PARLIAMENTARY PROGRAM OF AZERBAIJAN EVALUATION
FINAL REPORT

JULY 2011

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ACRONYMS AND ABBREVIATIONS

CSO   Civil Society Organization

DAI   Development Alternatives, Inc.

DI   Democracy International

HR   Human Resources

IDI   In-depth Interview

IT   Information Technology

MM   Milli Majlis

MoU   Memorandum of Understanding

MP   Member of Parliament

MPA   Member of Parliament's Assistant

NGO   Nongovernmental Organization

PPA   Parliamentary Program of Azerbaijan

USAID   United States Agency for International Development

EXECUTIVE SUMMARY

Introduction

Implemented by Development Alternatives, Inc. (DAI), the Parliamentary Program of Azerbaijan (PPA) is a USAID-funded program that seeks to strengthen the effectiveness and representative capacity of the parliament of Azerbaijan, also known as the Milli Majlis (MM), and is thus central to USAID/Azerbaijan's goal of supporting a more representative, participatory and better functioning democracy in Azerbaijan. Phase I of the program began on April 22, 2007 and extended through April 21, 2010; Phase II began on April 22, 2010 and is expected to end on September 30, 2011. Understanding the impact of the PPA and determining the extent to which the program carried out its stated plans and activities are equally important to informing future USAID-supported democracy and governance efforts in Azerbaijan.

Democracy International's evaluation team (the team) evaluated Phases I and II of the PPA. The team was charged with identifying lessons learned from the PPA in order to enhance USAID's understanding of program performance and inform decisions about future USAID programming in the area of legislative function and process. This team was asked to "analyze where the program was successful and where it was not… identifying remaining gaps necessary to achieve the overarching goal of improving legislative function and process…[and] consider changes in the political context (including the 2010 elections that occurred in the final year of the program)." The team was also charged with addressing the overall impact of the program and individual activities, the major constraints the program encountered, the relationship of the program and the parliament to the broader political environment in Azerbaijan, and the implementation challenges associated with implementing a legislative support program in the Azerbaijani context.

Methodology

Democracy International's evaluation team consisted of Lincoln Mitchell as Political Scientist and Team Leader and Rashid Shirinov as Local Expert. The team was in the field from June 28 to July 12, 2011.

To conduct the evaluation, the team employed the following research methods: desk research, in-depth interviews (IDIs) with program stakeholders, participants, and observers, and, when possible, quantitative data analysis. Documents read for the desk research are listed in Appendix 2.

The team conducted IDIs with Members of Parliament (MPs), Members of Parliament's Assistants (MPAs), the administrative staff of the parliament, DAI staff, journalists, and representatives from various nongovernmental organizations (NGOs). The team raised the following topics in each IDI: participation in the program, impressions of the program and its component parts, how the parliament has changed, how the views of MPs have changed, how parliamentary representation is viewed, and what kind of legislative support is needed in the future. A full list of IDIs can be found in Appendix 1.

The Parliamentary Program of Azerbaijan

The major goals of the PPA were to: (1) develop and strengthen parliamentary capacity, (2) promote greater procedural and legislative transparency, and (3) enhance the overall effectiveness of the parliament. These goals are essential for fostering a better functioning parliament, creating a check on executive power, and helping Azerbaijan develop a political system in which power is shared between institutions. To achieve these goals, the PPA outlined a set of activities which can be divided into five areas:

> 1. Training and supporting MPAs to work in each constituency to help MPs address various concerns and problems of their constituents,

2. Helping the MM strengthen its website as a means to increase transparency and communicate more information about the parliament,

3. Encouraging and facilitating public hearings for the MM,

4. Orienting new members of the MM following the 2010 elections, and

5. Producing various documents and publications aimed at helping the MM become more effective and transparent.

Some of the most significant accomplishments of the PPA include:

- An orientation program for new MM members conducted in January 2011,

- An improved website for the MM which features completed legislation as well as some draft legislation,

- Two public parliamentary hearings on issues related to disabilities and social services,

- Facilitating the creation of 125 MPA offices,

- Training of more than 140 MPAs, and

- A database for MPAs to track constituency requests.

These concrete achievements have helped the MM be a more efficient and competent body, but the overall impact of the program on the political environment is less apparent. The parliament is still not a strong or independent institution and continues to demonstrate little independence from the executive branch. Almost all of the journalists and NGO representatives with whom the team spoke stressed that most people in Azerbaijan still hold the parliament in poor regard.

