroff, and Jeremy Kanthor, op. cit., pp. 19-21.

[55] Accountability definitions in text box from, Valeriya Mechkova et. al., "Background Paper for the World Development Report 2017. From de-jure to de-facto: Mapping Dimensions and Sequences of Accountability," 2017, and https://www.ids.ac.uk/publication/ict-facilitated-accountability-and-engagement-in-health-systems-a-review-of-making-all-voices-count-mhealth-for-accountability-projects

associations to effectively participate in governance (e.g., consulting, advocating, monitoring, and reporting), as well as to develop their capacity to oversee and hold government accountable.

VERTICAL, HORIZONTAL, AND DIAGONAL ACCOUNTABILITY

Sub-types of accountability in the political realm fall into three categories.

1. **Vertical accountability** focuses on mechanisms outside the state institutions and concerns the relationship between the citizens and their elected representatives.

2. **Horizontal accountability** is oversight exercised between different institutions in a political system, including legislative committees, that question governments about their actions and have the power to hold them accountable.

3. **Diagonal accountability** includes civic action, in which the media or other civic institutions, hold leaders and state institutions accountable beyond participation in elections.

Further, accountability is both "answerability" (namely, public actors' responsibility to provide information and justify their actions) and enforceability (the capacity to impose sanctions on those who abuse their positions of power). Ultimately, accountability is about finding ways to address unequal distributions of power and abuses of authority. This has a number of prerequisites: adequate mandates, resources, information, monitoring mechanisms, and sanctions. [56]

Parliaments can support accountability strengthening by, for example, reducing executive discretion in permitting, or changing incentives for those who commit corruption related crimes. Legislatures also oversee and have reporting relationships with national accountability institutions, such as national audit authorities, SAI, human rights commissions, and ombudsman offices. [57] Legislatures can compel testimony from ministers, heads of government-owned enterprises, and other senior government officials. Legislative committees can organize public hearings and bring increased attention to substantive issues.

USAID support improves the performance of, and helps establish effective working relationships among key accountability institutions. However, as with legislative assistance in general, it is important to assess if there is support for reform. For example, an accountability project designed to improve communication and cooperation between a parliamentary public accounts committee and the national audit authority could flounder if the audit authority lacks independence from the executive and the executive doesn't want the project to succeed.

3.2.1 Legal and regulatory framework for anti-corruption. USAID has mounted a wide variety of anti-corruption projects, not all of them involving work with legislatures. These are summarized with

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[56] See more at:
https://www.ids.ac.uk/publication/ict-facilitated-accountability-and-engagement-in-health-systems-a-review-of-making-all-voices-count-mhealth-for-accountability-projects
[57] For more information, see International Organization of Supreme Audit Institutions at https://www.intosai.org/.

lessons learned in the 2015 Practitioner's Guide for Anti-corruption Programming.[58] Significantly, democratic accountability projects that work with national legislatures have substantial potential to not only support a particular accountability institution or anti-corruption agency, but to also support reforms to the underlying legal and regulatory framework.

> USAID helps strengthen effective working relationships among key accountability institutions, such as supreme audit institutions (SAI), human rights commissions, and ombudsman offices.

USAID/GUATEMALA TRANSPARENCY AND INTEGRITY PROJECT (GTIP), 2009-2013: SUPPORTING VERTICAL, HORIZONTAL, AND DIAGONAL ACCOUNTABILITY

GTIP worked with the legislature, other accountability institutions, and citizen watchdog groups to support the legal framework for anti-corruption. The project's efforts benefited from considerable political will in Guatemala to confront corruption and hold the government more accountable.[59]

To support implementation of a broad anti-corruption agenda backed by the Guatemalan government, GTIP engaged with the Guatemala Congress. GTIP engaged the key Integrity and Transparency Committee to better analyze, review, amend, and pass important legislation, including the 2012 Anti-corruption Law and the Access to Public Information Law. GTIP also worked with other accountability institutions to better connect these with Congress. For example, to align with new legislation passed by Congress, the project provided technical assistance to strengthen the anti-corruption unit at the Office of the Attorney General, helped build the capacity of the Comptroller General's Office for investigation and prosecution, and provided technical assistance to different government offices to help implement the Freedom of Information law.

In addition to its efforts to strengthen vertical and diagonal accountability, GTIP also supported civil society and media engagement with the anti-corruption agenda. The non-governmental Transparency Alliance (AporT) advocated on behalf of civil society views in a non-partisan, professional and consistent voice. AporT's activities ranged from broad-based social auditing activities to holding high-level meetings, such as with the president of the National Congress and the attorney general. GTIP technical assistance for AporT involved initial organizational assistance for AporT and financial support for the Executive Secretariat. GTIP also provided technical support to journalists to increase the extent and accuracy of their coverage of accountability-related issues. This directly assisted the Guatemalan public to better understand key governance issues as Congress debated and passed landmark legislation.

3.2.2 National audit systems. Another entry point for democratic accountability projects is to work with the legislature and the Supreme Audit Institution (SAI) or Auditor General (AG) to improve the national audit system and accountability for the use of public finances.[60] The basic elements of the system include:

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[58] Bertram I. Spector, Svetlana Wilrourne, and Phyllis Dininio, "Practitioner's Guide to Anticorruption Programming," USAID, Center of Excellence on Democracy, Human Rights, and Governance, January 2015.

[59] The GTIP final report summarizes activities and approaches. See "Transparency and Integrity Project Final Report," USAID Guatemala, February 2014.

[60] There are different models worldwide for national audit systems. The Westminster or parliamentary model is most common and is characterized by the presence of a supreme or national audit office headed by an AG, which audits government accounts for review by the legislature. Often there are efforts to secure the independence of the AG by offering a long tenure, making removal of the AG difficult and having the AG report to the legislature, not the executive. See "DFID Briefing: Characteristics of Different External Audit Systems," Policy Division Information Series, Ref. No. PD Info. 021, 2004.

1) Government makes annual budget requests and the legislature approves public expenditures.

2) Government offices produce annual accounts of expenditures.

3) SAI audits the government accounts and reports on issues, providing recommendations to the legislature.

4) Legislature reviews the SAI findings and reforms laws as needed or issues regulation recommendations to the relevant ministries.

5) Ministries react and respond to the legislature's recommendations.

In many legislatures, there is a dedicated committee that reviews the AG or SAI's reports and findings. These PACs are often chaired by a member of the opposition, not the ruling party. This can help overcome the issue of committee chairs, particularly under parliamentary political systems, hesitating to conduct oversight over government officials of their own political party.

PACs frequently need technical assistance to improve their functioning. Donor support has included training for specialized staff and exposure visits to effective PACs. For example, Indonesia ProRep supported Indonesia's new PAC on a study tour to the United Kingdom and the Netherlands, and then shaped the functions of the PAC using insights gained studying these two models. Donors have also supported the development of regional associations of public account committees (e.g., World Bank support to the Southern African Development Committee, Organization of Public Accounts Committees and the Eastern African Association of Public Accounts Committees).

Effective PACs require dedicated expert staff, MPs willing to practice vigorous oversight of executive spending, and AGs or SAIs with access to information and with expert staff empowered to collect information and conduct investigations. If any of these are not in place, and the government and the legislatures are making progress toward establishing them, investing in strengthening PACs may be effective.

USAID/BOSNIA AND HERZEGOVINA PARLIAMENTARY STRENGTHENING PROJECT (PSP), 2009-2013:
STRENGTHENING NATIONAL AUDIT SYSTEM AND OVERSIGHT OF PUBLIC EXPENDITURES

PSP assisted several committees (e.g., health and education) of the Parliamentary Assembly of Bosnia and Herzegovina and the FBiH Parliament, which had the responsibilities to review SAI reports, to professionalize and update their guidelines and procedures. In parallel, the SAIs in the state and federation had also been receiving considerable international assistance.[61] PSP provided training and ongoing mentoring and hands-on support to the MPs to conduct audit hearings, and to turn the SAI's findings into actionable recommendations. It also sought to enhance the efforts of the parliamentary committees and SAIs by

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[61] For example, the state SAI is a member of the International Organization of Supreme Audit Institutions and conducts financial audits in accordance with international standards. The Swedish National Audit Office has taken the lead in introducing performance auditing to the SAIs.

training CSOs and journalists together in reading and analyzing audit reports to better monitor and report on government institution performance and parliamentary responsiveness in developing remedies.[62]

PSP helped the parliaments institutionalize public audit hearings. Following the adoption of procedural reforms, audit hearings are now mandated for the state and federation parliaments. The hearings follow a clear methodology that supports MPs to rely on evidence-based information. As the hearings are repeated year after year, there is now a public expectation — most notably among media and CSOs — that the parliament will conduct public hearings. At the same time, ministries know they will be called to account for serious audit findings in the press and by civil society. Lastly, PSP helped civil society learn to promote collaborative rather than adversarial relationships in order to make a positive contribution to parliament's work.

Project success is attributed to working on lower visibility interventions or "low hanging fruit," which can be perceived as less threatening to the executive, and therefore enjoy less resistance to change. Such quick wins can build trust and momentum for later reforms. This is especially important for building the political will necessary for oversight activities that promote transparency and accountability. Of note, changes required persistent efforts from USAID and the implementer over significant periods; collaboration among USAID and other donors reduced duplication and increased impact.

3.2.3 Local governance systems. It is common for one of the legislative standing committees to have jurisdiction over the local government ministry. This committee may examine local government financing, the status of laws and regulations, and question the local government minister or other officials. Standing committees can also organize public hearings on issues of regional or local interest, including onsite hearings.

USAID/Uganda Strengthening Democratic Linkages in Uganda (LINKAGES), 2007-2011, was a complex project that incorporated components addressing the national parliament, local governments, and CSOs at both the national and local levels. LINKAGES also sought substantive impacts not only for governance, but also across multiple sectors such as health (HIV/AIDS and family planning), conflict resolution (in northern Uganda), and resource management and land reform.

LINKAGES provided only limited capacity building support to governmental bodies. It focused primarily on clarifying roles and responsibilities and improving the working relationships of national and local authorities. The project helped organize and sponsored workshops and field visits for several parliamentary committees, as well as issue-based caucuses of MPs. This effort increased parliament's visibility and exposure at district levels while strengthening the knowledge and skills of MPs and parliamentary staff on substantive issues. LINKAGES helped develop practices such as harmonized participatory development planning to ensure local priorities were transmitted upward to national officials involved in annual budget processes.

Consistent with the theme of increasing national-local relationships, LINKAGES encouraged local community-based organizations and national CSOs to extend their networks to magnify their voices.

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[62] For a fuller analysis of how the PSP supported better oversight of public finances, see Robert Nakamura and Samir Musovic, "Success Where You Least Expect It: How Parliamentary Oversight Produced Better Government in Bosnia Herzegovina," paper presented at the International Political Science Association Research Conference, Madrid, Spain, July 8-12, 2012.

The project also harmonized the work with national and local organizations during the parliament's consideration of the Land Act Amendment Bill. Estimates indicate as many as 80 percent of proposed inputs were included in the revised bill, when the committee became aware of significant concerns and discontent with key provisions of the original bill.[63]

3.3   CROSS-SECTORAL PROGRAMS

Cross-sector projects emphasize working with legislatures to support development goals in sectors such as economic growth, health, environment, and education. They utilize a local systems approach, recognizing that it is the "interconnected sets of actors — government, civil society and the private sector, universities, individual citizens and others — that jointly produce a particular development outcome…"[64] The 2013 DRG Strategy recommends integrating explicit cross-sector goals into the project design and encourages the incorporation of DRG principles into the projects of mission sector teams.[65] In addition to working with the legislature, cross-sector projects should work with sector ministries involved in policy and regulatory matters, academic experts, and interested civil society and private sector organizations.

In some instances, cross-sector projects directly support sectoral policy objectives of the Ministries, including by identifying specific content desired in legal or regulatory reforms. Programs adopting this direct approach need to be sensitive to the priorities of the MPs, committees, or caucuses with which they engage and be careful not to be viewed as imposing an unwanted or external agenda. Programs may also build the capacity of committees by connecting the committees to local experts, providing legal drafting assistance, and assisting the engagement with counterpart executive branch offices.[66] Indonesia ProRep is an example of a cross-sectoral project linked with the parliament.

USAID/INDONESIA PROGRAM REPRESENTASI (PROREP), 2011-2016:
CROSS-SECTOR POLICY COMMUNITIES

ProRep helped create "policy communities," made up of CSOs, policy experts, and decision-makers in the legislative and executive branches with shared interests in education, environment, health, and accountability. The policy communities created reform alliances and developed a shared vision that led to concrete national and local reforms. ProRep utilized a three-phase approach to create policy communities:

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[63] See Robert Nakamura, et. al., 2015, regarding the   LINKAGES project. The authors report that the chief executive of the Uganda Land Alliance made the 80 percent estimate regarding CSO's input taken on the revision of the Land Act Amendment Bill.

[64] Local Systems: A Framework for Supporting Sustained Development, USAID, April 2014, p.4.
https://www.usaid.gov/sites/default/files/documents/1870/LocalSystemsFramework.pdf

[65] Edward McMahon in "Legislative Strengthening Programs in Indonesia," in the supplementary volume of Reference Papers, describes cross-sectoral programming as a form of "legislative engagement" that involves "legislators engaging in more pro-active dialogue with constituents and stakeholders on a variety of specific development issues, including additional and more regularized flow of information into the legislative process" that, in turn, helps shape "the culture of information flow for legislators to use and guide their decisions" (p. 20).

[66] This distinction between direct and indirect cross-sectoral support was made in the report by Carmen Lane, Peter Dimitroff, and Jeremy Kanthor, op. cit., p. 6.

1. **Build trust through institutional support.** ProRep first provided institutional support to research, advocacy, and policymaking partners. As it helped partners succeed, the project earned their trust.

2. **Extend trust through mutual collaboration.** Continuing to provide support to partners, ProRep brought the sector influencers together to collaborate on policy reforms.

3. **Build policy community to achieve sector-specific policy change.** ProRep created the policy communities and issued grants to CSOs and think tanks in education, environment, health, and accountability. Grant milestones (and therefore, payments) required policy community grantees to meet and collaborate, supported grantees' events with national or local policymakers, and provided hands-on advocacy and communications training.[67] Two years after the project's end, some of the policy communities were still functioning.

3.4 LEGISLATIVE PROGRAMMING IN CONFLICT/POST-CONFLICT ENVIRONMENTS

Legislative programming in post-conflict and fragile state situations poses special challenges but may also offer unique opportunities. Post-conflict, parliaments are commonly ineffectual (if even functioning) due to factors such as "flawed peace agreements, weak political parties, entrenched patrimony and corruption, and inadequate resources for parliaments."[68] As a result, post-conflict assistance often flows disproportionately to the executive branch or non-state actors if they are positioned to act quickly. However, because parliaments represent diverse groups and interests, they have the potential to ensure that important interests are considered. This could include overseeing peace agreements and reconstruction efforts, legislating for transitional justice mechanisms, and resettling internally displaced persons.

Over time, legislatures can help protect the interests of minority or disenfranchised groups, encourage political groupings to transfer grievances from the battlefield to the political sphere, and establish checks on the executive authority and security services. USAID assisted Kenya's National Assembly to address such issues (see below).

3.4.1 Establishing legislatures in post-conflict environments. The **USAID/Rwanda National Assembly Support Project (NASP)**, 2000-2004, provided a comprehensive package of assistance to support the Transitional National Assembly, established following the Arusha Accords, and the new democratically elected National Assembly toward the end of the project. The project was designed to strengthen the Assembly's management and administration, executive oversight, representation, and lawmaking functions — yet its impact was limited. The post-genocide ruling party, the Rwanda Patriotic Front constrained the Assembly's political space, steering the project toward noncontroversial assistance such as supporting the management and administration of the Assembly, rather than building the Assembly's capacity to conduct executive oversight or significantly amend legislation.[69] Assistance to the

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[67] John K. Johnson, The Policy Communities Approach to Integrating Democracy and Governance, blogpost, 2016. https://www.chemonics.com/blog/the-policy-communities-approach-to-integrating-democracy-and-governance/

[68] "Parliaments, Crisis Prevention and Recovery: Guidelines for the International Community," Global Programme for Parliamentary Strengthening, Democratic Governance Group, Bureau for Development Policy, UNDP, 2006, p. 4.

[69] See "Rwanda National Assembly Support Project Final Report," USAID/Rwanda, October 2003, and "Rwanda Parliament Support Project Final Report," USAID, March 2005, for summaries of these two projects. Also "Technical Leadership in

Assembly under the later **USAID Rwanda Justice Strengthening Project (JSP)**, 2009-2011, was similarly constrained and for the same reason (see Lesson 6 under Section 3.5, Lessons and Recommendations, below).

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USAID AFGHANISTAN PARLIAMENTARY ASSISTANCE PROJECT (APAP), 2004-2013

APAP is one of USAID's most substantial and complex efforts to establish a functioning legislature in a post-conflict state. Launched in 2004, APAP was part of the U.S. government's post-war reconstruction and institution-building effort.[70] Its development illustrates how a project can assist a legislature through multiple stages, beginning even before the legislature exists. The mission designed APAP to begin with a substantial assessment process, which informed the development of the actual project objectives even though the project was already ongoing (design-build). Implementation by the APAP occurred in three stages.