The PPA is now at a crossroads. Until now, the PPA has focused on governance issues without substantively addressing democratic development. The PPA while not explicitly seeking to make Azerbaijan democratic, according to the workplan sought to help the Governemnt of Azerbaijan "develop a more independent, representative and responsive legislative branch…and foster an environment where significant public participation and meaningful checks and balances will evolve." These program goals are key component parts of democracy.

As the PPA was the first parliamentary program in Azerbaijan, this outcome may have been unavoidable. While continuing to facilitate better governance in a undemocratic system can strengthen the rule of law and build institutional capacity, it can also strengthen the undemocratic rule of a semi-authoritarian government.[1] Though the PPA has not had this effect, future parliamentary programs should address this concern by carefully placing a greater emphasis on democratic development.

Findings

The team's major findings address several aspects of the PPA, including comprehensive findings regarding program overall impact as well as more specific findings regarding particular program activities and achievements. Collectively, these findings offer a balanced reflection of the program.

- Despite the program's impressive accomplishments, its political impact is less clear,

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[1] Most academic literature describes Azerbaijan as semi-authoritarian, Ottaway (2002). Freedom House characterized Azerbaijan as "Not Free" for all the years from 2006-2011. This category is where Freedom House places undemocratic systems of various kinds.

- Program activities were too modest to achieve the reasonably ambitious goals set in the MoU,

- Azerbaijan's difficult political environment constrained program activities,

- The program beneficiaries were largely male as MPs and MPAs are heavily male,

- The program has reached a turning point with regards to its ability to help Azerbaijan liberalize or become more democratic,

- Close involvement of the parliamentary administration had mixed effects on the program,

- The MPAs are pleased with support they have received and would like additional assistance,

- There is very little engagement between the parliament and civil society,

- Members of parliament increasingly see their role as entirely constituent service and has little understanding of representation, and

- While the MM website is more transparent and has more content, it has not yet become a vehicle for interaction between the MM and the people.

Recommendations

The team has crafted a set of recommendations which address holistic issues about the program and those which suggest specific activities for future work with the parliament in Azerbaijan. Taken together they provide a useful foundation for future USAID programming for legislative support in Azerbaijan.

- Continue working with the Milli Majlis and seek to create a program that offers continued technical support to the parliament, but that does so with a stronger emphasis on representation and participation by citizens,

- Place greater emphasis on oversight, hearings, and legislative drafting,

- Work more directly with MPs, particularly those who demonstrate an interest in their legislative and representational responsibilities,

- Expand the MPA activity to include a second MPA that focuses on legislative work,

- Create an MPA network to allow MPAs to share experiences and learn from each other more effectively,

- Facilitate links between MPAs and CSOs in districts and reach out to CSOs to strengthen demand for greater representation,

- Identify five to ten pilot districts for intensive work with MPAs on local hearings, advocacy, and other issues-based work,

- Make the MM website more interactive and post information in a timely manner,

- Create independence from parliamentary leadership, and

- Ensure that the program becomes more risk-accepting. The program should be willing to propose activities that promote greater participation or representation despite the real risk that these activities could be rejected by the parliamentary leadership.

1.0 INTRODUCTION AND METHODOLOGY

1.1 INTRODUCTION AND OVERVIEW

Implemented by Development Alternatives, Inc. (DAI), the Parliamentary Program of Azerbaijan (PPA) is a USAID-funded program that seeks to strengthen the effectiveness and representative capacity of the parliament of Azerbaijan, also known as the Milli Majlis (MM), and is thus central to USAID/Azerbaijan's goal of supporting a more representative, participatory and better functioning democracy in Azerbaijan. Phase I of the program began on April 22, 2007 and extended through April 21, 2010; Phase II began on April 22, 2010 and is expected to end on September 30, 2011. Understanding the impact of the PPA and determining the extent to which the program carried out its stated plans and activities are equally important to informing future USAID-supported democracy and governance efforts in Azerbaijan.

Democracy International's evaluation team (the team) evaluated Phases I and II of the PPA. The team was charged with identifying lessons learned from the PPA in order to enhance USAID's understanding of program performance and inform decisions about future USAID programming in the area of legislative function and process. This team was asked to "analyze where the program was successful and where it was not… identifying remaining gaps necessary to achieve the overarching goal of improving legislative function and process…[and] consider changes in the political context (including the 2010 elections that occurred in the final year of the program)." The team was also charged with addressing the overall impact of the program and individual activities, the major constraints the program encountered, the relationship of the program and the parliament to the broader political environment in Azerbaijan, and the implementation challenges associated with implementing a legislative support program in the Azerbaijani context.[2]

1.2 METHODOLOGY

Democracy International's evaluation team consisted of Lincoln Mitchell as Political Scientist and Team Leader and Rashid Shirinov as Local Expert. The team was in the field from June 28 to July 12, 2011.