- **Initial organization stage (2004-2006):** APAP assisted the NA planning committee to develop organizational systems, rules of procedure, and facilities plan for the new legislature. The project also assisted in human resource development and recruitment, as well as staff hiring and training.
- **Stage two (2007-2009):** As the NA became operational, APAP activities became more robust and increasingly structured to develop capacities for the three key legislative functions: lawmaking, oversight (including budget), and representation and outreach. APAP provided further training for members and staff on their various roles and responsibilities.
- **Stage three (2010-2013):** With additional funding, the project dramatically increased programming to reach a wider constituency within the parliament and to work more closely with Afghan CSOs and professional associations. APAP further established the Afghan Parliamentary Institute, subsequently recognized as a national education institution, to provide an ongoing program of professional training.

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3.4.2 Supporting post-conflict legislatures to help mediate conflicts. Another entry point is empowering legislatures to be a constructive actor in ameliorating ongoing or emerging conflicts. Legislative committees and multiparty or regional caucuses can assist conflicted groups to engage in dialogue and seek compromises. Legislatures can debate and pass laws critical to defusing tensions and oversee and ensure the implementation of peace-building efforts by the executive authority and external actors.

Nikhil Dutta et. al. suggests that assistance should focus on three interrelated areas in strengthening a country's legislature to manage conflictual issues:

- Strengthen the ability of legislative committees and cross-party caucuses to build compromises to resolve conflict.
- Build the capacity of legislators and the secretariat to address conflict effectively, independent of the executive, and to oversee executive peacebuilding and conflict management efforts.

Legislative Strengthening, Designing and Implementing Legislative Strengthening Programs," TetraTech ARD, October 28, 2015, p. 11.

[70] For a detailed overview of APAP, see "Afghanistan Parliamentary Assistance Program Evaluation: Final Report," USAID/Afghanistan, 2012.

- Improve communication between the legislators and their constituencies to ensure that interests underlying current or future conflicts are represented.[71]

A particularly effective example of USAID legislative project support to help mediate conflict came through the previously noted **USAID/Kenya Parliamentary Strengthening Project (PSP)**. Following national elections, Kenya was wracked by post-election violence during 2007-2008. The violence claimed more than 1,000 lives and displaced thousands.

PSP helped parliament implement the 2008 National Accord and Reconciliation Act (NARA), provided targeted support to bolster the National Assembly to review key legislation, and supported the parliamentary functions of the new Office of the Prime Minister. The project supported the parliament to pass legislation to implement the NARA agreement, laying the groundwork for redesigning Kenya's political system while addressing historical grievances and drivers of conflict. It also worked closely with reformers inside the parliament to revise the National Assembly's Standing Orders, establish stronger and more open committees, enhance the NA's role in the budget process, and increase its number of oversight and research units. From 2008 to 2010, public satisfaction with Kenyan National Assembly's performance rose from 24 percent to 61 percent.[72]

3.5   LESSONS AND RECOMMENDATIONS FOR PROGRAM DESIGN AND IMPLEMENTATION

This chapter has included several helpful considerations and practices to assist officers in designing and implementing legislative projects. This final section presents general lessons and recommendations grouped under three categories: (1) consultation and developing trust; (2) understanding the context: PEA and ongoing analysis; and (3) responsive, adaptive, and astute programming.

Consultation and Developing Trust

1. Consult broadly with legislative leaders and other stakeholders.

The 2005 Paris Declaration on Aid Effectiveness underscores the importance for donors to consult closely with counterparts to increase local ownership for achieving project goals and better align programs with locally defined needs.

Legislatures are flat hierarchies with multiple centers of power. Although the speaker and head clerk are the most senior positions that should be consulted on overall project goals, other bases of power and networking exist, such as committee chairmanships, political parties, reform advocates, and issue-based caucuses. Broad consultations can widen the support base for a project, while also making it less vulnerable to gatekeepers.

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[71] For a full discussion of legislative roles in post-conflict environments, see Nickil Dutta, et. al., "Strengthening Legislatures for Conflict Management in Fragile States," Woodrow Wilson School of Public and International Affairs, Princeton University, 2007.
[72] Kennedy Oluoch Onyango and Evelyne Maina, "The Role of Institutional Reforms in Promoting Sustainable Peace in Kenya," International Journal of Current Research and Academic Review, Vol. 3, No. 4, April 2015.

Additionally, regularly consulting with others in addition to the most senior legislative leaders, who likely represent the ruling party, can bolster USAID's reputation as apolitical. In nations with strong divisions along ethnic, tribal, religious, or regional lines that are also reflected in the legislature's membership, broad consultations can help ensure the project is not perceived as being partial to a political group.

2. **Co-design and co-produce activities.**

USAID projects provide capacity and convening support, but it is partners who deliver desired behaviors and results. Co-design with stakeholders is critical. This involves convening stakeholders who share an interest in solving a governance challenge, to first collectively diagnose the challenge. In this way, a project is informed by diverse perspectives for co-design of solutions that are not only technically sound and innovative but will be supported by the stakeholders.

3. **Develop trust and working relationships with project participants.**

Closely related to the consultation issue is the fundamental importance of developing trust with participants. To build effective relationships, the project should meet regularly with stakeholders, work to understand project partners, and be transparent about project goals and objectives. Trust is further enhanced by demonstrating political sensitivity when proposing project activities, demonstrating flexibility to the calendars and priorities of project beneficiaries, and following through with project commitments. Trust develops slowly.

4. **Programs that begin with dedicated institutional support for the legislature can open the door for more diversified cross-sector and democratic governance programming.**

Generally, legislative strengthening projects and MPs and staff require time to establish trust, mutual understanding, and good working relationships with donor projects, particularly if there is suspicion about or opposition to donor assistance. One strategy is to focus assistance initially on noncontroversial institution-building measures based on the parliament's priorities. These might include, for example, study missions, physical infrastructure, and equipment. Responsiveness to parliamentary priorities can help build trust that donors are interested in parliament's agenda, opening the door to deeper institutional changes. Importantly, producing visible results early in the project may help build support for long-term efforts with the legislature, the mission, and the public.

5. **Cultivate reform champions and political will for reform.**

Projects have a better chance of success when there is support among lawmakers and the public for a strong legislative role in governance and when legislative leaders are concerned for the power and prestige of their institution (not only for the parties and constituents). It is best to align with change agent MP leaders or reformists who may have the ability to influence outcomes and not be too much in front on potentially divisive issues. Because reform champions generally better understand how to get things done, working with them can help ensure project efforts are well-directed and adjusted when necessary.

Programs can support reform champions in different ways. In Afghanistan, for example, in the face of serious high-level corruption and the need to develop better accountability systems, the **USAID/Afghanistan Assistance to Legislative Bodies of Afghanistan (ALBA) project**, 2012-2016, helped develop and support reform champions through the Parliamentary Anti-Corruption Caucus (PACC). ALBA helped PACC develop its internal organization, including support for the development of a recruitment plan, internal elections, a charter, and bylaws. ALBA also helped PACC connect with anti-corruption champions outside of parliament, such as the Independent Joint Monitoring and Evaluation Committee, Transparency International, and Global Organization of Parliamentarians Against Corruption. With ALBA's support, the number of PACC members grew and PACC expanded to include members of the upper and lower house. PACC members tactfully amended and supported the passage of Afghanistan's Access to Information Law. PACC members, along with Afghan CSOs, also served on the President's High Committee on Procurement.

Understanding the Context: PEA and Ongoing Analysis

This guide has stressed the importance of analyzing and understanding the motivations, incentives, and disincentives of political actors, both inside and outside the parliament, whose actions and preferences can make the difference between success and failure. The additional cases in this section underline this point.

6. **PEAs can alert programs about closed doors, and sometimes identify strategies that can help open them.**

A CLOSED DOOR IN PAKISTAN AND AN OPENING IN MONGOLIA

The **USAID/Pakistan Legislative Strengthening Project (PLSP),** 2005-2010, was prepared to support Pakistan's parliament in combining the two small libraries of each house — the National Assembly and the Senate — but failed to effectively conduct ongoing PEA analysis. Combining libraries would have created a more robust library system to better serve both houses. As each library had its own entrenched staff and constituencies, this attempt was blocked at every turn. PLSP analysis and experience revealed that bureaucratic interests would not permit the establishment of a joint library. Similarly, the head of the Senate blocked a previously agreed-on review of its human resources systems.

The **USAID/Mongolia Economic Policy Reform and Competitiveness (EPRC) Project**, 2003-2011, aimed to accelerate and broaden sustainable, private sector-led economic growth. While the government of Mongolia recognized that tax reform was needed — to lower taxes on businesses and wage earners, simplify administrative procedures, and incentivize investment and production — achieving reform was complicated. Based on a tax system PEA, EPRC adopted an approach that emphasized facilitation and developing consensus among stakeholders, in addition to providing expert technical assistance. For example, EPRC worked with the Office of the Prime Minister to develop a communications strategy to support tax relief, worked with parliament to develop greater understanding of the economic impact of specific tax proposals, and brought in private sector and civil society experts to aid the Parliamentary Tax Working Group. By helping to develop political consensus and better collaboration among parties, EPRC facilitated legal changes

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7. If political will for specific reforms does not exist, projects falter.

A telling example is the **USAID/Rwanda Justice Strengthening Project (JSP)**, 2009-2011. JSP had a dual focus: work with judicial offices to strengthen Rwanda's justice sector and work with the Assembly to support legislative reforms consistent with the judicial improvements.

JSP was largely effective in its work with the judicial sector, where the assistance did not pose a potential challenge to the ruling Rwandan Patriotic Front but was not so effective with the parliament. The government of Rwanda did not establish the Law Reform Commission, so planned support for it could not be delivered; the JSP-supported Legislative Drafting Support System for use by the executive and legislative branches was not adopted; and the Assembly demonstrated no interest in opening the legislative process to civil society and public inputs. The parliament was unwilling to support reforms, at least in part due to a lack of clarity among MPs and staff about parliament's role in relation to the executive. There was such a lack of support for JSP that the parliament never named a person or office as a point of contact to the project, and JSP's work with the parliament stalled. [74]

Responsive, Adaptive, and Astute Programming

8. Anticipate electoral cycles.

Electoral cycles pose complications for legislative projects. Elections divert the time and energy of MPs to campaigning in their districts, and projects will struggle to retain MP and committee involvement during elections. In many developing country legislatures, the turnover rate in elections is more than 50 percent. First-time MPs require time to orient, and legislatures must reorganize themselves internally following elections, with activities such as the election of a Speaker, adoption of rules, and reconstitution of committees. Legislatures experience a delay in getting started after elections, as well as some loss of institutional memory and know-how when experienced MPs are not re-elected. Strategies to address election cycles include:

- As elections approach, build into project plans a shift to more legislative staff and fewer member activities; in some instances, the period before elections is flexible for staff to participate in training or study tours.

- If working with committees, assist them to catalog and organize materials that may be of use for the newly reconstituted committee, often with a new chairperson, post-election.

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[73] For an overview of the USAID/Mongolia Economic Policy Reform and Competitiveness project. see John K. Johnson, Ph.D., and Elizabeth C. Hudler, op. cit., pp. 14-18.

[74] Rwanda JSP is discussed in detail in John K. Johnson and Elizabeth C. Hudler, "Strengthening Deliberative Bodies: Reference Paper," October 2015, supplementary volume of Reference Papers.

- Plan to reintroduce the project and consult with new or returning legislative leaders following elections, to help in avoiding delays in implementing planned activities and to explore new opportunities with new legislative leaders.

- Organize orientation and familiarization activities for new MPs and, in a dedicated project, this could be a comprehensive orientation project for all new MPs[75]; also explore possible small activities, such as assisting a new committee to become familiar with past committee work.[76]

9. Consider a long-term time horizon for sustainable change.

Strengthening and reforming a legislature so that it can fulfill its potential takes time; the U.S. Congress took a century to develop. Legislative projects often progress more slowly than other DRG projects due to the need to engage numerous key actors and to develop trust and working relationships with MPs and staff. Further, between the need for MPs to periodically focus on campaigning and the fact that there is often high turnover following elections, projects can lose midstream momentum. Projects that have a long-term horizon and straddle at least two, if not three, electoral cycles are more likely to lead to sustainable change.[77]

10. When appropriate, refer to international standards to build stakeholder support for activities on democratic governance and cross-sector goals.

Chapter 2 discusses the global trend that established objective standards for legislative performance, which were promulgated by international professional associations. These guidelines provide project beneficiaries with objective reference points to measure their own performance. Working with the legislature and other partners to try to achieve these benchmarks can also spur and incentivize reform. From 2019 to 2020, the Commonwealth Parliament Association conducted benchmark assessments in 13 legislatures.[78]

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[75] John K. Johnson and Robert Nakamura, "Orientation Handbook for Members of Parliaments," World Bank Institute, 2006.

[76] Collaborating, Learning, and Adapting (CLA) actions to enable adjusting electoral cycles could be, for example: **Collaborating:** Discuss with project partners in parliament how the election cycle will impact programming, brainstorm ideas on how to continue progress during the period, and use appropriate ideas you arrive at together. **Learning:** Ask both partners and the project which questions are most relevant to electoral cycle programming decisions. **Adapting:** Discuss with project implementers what they are learning through their collaboration and learning activities, brainstorm together project adjustments needed to continue advancing toward project result, and make necessary changes.

[77] A comprehensive study commissioned by the Norwegian Agency for Development Cooperation concluded, "Effectiveness, let alone long-term impact, in terms of functioning parliaments can only be achieved through patient and painstaking work over the long run. A decade would by no means be excessive." See Arne Tostensen and Inge Amundsen, "Support to Legislatures: Synthesis Study," Chr. Michelsen Institute, Bergen, Norway, January 2010.

[78] These include making improvements in whistleblower legislation and changing legislative procedures to ensure systematic post-legislative scrutiny (National Assembly of Pakistan); developing a clear national framework for the executive to report to parliament on international agreements and treaties; establishing follow-on mechanisms on international commitments (Uganda Parliament); and using the assessment to develop its technical assistance plan, which includes updating the Standing Orders to carry out an organizational, infrastructure, and staffing review of the Assembly (Belize). Email from Anthony Stadden, lead consultant for 2019-2020 CPA Benchmark assessments, to John Johnson, May 6, 2020.

11. Present project approaches as technical, not political.

Program activities, such as those strengthening oversight, may be viewed as a threat to those in power. Emphasizing the technical/procedural nature of reforms may reduce their likelihood of being politicized and perceived as a threat. For example, **USAID/Bosnia and Herzegovina PSP** encouraged committee members to review national audit report problems and findings as procedural in origin, whenever possible. This helped to de-politicize the effort to reform the audit processes, as no political party wanted to be viewed as supporting sloppy accounting. It also enabled the implementation of practical reforms to improve audit reporting and review. Proposed reforms were presented as technical solutions, rather than actions adopted in response to government malfeasance.

12. Relationships and trust engendered through legislative projects may position USAID to help the legislature respond constructively during periods of conflict, crisis, and transition.

During times of crisis, the executive might lose its support or not be trusted or able to make credible decisions. Given the legislature's constitutional/legal authority, the situation may well offer opportunities for dialogue and consensus-building. Program trust and relationships established with the legislature can enable USAID to rapidly support new programming in other sectors or areas of conflict.

USAID/BOLIVIA PROGRAM OF ASSISTANCE FOR A REPRESENTATIVE CONGRESS, 2001-2006:
SUPPORTING BOLIVIA'S CONGRESS TO FACILITATE A GOVERNANCE TRANSITION

A popular insurrection led to the abrupt resignation of Bolivia's president in October 2003, and protests, roadblocks, and takeovers of public buildings led to fears of a military coup and democratic collapse. USAID responded quickly. In dialogue with Congress, USAID rapidly refocused PARC under an emergency project to strengthen Congress' representative function so that citizen voices and preferences would be heard and confidence in democratic institutions increased. The effective working relationships PARC and USAID had developed with Congress from 2001 to 2003 allowed PARC to quickly pivot as some of its activity streams with congressional officers were ended. Notably, PARC turned to support the convocation of a Constitutional Assembly (including consultations with civil society and support for a national referendum on exportation of Bolivia's gas reserves).

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13. Technology can support but does not guarantee improved institutional performance.

Technology should be considered a tool, not a solution to a problem. **USAID/Rwanda JSP** illustrates this point. JSP championed the installation and use of an electronic Legislative Drafting Support System. However, both legislators in parliament and policymakers in the executive were concerned about the implications for transparency posed by the system. Thus, legislators often bypassed the issue in drafting and amending legislation. Technology cannot resolve entrenched social norms or resolve issues of trust. For reform plans that heavily emphasize technology, USAID's recent "Designing and Implementing Court

Automation Projects: Practical Guidance for DRG Officers" offers detailed advice.[79] The critical factor is not the type of technology, but rather whether the government has the willingness to be accountable and responsive to the technological system that is set up.[80]

14. Take advantage of windows of opportunity.

At the project design stage, ensuring flexible funding arrangements — a "special initiatives," "strategic activities," or "windows of opportunity" fund — enables the project to quickly respond to unanticipated opportunities. As an example, a special initiatives fund was particularly helpful for **USAID/Indonesia Program Representasi (ProRep)**, 2011-2016, to respond to changing circumstances. Among other activities, ProRep used the fund for research and advocacy to support the new Criminal Code Bill and re-establishing Indonesia's Secretariat for the Open Government Partnership.[81]

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[79] https://www.usaid.gov/sites/default/files/documents/1866/USAID-CAP-Guide-FINAL.pdf.   See also Institute of Development Studies, "ICT-Facilitated Accountability and Engagement in Health Systems: A Review of Making All Voices Count mHealth for Accountability Projects," July 2017.