To conduct the evaluation, the team employed the following research methods: desk research, in-depth interviews (IDIs) with program stakeholders, participants, and observers, and, when possible, quantitative data analysis. Documents read for the desk research are listed in Appendix 2.

The team conducted IDIs with Members of Parliament (MPs), Members of Parliament's Assistants (MPAs), the administrative staff of the parliament, DAI staff, journalists, representatives from various nongovernmental organizations (NGOs), other donor organizations working with parliament and other USAID supported project working on democracy and government, including the European Union delegation twinning project and the National Democratic Institute.. In total the team conducted 25–30 IDIs. The team raised the following topics in each IDI: participation in the program, impressions of the program and its component parts, how the parliament has changed, how the views of MPs have changed, how parliamentary representation is viewed, and what kind of legislative support is needed in the future. A full list of IDIs can be found in Appendix 1.

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[2] See Statement of Work, pp. 2–3.

The MM, most MPs, DAI, and several NGOs are located in Baku; accordingly, the team conducted most meetings in the capital. However, to get a better sense of the program's regional impact and the work done by parliament throughout the country, the team also made trips outside Baku, to Quba, Khachmaz, Ismayilli, and Sabirabad, respectively. In each location, the team met with at least one MPA and one civil society organization (CSO) or political party. Lincoln Mitchell also conducted two phone interviews with stakeholders based in Washington, D.C., on June 24.

2.0 PROGRAM BACKGROUND

2.1 AZERBAIJAN SINCE 1991

On October 18, 1991, the Supreme Soviet of the Republic of Azerbaijan adopted a constitutional act declaring the independence of the Azerbaijani Republic. This declaration was ratified by a nationwide referendum upon the collapse of the Soviet Union in December 1991.

On June 7, 1992, Abülfaz Elçibey, the leader of the Popular Front, was elected president in the first democratic election in Azerbaijan's history. In 1993, amid domestic turmoil, heavy losses in the ongoing Nagomo-Karabakh War with Armenia, and perceptions of corruption and incompetence within the Popular Front government, Heydar Aliyev, the former leader of the Azerbaijan Soviet Socialist Republic and former chairman of the Soviet Committee for State Security (KGB), returned to power. Allegedly, Elçibey fled to his home village of Kalaki in Nakhchivan to avoid facing rebel army troops led by Colonel Suret Huseynov.

After Heydar Aliyev died in 2003, his son Ilham subsequently assumed the presidency in an election broadly criticized by international observers for widespread violations of electoral laws. Ilham Aliyev's regime quickly consolidated and preserved power, using violence to suppress demonstrations protesting the flawed election. In 2008, Ilham Aliyev was re-elected without serious opposition and a subsequent constitutional referendum eliminating presidential term limits further consolidated his authoritarian regime in Azerbaijan.

The Azerbaijani ruling elite is extremely reluctant to share power with opposing groups. Parliamentary elections in 2005 became a source of disillusionment for the democratic forces in the country as only five true opposition candidates were allowed to join the parliament. Moreover, the recent influx of money from oil concessions has enhanced the ruling elite's monopoly on power and increased rent-seeking behavior and corruption. 2010, members of the opposition were excluded from parliament and the Milli Majlis became a one-party assembly for the first time since Azerbaijan's independence.

Azerbaijan has gradually become less democratic since declaring independence from the Soviet Union. In fact, many experts consider the 1992 election to be the only democratic election in Azerbaijan's postindependence history. Today, despite recent attempts at reform, Azerbaijan's political environment remains notably undemocratic.

2.2. THE PARLIAMENT OF AZERBAIJAN

In May 1992, the National Council of the Supreme Soviet of the Republic of Azerbaijan became the Milli Majlis. The Milli Majlis is a unicameral body with several standing committees. The parliament is charged with proposing legislation, approving the national budget, and ratifying the candidacy of various public officials, including the prime minister, general prosecutor, and chairman of the central bank. Until 2002, elections to the parliament were based on a mixed election system. Under this system, 100 MPs were elected in single mandate districts and 25 MPs were elected by party list. Today, however, all MPs are elected from single mandate districts.

Relative to the executive, the parliament is a weak institution. The MM is generally viewed an adjunct to the executive branch, where laws are approved *pro forma* with little debate. Members of parliament rarely propose

legislation and have never issued a vote of no-confidence. Furthermore, the Azerbaijani constitution limits the MM's ability to oversee the executive. In 2010, the parliament adopted the Law on Normative-Legal Act, which further limited the ability of the MM to influence the legislative agenda. The parliament is dominated by elite interests who seek the protection of the government for personal gain and have thus successfully kept the parliament weak and loyal to the executive. Nevertheless, in an effort to help Azerbaijan appear more democratic, the ruling authorities are interested in maintaining the parliament as a separate, semi-independent institution.