[80] https://www.makingallvoicescount.org/publication/ict-facilitated-accountability-engagement-health-systems-review-making-voices-count-mhealth-accountability-projects/

[81]   See USAID/Indonesia, Program Representasi, Final Report, April 2016, p. 124.

CHAPTER 3 KEY TAKEAWAYS

USAID implements programs that support legislatures, including dedicated programs to strengthen legislatures' institutional capacities, democratic accountability programs, and cross-sectoral programs. The Agency also conducts legislative programs in conflict and post-conflict environments.

Dedicated legislative programs strengthen a legislature's oversight, lawmaking, and representation functions, as well as legislative management and administration.

Strengthening legislative oversight. Provide training and technical assistance to improve oversight practices, support rules reform to give legislatures greater authority, or assist in improving links with and in strengthening other oversight institutions to work collaboratively with the legislature. Local support for greater oversight capabilities is crucial if project gains are to take root. Flexibility to find new ways to accomplish project oversight objectives is critical; if one committee does not aim to strengthen its oversight capacity, look for another committee to work with.

Improving lawmaking. Address shortcomings by training legislators to develop legislative agendas and become more expert in legislative procedures, helping to professionalize committees, and assisting to develop policy and research capacities. Assistance to strengthen legislative research services can be highly effective when counterparts solicit USAID assistance and are committed to implementing program changes. Also, there has been success supporting issue-based caucuses to facilitate developing and reaching agreement to enact legislation across party lines (e.g. Green Caucus in Somaliland Women's Peruvian Parliamentary Caucus on Peru).

Strengthening representation. Assistance includes improving legislative responsiveness and transparency, and helping individuals and groups better understand and participate in legislative affairs. Projects assist committees to systemize procedures and practices for public budget and legislation hearings, and support member outreach programs to help MPs interact more effectively with constituents. Further, projects have trained reporters to better understand and report on legislative proceedings and worked with CSOs and professional associations to improve their understanding of and ability to interact effectively with the legislature.

Improving management and administration. Assistance includes training in management, reorganizing staffing systems, and producing legislative websites. Programs also conduct training focused on increasing capacity and improving individual and collective productivity. If the parliament, rather than the executive, controls the parliament's staff and budget, program-assisted improvements will more likely be sustainable. The key is understanding parliament administrator's institutional and personal incentives about the program.

Democratic Accountability Programs

Legislatures contribute to national accountability through steps such as drafting laws strengthening accountability, overseeing accountability institutions (SAI and auditors general), and compelling testimony from government officials. As holding government to account is politically sensitive, conducting a "living" PEA is critical. Democratic accountability projects are more effective by collaborating with other donors working in the same space, and assisting CSOs to learn to support the legislature's accountability agenda, and sometimes, working on lower visibility interventions on low hanging fruit where high political will exists. Such quick wins can build trust and momentum for later reforms.

Cross-Sector Programs

Cross-sector projects work with the legislature and other change policy and implementation in areas such as health, education, and environment. USAID recommends integrating cross-sector elements into program design. Programs may build the capacity in substantive areas through activities such as connecting committees to local experts and CSOs and assisting committees to engage with counterpart executive branches.

Legislative Programming in Conflict/Post-Conflict Environments

Parliaments in post-conflict and fragile states are generally ineffective due to flawed peace agreements, weak political parties, entrenched patrimony and corruption, and/or inadequate resources. Yet they have the capacity to uniquely contribute to rebuilding nations. Namely, parliaments can ensure that important interests are considered in overseeing peace agreements and reconstruction efforts, legislate for transitional justice mechanisms and resettling internally displaced persons, and establish checks on the executive authority and security services.

LESSONS AND RECOMMENDATIONS

Consultations and Developing Trust

Consult broadly with legislative leaders and other stakeholders.

Develop trust and working relationships with program participants.

Instill flexibility to diversity: Programs that begin with dedicated institutional support for the legislature can open the door for more diversified cross-sector and democratic governance programming.

Cultivate reform champions and political will for reform.

Understanding the Context: PEA and Ongoing Analysis

PEAs can alert programs about closed doors, and sometimes identify strategies that can help open them.

Without political will for reforms, projects falter.

Responsive, Adaptive, and Astute Programming

Anticipate electoral cycles.

Consider a long-term time horizon for sustainable change.

When appropriate, refer to international standards to build stakeholder support for activities on democratic governance and cross-sector issues.

Present program approaches as technical, not political.

Relationships and trust engendered through legislative programs may position USAID to help the legislature respond constructively during periods of conflict, crisis, and transition.

4.0 MONITORING, EVALUATION, AND LEARNING

Monitoring, evaluation, and learning (MEL) constitutes key elements of USAID's overall program cycle. MEL practices "apply knowledge gained from evidence and analysis to improve development outcomes and ensure accountability for the resources used to achieve them."[82]

Legislative projects can pose challenges for applying MEL practices. For example:

- Legislative projects are often small in scale, and it can be difficult to attribute their impacts separately from other national and international factors affecting legislative performance, including the activities of other donors.

- Applying quantitative evaluation techniques for legislative projects is not simple. For example, quasi-experimental techniques involving comparisons with a control group to evaluate program impacts have to be thought out from the start and done creatively since there is only one national legislature in a country.

- The relatively short length and the flexible implementation strategies of legislative projects pose complications. For example, program impacts may take years to observe, yet MEL reporting tends to follow annual cycles. Further, substantial mid-course programming shifts can render initially chosen indicators irrelevant and lessen the value of baseline data.

4.1 PERFORMANCE MONITORING AND INDICATORS

Performance monitoring per the ADS refers to "the ongoing and systematic collection of performance indicator data and other quantitative and qualitative information to reveal whether implementation is on track and expected results are being achieved."[83] An excellent resource on USAID's policies and available tools for performance monitoring is the online USAID Monitoring Toolkit.[84]

Indicators will need to be developed and subsequently measured at a baseline, with benchmarks and targets integrated into the project's performance monitoring plan (PMP). Particularly important is the development of outcome indicators based on the theory of change and causal logic for how the project will achieve its overall goals and objectives.

Indicators for legislative projects, as with other DRG indicators, should be developed using proven resources. Specifically, they should be Specific, Measurable, Achievable, Relevant, and Timely (SMART), and data collection should be neither too time-consuming nor expensive.[85]

Specific recommendations for developing legislative outcome indicators include:

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[82] ADS Chapter 201.3.5 Monitoring and Evaluation, p. 110.
[83] ADS Chapter 201.3.5.5, p. 113.
[84] https://usaidlearninglab.org/monitoring-toolkit?tab=1
[85] In addition to the guidance on indicator development in the USAID Monitoring Toolkit, see the detailed discussion in Annex A: Criteria for Developing and Adapting Performance Indicators in the "Handbook of Democracy and Governance Program Indicators," Center for Democracy and Governance, Bureau for Global Programs, Field Support and Research, USAID, August 1998.

- **Align indicators with the legislature's own modernization plans**. Commonly, legislative projects consult closely with legislative leaders and design activities that are consistent with both the project's goals and the legislature's modernization plans. This approach can help develop greater shared ownership of the project with legislative counterparts by helping the legislature track its progress toward its own goals.

- **Aim for meso (mid, intermediate) level indicators that measure intended outcomes in behaviors and legislative performance, not macro changes in national politics.** Generally, legislative projects do not need to develop indicators or indices for macro-level legislative performance. This is because project goals and objectives commonly focus on improving behaviors of MPs and staff and on subsidiary legislative functions (e.g., lawmaking or executive oversight), as opposed to focusing on legislative performance writ large.[86]

- **Collaborate with local experts to develop indicators**. Local experts can improve indicator development, such as by offering innovative ideas for indicators or by pointing out possible data collection challenges. Collaborative development of indicators for legislature projects could include professional staff of the legislature, local academics specializing in legislative affairs, or local staff from watchdog or advocacy organizations.

- ***Anchor indicators with objective standards and benchmarks for legislative performance.*** The CPA, NDI, IPU, and related standards and benchmarks for legislative performance (discussed earlier regarding conducting assessments) are also resources when developing indicators. Anchoring or cross-checking indicators with objective standards can help clarify what the indicator seeks to measure. When sharing performance reporting with legislative beneficiaries or other stakeholders, reference to objective standards reduce perception of bias or impression that the project seeks to impose foreign values or preferences.

Sources for legislative project indicators. There are several reference sources useful for developing new indicators. The USAID "Handbook of Democracy and Governance Program Indicators," written before the 2013 DRG Strategy, remains a significant resource. It lists sets of legislative project indicators grouped under results areas that are commonly integrated into legislative projects. Specifically, the handbook's results framework for legislative indicators is the following:

- Intermediate Result (IR): More effective, independent, and representative legislatures
    - o   Sub-IR 1: More effective and democratic internal management systems.
    - o   Sub-IR 2: Increased legislative capacity to influence national policy and budget priorities.
    - o   Sub-IR 3: Increased citizen access to legislative processes.
    - o   Sub-IR 4: Improved capacity to reconcile societal conflict in an institutional framework.

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[86] One effort to define a macro indicator is the Parliamentary Powers Index (PPI). Originally derived from 2007 data for 158 legislatures, the PPI is based on a survey of 32 powers potentially possessed by legislatures. A modified PPI uses 2014 data for the same 158 legislatures. See M. Steven Fish and Mathew Kroenig, "The Handbook of National Legislatures: A Global Survey," New York: Cambridge University Press, 200;9 and Svitlana Chernykh, David Doyle, and Timothy J. Power, "Measuring Legislative Power: An Expert Reweighting of the Fish-Kroenig Parliamentary Powers Index," Legislative Studies Quarterly, Vol. 42, Issue 2, 2016.

For each indicator, the handbook discusses units of measurement, relevance of indicator, data collection methods/approximate costs, and target setting/trendline interpretation issues.[87]

Another helpful resource is the "Study on Performance Indicators for EU Parliamentary Support," commissioned by the European Union to guide parliamentary projects. The study proposes indicators and discusses methodological issues for legislative programming in the legislation, oversight, budget, representation, administration, inclusivity, and institution building activity areas. [88]

The USAID Security Sector Governance and Justice Indicators Guide provides a useful format, presenting "baskets" of indicators officers could use to help target project activities and to measure project effectiveness.[89] A "basket" of indicators is typically a collection or grouping of two to nine indicators that permits practitioners to measure the same concept from multiple angles to get a more complete understanding of the situation. It is a recognized best practice to use baskets to measure success in any area of foreign assistance.[90] Baskets of indicators can help mitigate potential limitations or weaknesses of any individual indicator. In an activity with multiple objectives, each objective should include one basket of indicators. See the chart in Section 4.3 of this chapter, with four abbreviated draft indicator "baskets" to help measure performance and progress in (1) budget review and oversight, (2) legislative committees/issue-based caucuses, (3) the legislative secretariat (administration), and (4) national audit systems.

4.2   EVALUATION AND LEARNING

The 2013 DRG Strategy emphasized USAID's commitment to operating as a learning organization. Key elements of this commitment include conducting rigorous project evaluations and utilizing the knowledge gained from evaluations and other learning practices, such as CLA, to improve project design and implementation.[91]

Legislative project evaluations. USAID's 2011 Evaluation Policy clarified that project evaluations are intended to be distinct from informal project assessments or reviews due to their greater methodological rigor.[92]

> Performance evaluations (1) rely on and may combine a range of data collection methods and analytical techniques, (2) incorporate before-and-after comparisons, and (3) combine these with historical narratives to address cause-and-effect questions. They address broad questions such as what the program achieved, how it was implemented, and how it was perceived and valued by beneficiaries and stakeholders.

[87] "Handbook of Democracy and Governance Program Indicators," op. cit.,

[88] "Study on Performance Indicators for EU Parliamentary Support: Final R

[89] Claire Gowan, et.al., Security Sector Governance and Justice Indicators

[90] For example, see United Nations Department of Peacekeeping Operati
for *Human Rights, Rule of Law Indicators: Implementation Guide and Proj*
https://peacekeeping.un.org/sites/default/files/un_rule_of_law_indicators.pdf and Vera Institute of Justice, *Rule of Law Indicator Instruments: A Literature Review*,
https://www.vera.org/downloads/Publications/rule-of-law-indicator-instruments-literature-review/legacy_downloads/rule-law-indicators-literature-review.pdf

[91] DRG Strategy, op. cit., p. 34.

[92] USAID Evaluation Policy, Office of Learning, Evaluation and Research, Bureau for Policy, Planning and Learning, USAID, January 2011, updated October 2016, p. 3.

USAID policy requires at least one independent evaluation for each project.[93]

While impact evaluations based on quasi-experimental designs are the gold standard for evaluation methodologies, these are difficult for legislative projects. USAID legislative projects generally receive performance evaluations, which (as indicated in the box above) incorporate before-and-after comparisons and combine these with historical narratives to address cause-and-effect questions. But they also address broad questions such as what the project achieved (including unintended outcomes), how the project was implemented, and how the project was perceived and valued by beneficiaries and stakeholders.

In 2015, USAID commissioned a meta-analysis of 30 legislative project evaluations for projects implemented from 2003 to 2015.[94] The meta-analysis offered several recommendations that can assist USAID officers when drafting legislative project evaluation scopes of work, including:

- **Use multiple data collection methods.** Legislative evaluations almost always rely on desk research and key informant interviews. However, additional data collection methods should be considered, such as surveys or polling, focus group discussions, and site visits and observations. The use of multiple data collection methods can reveal additional insights not revealed by a single method. This can also serve as a check and balance that triangulates findings revealed through different methods.

- **Report-out on evaluation limitations.** Strong performance evaluations report on limitations encountered during data collection and contextualize the limitations of the evaluation findings. Examples of common limitations include (1) small sample size (limited number of MPs), (2) security threats in post-conflict contexts, and (3) over-reliance on engaging only the same individuals again and again.

- *Analyze PMP data along with other evaluation data.* PMP data collected serves to track project progress against intended results and should be included as a data source along with other data collected for an evaluation. Of note, USAID's meta-analysis found that some legislative evaluations omitted PMP data altogether. Program indicators, however, are potentially valuable data sources as they were originally developed on the basis of the project's theory of change and were also tracked over time.

Collaboration, learning, and adapting (CLA) with legislative projects. Legislative projects often do not follow predictable implementation paths, so designs should allow for rapid and flexible adaptation. A robust MEL plan includes bringing PMP data and evidence from other sources into an adaptive management strategy for the life of the project. In addition, the MEL plan should encourage openness to learning and adaptation through proactive use of techniques, such as problem-driven iterative adaptation.

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[93] See ADS, Chapter 201.3.5.13. According to the policy, "the evaluation may address the project as a whole, a single activity or intervention, a set of activities or interventions within the project, questions related to the project that were identified in the PMP or Project MEL Plan, or cross-cutting issues within the project."

[94] Legislative projects from the 1990s, for example, often did not have well-developed PMPs, and project evaluations tended to be anecdotal or read like case studies. See John Lis and Gabrielle Plotkin, "Legislative Strengthening Evaluations and Their Implications for Future Programs: Methodological and Substantive Analysis of USAID Legislative Strengthening Evaluations, 2003-2005," 2015, in the supplementary volume of Reference Papers.

CLA Toolkit guidance, "Incorporating CLA in Activity Management," gives specific recommendations for officers wishing to encourage implementing partners to use CLA.[95] See highlights in the box below.

FOUR STRATEGIES FOR SUCCESSFUL ACTIVITY MANAGEMENT

1. **Set the tone for a collaborative relationship.** At the post-award briefing, set the tone for the Mission – IP collaboration, to develop a relationship of trust in addition to oversight; acknowledge that there will be surprises in implementation but that the Mission and IPs can approach these as times of joint problem solving.

2. **Collectively validate and revise the theory of change (TOC) at startup.** Review the situation the program is designed to address, validate or adjust the TOC as required, and prioritize and validate learning questions that can be included in the MEL plan.

3. **Facilitate CLA in implementation by creating channels for IPs to share what they learn from implementation and their ideas for adaptation.** Provide IP staff with capacity building in TOC-based programming, reward honest dialogue about implementation challenges, and be responsive to IPs.

4. **Enable adaptive management.** Set the expectation that situations will change, encourage IPs to respond to these changes, and build "pause-and-reflect" moments into the work plan to assess whether particular interventions need to be adjusted.

4.3 SAMPLE BASKET OF LEGISLATIVE INDICATORS

1. BUDGET REVIEW AND OVERSIGHT INDICATORS
Relevant Standard Foreign Assistance Indicators
▟ [Number of national executive oversight actions taken by legislature receiving USG assistance](#)[96]

Recommended Basket of Indicators (illustrative)
▟ Number/quality of reforms expanding the legislature's oversight authority. *These could include laws or rule changes giving the legislature a longer period to review the budget, greater authority to amend the draft budget, establishing a budget office, establishing a public accounts committee, etc.*

▟ Number/quality of human and material resources for legislative oversight. *This could include increases in numbers/quality/remuneration for professional budget staff.*

▟ Level of significance in deviation of enacted budget compared to initial submission by the executive branch.

▟ Number/quality of dialogues and collaboration between the legislature and civil society organizations on budget development and oversight.