2.3   THE PARLIAMENTARY PROGRAM OF AZERBAIJAN

As stated in the Scope of Work (SOW), the major goals of the PPA were to: (1) develop and strengthen parliamentary capacity, (2) promote greater procedural and legislative transparency, and (3) enhance the overall effectiveness of the parliament.[3]

These goals are similar to the goals of USAID-supported legislative strengthening programs all over the world. These rather general goals can be interpreted broadly and thus lend themselves to a large range of program activities. Nonetheless, these goals are essential for fostering a better functioning parliament, creating a check on executive power, and helping Azerbaijan develop a political system in which power is shared between institutions.

The PPA outlined a set of activities to achieve the program's goals. These activities can be divided into five primary areas:

> 1. Training and supporting MPAs to work in each constituency to help MPs address various concerns and problems of their constituents,
>
> 2. Helping the MM strengthen its website as a means to increase transparency and communicate more information about the parliament,
>
> 3. Encouraging and facilitating public hearings for the MM,
>
> 4. Orienting new members of the MM following the 2010 elections, and
>
> 5. Producing various documents and publications aimed at helping the MM become more effective and transparent.

The PPA began in April 2007 and is scheduled to end on September 30, 2011. The total budget for the PPA was initially $2.5 million, but was increased to $5.6 million, for a total period of four-and-a-half years. Senior staff of the PPA include an expatriateChief of Party and a local deputy Chief of Party. Additionally, the PPA drew upon numerous consultants, primarily for trainings and orientations, some of whom were local and some of whom were foreign.

The PPA was implemented in a complex, difficult political environment. Azerbaijan is a semiauthoritarian regime where power is concentrated in the executive branch, although not exclusively in the person or office of the president. Freedoms of speech and assembly are notably constrained and elections are far from free and fair. On several occasions during the evaluation, observers and program participants described the parliament as a "rubber stamp" for the executive.

Moreover, Azerbaijan has not been a hospitable place for Western-funded efforts to support democracy. In recent months democracy assistance organizations have been harassed or even shut down by the government of Azerbaijan. Although the government of Azerbaijan has cooperated reasonably well with the PPA, this has not been the case with all donor funded democracy and governance efforts in Azerbaijan. This challenging

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[3] See Rudenshiold 2009, pp. 8–9.

political environment posed significant implementation challenges and necessarily constrained the scope of program activities.

Parliamentary leadership would not have been amenable to a program that immediately injected democratic ideals of true contestation, pluralism, and accountability into their activities. The design and implementation of the PPA reflected this concern. Instead of focusing on political or advocacy projects, the program emphasized governance and constituent services through various technical projects, including improving the MM website, training new MPs, and creating publications for the MM. This strategy allowed the PPA to gain a foothold in the MM and to help members and staff of the MM improve their capacity and technical skills.

As outlined in the Memorandum of Understanding (MoU), due to the MM's financial commitment, including a pledge of $500,000 for the first year of the program, to the PPA. Overall, the MM itself made a significant financial contribution to the program, serving as a real partner to USAID. Because of this, however, the parliamentary leadership wielded significant leverage over the program. The administrative department of the parliament acted as a gatekeeper for the PPA's relationship with the MM. Contacts with individual MPs were largely channeled through official liaisons between the parliament and the PPA. These liaisons had significant input over what trainings could cover, who could conduct workshops, and other aspects of the program. In fact, the administrative staff of the parliament discouraged DI's evaluation team from contacting MPs and MPAs directly. While this obstacle necessarily limited the scope and impact of the PPA, it did not prevent DAI from doing good work and producing tangible results.

In Azerbaijan, MPs are essentially unelected and do not face any real electoral motivations to represent their constituents. Despite this lack of grounding in democratic process, the MPA activity sought to communicate the importance and benefits of representation to MPs by giving them and their staff the skills to represent constituents. Given the extant political environment, this was a thoughtful, yet bold approach. Ultimately, the MPA program was only partially successful; while some MPs seemed to develop a better sense of their obligations as representatives, program observers reported that this was not the case for many MPs.

Despite operating in a difficult political and programmatic environment, DAI was able to implement an effective program that yielded several accomplishments. DAI's first and perhaps most hard-won achievement was a decent working relationship with the leadership and administration of the MM. As the PPA was the first USAID-funded parliamentary support program in Azerbaijan, the program would have had limited reach without the confidence and support of the MM leadership.