▟ Number/quality of oversight events and actions (e.g., hearings, committee meetings questioning government officials, committee meetings with interest groups, detailed written requests for information) in which the legislature questions

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[95] https://usaidlearninglab.org/library/incorporating-cla-activity-management
[96] Page 33: https://2001-2009.state.gov/documents/organization/101763.pdf

government officials about the quality, effectiveness, legality, and probity of projects and spending. *Quality relates to the clarity and usefulness of the action or request (i.e., was it accurate, targeted, researched sufficiently, did the meeting or request elicit the information requested?).*

☛ Number/quality (see quality, above) of actions by the legislature, especially legislative committees, overseeing executive spending. *These include PAC meetings with SAIs, committees questioning ministries and other executive agencies on spending.*

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2. LEGISLATIVE COMMITTEES, ISSUE-BASED CAUCUSES INDICATORS

Relevant Standard Foreign Assistance Indicators

☛ Number of public forums resulting from USG assistance in which national legislators and members of the public interact[97]

☛ Number of USG assisted civil society organizations that participate in legislative proceedings and/or engage in advocacy with national legislatures and its committees[98]

Recommended Basket of Indicators (illustrative)

☛ Number of laws, legislative amendments influenced by caucus advocacy.

☛ Number of laws, legislative amendments influenced by CSO advocacy.

☛ Number/quality of improvements made in the professional capacity of committees. *Could include changes in numbers and quality of professional staff, including committee administrative staff.*

☛ Number/level of activity of legislative issue-based caucuses.

☛ Survey results for level of cohesiveness from MPs from different parties, groups, etc., for those in a caucus versus those that are not.

3. LEGISLATIVE SECRETARIAT/LEGISLATIVE ADMINISTRATION - INDICATORS

Recommended Basket of Indicators (illustrative)

☛ Level of legislative control over its budget and staff. *On a continuum from no control (executive sets budget with no legislative input, staff are civil servants) to legislatures which set their budgets and manage an independent legislative service.*

☛ Level of professionalization of staff. *To what extent is hiring and promotion merit based? Quality of, levels of remuneration of legislative staff (i.e., is it on par with executive staff at similar levels)?*

☛ Numbers of staff. *Does the legislature have adequate numbers of staff to perform effectively? If the legislature's role is expanding, it will require greater numbers, and new kinds of staff.*

☛ Satisfaction with performance of legislative administration. *Member surveys could rate their satisfaction with specific services of the parliamentary administration over time.*

4. NATIONAL AUDIT SYSTEM - INDICATORS

Recommended Basket of Indicators (illustrative)

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[97] Page 33: https://2001-2009.state.gov/documents/organization/101763.pdf

[98] Page 34: https://2001-2009.state.gov/documents/organization/101763.pdf

☐ Is the Auditor General's/Supreme Audit Institution's budget and staffing adequate? *Is it able to keep current on government audits and perform special audits as required? Is staff adequately remunerated, is it professionally trained, does it receive in-service training?*

☐ Is the AG independent of the executive *? Is the AG selected by the chief executive or the parliament?> Does it report to parliament?*

☐ Are audit findings regularly provided to the legislature in a timely manner?

☐ What percentage of significant irregularities identified by the audit report are addressed by legislative action?

☐ How responsive are ministries (executive agencies) to legislative recommendations to change procedures and practices?

CHAPTER 4 KEY TAKEAWAYS

Legislative programs challenges include small-scale projects; impact that is difficult to attribute; difficulty applying quantitative measures; and flexible implementation strategies that can cause substantial mid-course programming shifts, rendering initial indicators irrelevant. Still, USAID's rich sources provide useful tools for designing useful MEL programs.

Indicators

They should be Specific, Measurable, Achievable, Relevant, and Timely (SMART). Data collection should not be too time-consuming or expensive. Overall, programs should:

Align indicators with the legislature's own modernization plan.

Aim for meso-level indicators of intended outcomes in behaviors and legislative performance (program goals commonly focus on changing behaviors of MPs and staff).

Collaborate with local experts to develop indicators.

Anchor indicators with objective standards and benchmarks.

Sources for program indicators

USAID's "Handbook of Democracy and Governance Program Indicators" contains the following results framework for legislative indicators:

Intermediate Result: More effective, independent, and representative legislatures.

Sub-IR 1: More effective and democratic internal management systems;

Sub-IR 2: Increased legislative capacity to influence national policy and budget priorities

Sub-IR 3: Increased citizen access to legislative processes; and

Sub-IR 4: Improved capacity to reconcile societal conflict in an institutional framework.

"Study on Performance Indicators for EU Parliamentary Support"

Sample Basket of Parliamentary Indicators (included at the end of this chapter)

Evaluation and Learning

Legislative program evaluations are distinct from informal program assessments and are more methodologically rigorous. A USAID meta-analysis of legislative program evaluations recommended:

Using multiple data collection methods.

Reporting out on evaluation limitations.

Analyzing PMP data along with other evaluation data.

CLA with Legislative Programs

Beyond program evaluations, USAID encourages CLA across the program cycle for legislative and other DRG programs. Strategies for legislative programs on collaboration include:

Co-produce activities with legislative counterparts.

Co-design activities with program stakeholder.

ANNEX A: USEFUL RESOURCES, LINKS, AND INDEXES

Priority Resources

Beetham, David. 2008. *Evaluating Parliament: A Self-Assessment Toolkit for Parliaments*. Inter-Parliamentary Union (IPU). Geneva, Switzerland.

Cammack, Diana. 2016. USAID *Applied Political Economy Analysis (PEA) Field Guide*. Democracy, Human Rights and Governance (DRG) Center; Democracy, Conflict and Humanitarian Assistance Bureau; USAID. Washington, DC.

Commonwealth Parliamentary Association. 2006, Reprint 2018. Recommended Benchmarks for Democratic Legislatures. CPA Secretariat. London, UK
https://issuu.com/theparliamentarian/docs/recommended_benchmarks_for_democrat

De Vrieze, Franklin. 2015. *Global Mapping and Analysis of Parliamentary Strengthening*. Democracy Reporting International study for the Swiss Agency for Development and Cooperation SCD. Bern, Switzerland.

Johnson, John K., James D. Kent and Robert T. Nakamura. 2000. *USAID Handbook on Legislative Strengthening*. Technical Publication Series, Center for Democracy and Governance, Bureau for Global Programs, Field Support and Research, USAID. Washington, DC. (a clear presentation especially emphasizing dedicated legislative projects

Power, Greg. 2011. *The Politics of Parliamentary Strengthening: Understanding Political Incentives and Institutional Behavior in Parliamentary Support Strategies*. Westminster Foundation for Democracy. London, UK. (Excellent for understanding how parliamentary actors impact legislative assistance projects)

LEGISLATIVE PROGRAMMING RESOURCES

Bjuremalm, Helena. 2006. *Parliamentary Strengthening.* Position Paper – Revision 060529, Division for Democratic Governance, SIDA. Stockholm, Sweden.

Danish International Development Agency (DANIDA). 2010. *How to Note: Parliamentary Strengthening*. Ministry of Foreign Affairs of Denmark. Copenhagen, Denmark.

DeSchryver, Alison Paul, Scott Anderson, ed. John K Johnson. 2008. *Constituent Relations: A Guide to Best Practice.* National Democratic Institute, Washington DC.
(https://www.ndi.org/sites/default/files/2407_gov_constituentsmall_engpdf_10082008.pdf (practical interventions to support MPs to improve constituent outreach and relations)

De Vrieze, Franklin. 2015. *Global Mapping and Analysis of Parliamentary Strengthening*. Democracy Reporting International study for the Swiss Agency for Development and Cooperation SCD. Bern, Switzerland.

Johnson, John K., James D. Kent and Robert T. Nakamura. 2000. ***USAID Handbook on Legislative Strengthening***. Technical Publication Series, Center for Democracy and Governance, Bureau for Global Programs, Field Support and Research, USAID. Washington, DC. (a clear presentation especially emphasizing dedicated legislative projects

Lippman, Hal and Jan Emmert. 1997. ***Assisting Legislatures in Developing Countries: A Framework for Program Planning and Implementation***. Program and Operations Assessment Report No. 20, Center for Development Information and Evaluation, USAID. Washington, DC.

Mandelbaum, Andrew G. 2011. ***Strengthening Parliamentary Accountability, Citizen Engagement and Access to Information: A Global Survey of Parliamentary Monitoring Organizations***. National Democratic Institute and World Bank Institute. Washington, DC.

Power, Greg. 2011. ***The Politics of Parliamentary Strengthening: Understanding Political Incentives and Institutional Behavior in Parliamentary Support Strategies***. Westminster Foundation for Democracy. London, UK. (Excellent for understanding how parliamentary actors impact legislative assistance projects)

Power, Greg and Oliver Coleman. 2011. ***The Challenge of Political Programming: International Assistance to Parties and Parliaments***. International IDEA (Institute for Democracy and Electoral Assistance). Stockholm, Sweden.

Tostensen, Arne and Inge Amundsen. 2010. ***Support to Legislatures: Synthesis Study***. Evaluation Department, Norwegian Agency for Development Cooperation (NORAD). Oslo, Norway.

UNDP. 2009. ***Parliamentary Development: UNDP Strategy Note***. Democratic Development Group, Bureau for Development Policy, UNDP. New York, NY.

LEGISLATIVE BENCHMARKING AND ASSESSMENT RESOURCES

Beetham, David. 2008. ***Evaluating Parliament: A Self-Assessment Toolkit for Parliaments***. Inter-Parliamentary Union (IPU). Geneva, Switzerland.

Cammack, Diana. 2016. USAID ***Applied Political Economy Analysis (PEA) Field Guide***. Democracy, Human Rights and Governance (DRG) Center; Democracy, Conflict and Humanitarian Assistance Bureau; USAID. Washington, DC.

Commonwealth Parliamentary Association. 2006, Reprint 2018. Recommended Benchmarks for Democratic Legislatures. CPA Secretariat. London, UK

Kleinfeld, Rachel. 2015. ***Improving Development Design and Evaluation: Plans for Sailboats, Not Trains***. Carnegie Endowment for International Peace. Washington, DC. (Study on how change happens in development projects

National Democratic Institute. 2007. ***Toward the Development of International Standards for Democratic Legislatures***. National Democratic Institute. Washington, DC.

O'Brien, Mitchell, Rick Stapenhurst and Lisa von Trapp. 2016. **Benchmarking and Self-Assessment for Parliaments. Directions in Development – Public Sector Governance**, World Bank. Washington, DC.

Staddon, Anthony. 2012. **Benchmarking for Parliaments: Self-Assessment or Minimum Criteria?** OPPD Background Publication, Office for Promotion of Parliamentary Democracy, European Parliament. Brussels, Belgium.

Von Trapp, Lisa. 2010. **Benchmarks and Self-Assessment Frameworks for Democratic Legislatures**. Democratic Governance Group, Bureau for Development Policy, Global Programme for Parliamentary Strengthening (GPPS), UNDP. New York, NY.

INDEX INDICATORS AND OTHER RESOURCES FOR UNDERSTANDING NATIONAL DRG CONTEXTS

U.S. foreign assistance summary information: https://explorer.usaid.gov/cd

A great link that outlines the good governance laws in every country: **http://www.track.unodc.org/LegalLibrary/Pages/default.aspx**

Facts and figures on African countries: **http://www.governancedata.org/**

Trade of small arms in fragile states: **http://www.smallarmssurvey.org/**

Freedom House does a report on 150 countries on the following topics: civil society freedoms, freedom of expression, internet freedom, rules of law, elections, and religious freedoms: **https://freedomhouse.org/regions/sub-saharan-africa**

CIA Factbook (basic level of info on a country): **https://www.cia.gov/library/publications/the-world-factbook/wfbExt/region_afr.html**

World Bank Country reports: **http://www.worldbank.org/en/country**

Transparency International—how well the government operates, checks and balances, levels of corruption, civil society groups, etc. They have country reports, regional reports, and worldwide reports: **https://www.transparency.org/news/feature/corruption_perceptions_index_2017#regional**

Organization for Economic Co-operation and Development (OECD)—economic statistics and policies of many countries: **https://www.oecd.org/**

EITI (looks at oil and other extractive industries of many countries): **https://eiti.org/countries**

Reports on fragile states: **https://www.crisisgroup.org/middle-east-north-africa/north-africa**

Transparency International's Government Defense index. Identify the weaknesses and vulnerabilities within the security sector based on an analysis of over 100 metrics covering defense ministries and their budgeting process: **https://government.defenceindex.org/#close** (several indicators on legislative oversight in the security sector).

ANNEX B: USAID PROJECTS MENTIONED IN THIS GUIDE

Afghanistan. Assistance to Legislative Bodies of Afghanistan (ALBA). 2012-2016. Final Report

Afghanistan. Afghanistan Parliamentary Assistance Program (APAP). 2004-2013. Final Report

Armenia. Armenia Legislative Strengthening Program (ALSP), 2002-2006. Final Report

Armenia. Support to the Armenian National Assembly Project (SANAP). 2012-2015. Quarterly Report

Bangladesh. Promoting Democratic Institutions and Practices (PRODIP). 2012-2015. Final Evaluation

Bolivia. Program of Assistance for a Representative Congress (PARC I & II). 2001-2006. Quarterly Report

Georgia. Good Governance Initiative (GGI). 2015-2019. Annual Report

Guatemala. Guatemala Transparency and Integrity (GTIP). 2009-2013. Quarterly Report

Indonesia. Program Representasi (ProRep). 2011-2016. Final Performance Evaluation

Kenya. Parliamentary Strengthening Program (PSP). 2000-2012. Final Performance Evaluation

Kosovo. Business Enabling Environment Project (BEEP). 2010-2013. Mid-term Evaluation

Kyrgyzstan. Kyrgyzstan Parliamentary Strengthening Program (KPSP). 2010-2015. Final Report

Mongolia. Economic Policy Reform and Competitiveness Project (EPRC). 2003-2011. Mid-term Evaluation

Morocco. Morocco Parliament Support Project (MPSP). 2004-2009. Final Performance Evaluation

Pakistan. Legislative Strengthening Project (PLSP) I and II. 2005-2010. Final Performance Evaluation

Rwanda. National Assembly Support Project (NASP)/Parliament Support Project (PSP). 2000-2004. Final Report

Rwanda. Justice Strengthening Project (JSP). 2009-2011. Annual Report

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ANNEX C. ACRONYMS AND ABBREVIATIONS

AG	Auditor General
ALBA	USAID/Afghanistan Assistance to Legislative Bodies of Afghanistan
ALSP	USAID/Armenia Legislative Strengthening Program
AporT	*Alianza por la Transparenia* (Transparency Alliance)
BAB	*Bureau d'Analyse du Budget* (Budget Office)
BAMU	Budget Analysis and Monitoring Unit
BEEP	USAID/Kosovo Business Enabling Environment Project
BiH	Bosnia and Herzegovina
CDCS	Country Development Cooperation Strategy
CLA	Collaboration, Learning, and Adapting
CPA	Commonwealth Parliamentary Association
CSO	Civil Society Organization
CSO	Constituent Services Office
DFID	Department for International Development
DLG (I & II)	USAID/Colombia Democratic Local Governance Project (I & II)
DPA	Dayton Peace Accords
DRG	Democracy, Human Rights, and Governance
EIU	Economist Intelligence Unit
EPRC	USAID/Mongolia Economic Policy Reform and Competitiveness
FBiH	Federation of Bosnia and Herzegovina
GGI	USAID/Georgia Good Governance Initiative
GIZ	German Society for International Cooperation
GOK	Government of Kosovo
GTIP	USAID/Guatemala Transparency and Integrity Project
ILS	Institute for Legislative Studies
IPU	International Parliamentary Union

JK	*Jogorku Kenesh* (Kyrgyzstan National Legislature)
JSP	USAID/Rwanda Justice Strengthening Project
KNA	Kenya National Assembly
KPSP	USAID/Kyrgyzstan Parliamentary Strengthening Program
LINKAGES	USAID/Uganda Strengthening Democratic Linkages in Uganda
LRP	USAID/Vietnam Legislative Research Program
LTAO	Legislative Technical Assistance Office
MMPP	Women's Peruvian Parliamentary Caucus
MP	Member of Parliament
MPSP	USAID/Morocco Parliamentary Support Project
NA	National Assembly
NARA	National Accord and Reconciliation Act (Kenya, 2008)
NDI	National Democratic Institute
NGO	Non-governmental Organization
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization for Economic Cooperation and Development
OGP	Open Government Partnership
OSCE	Organization for Security and Co-operation in Europe
PAC	Public Accounts Committee
PACC	Parliamentary Anti-Corruption Caucus (Afghanistan)
PARC	USAID/Bolivia Program of Assistance for a Representative Congress
PEA	Political Economy Analysis
PLSP	USAID/Pakistan Legislative Strengthening Project
PMO	Parliamentary Monitoring Organization
PMP	Performance Monitoring Plan
PRODIP	USAID/Bangladesh Promoting Democratic Institutions and Practices
PROGATI	USAID/Bangladesh Promoting Governance, Accountability, Transparency, and Integrity
PROREP	USAID/Indonesia Program Representasi

PSP	USAID/Bosnia and Herzegovina Parliamentary Strengthening Project
PSP	USAID/Kenya Parliamentary Strengthening Program
RS	*Republika Srpska*
SAF	Strategic Assessment Framework
SAI	Supreme Audit Institution
SANAP	USAID/Armenia Support to the Armenian National Assembly Project
SAO	State Audit Office
SIDA	Swedish International Development Agency
TOC	Theory of Change
TWP	Thinking and Working Politically
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
USG	United States Government
VCP	Vietnamese Communist Party
WBDB	World Bank Doing Business