Some of the most significant accomplishments of the PPA include:

- A Member Orientation Program for new MM members conducted in January 2011,
- An improved website for the MM which features completed legislation as well as some draft legislation,
- Two public parliamentary hearings on issues related to disabilities and social services,
- Facilitating the creation of 125 MPA offices,
- Training of more than 140 MPAs. The MPAs with whom the team met reported that these trainings provided them with support that was absolutely essential for them as they began to work as MPAs.
- A database and software for MPAs to track constituency requests.

These accomplishments should not be understated. The PPA was deeply involved in the MPA project, helping to create an important liaison between individual MPs and citizens where none existed before. Similarly, the materials and workshops presented in the orientations and trainings were frequently described as being extremely helpful. Despite these concrete achievements, however, the overall impact of the program on the political environment is less apparent. The parliament is still not a strong or independent institution and continues to demonstrate little independence from the executive branch. Based on the team's discussions with journalists and NGO representatives, most people in Azerbaijan still hold the parliament in poor regard.

In the current Azerbaijani political context, it is necessary to move carefully and incrementally to achieve sustainable results. While the MPA program sought to create a sense of responsiveness and accountability among members of parliament with little electoral ties to their constituents, the program was based on an understanding of representation that was sufficiently narrow so as to not raise concerns from the MM leadership. The MPA program had modest success in this area, laying the groundwork for future programs with the MM.

The MPA component of the program focused almost exclusively on constituent services. All of the MPAs the team interviewed spent the vast majority of their time addressing individual concerns, including joblessness, pensions, and other personal financial problems. MPAs reported having little, if any, contact with the CSOs in their district. Though MPAs occasionally respond to groups of people from the same area that raise concerns regarding issues such as the condition of the road leading to their village or the lack of potable water in their neighborhood, these groups are typically informal and exist only to address a specific issue.

During the IDIs, MPs and MPAs expressed an understanding of representation that was limited to helping constituents solve problems. This is, to be certain, an important part of representation, but it is far from the only aspect of representation. Representing the views and interests of constituents is also a critical responsibility for an elected legislator, but there was very little awareness of this among the people with whom the team spoke. This reflects the limited extent to which the PPA raised awareness of representation and the roles of MPs. Nonetheless, this development, that some MPs and MPAs see themselves as having any responsibility towards the people they, or their boss, represents, is a significant breakthrough. It suggests that some embryonic sense of accountability on the part of the MPs is evolving, and equally importantly, that some citizens understand that in a democratic society, voters make demands on elected officials, not only the reverse. While this is not a full and robust understanding of representation, it is a foundation on which future programs can build.

The initial MoU governing the PPA set out an ambitious set of goals, particularly given the difficult political realities in Azerbaijan. While the PPA made progress towards these goals, it did not achieve them. Thus, the PPA is best understood as a good first step toward future parliamentary programs in Azerbaijan.

The PPA is now at a crossroads. Until now, the PPA has focused on governance issues without substantively addressing democratic development. As the PPA was the first parliamentary program in Azerbaijan, this outcome may have been unavoidable. While continuing to facilitate better governance in a undemocratic system can strengthen the rule of law and build institutional capacity, it can also strengthen the undemocratic rule of a semi-authoritarian government.[4] Though the PPA has not had this effect, future parliamentary programs should address this concern by carefully placing a greater emphasis on democratic development.

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[4] Most academic literature describes Azerbaijan as semi-authoritarian, see Ottaway (2002). Freedom House characterized Azerbaijan as "Not Free" for all the years from 2006–2011. This category is where Freedom House places undemocratic systems of various kinds.

3.0 FINDINGS

The team's major findings address several aspects of the PPA, including comprehensive findings regarding program overall impact as well as more specific findings regarding particular program activities and achievements. Collectively, these findings offer a balanced reflection of the program.

3.1 DESPITE THE PROGRAM'S IMPRESSIVE ACCOMPLISHMENTS, ITS IMPACT IS LESS CLEAR

The program has several laudable accomplishments, including improving the parliamentary website, oreinting new MPs after the 2010 elections, and publishing numerous guidebooks and other materials for the MM. The team found that the most MPs view the MM website as a success and the guidebooks, such as the *Guidebook for MP Assistants*, the *Guide to the Constituent Feedback Database* or the *Introductory Guidebook for MPs*, are well used by MPs and various parliamentary staff members. Perhaps most significantly, due to the work of the PPA, there is now an MPA in almost all of Azerbaijan's 125 parliamentary districts. With admittedly varying degrees of competence and dedication, these MPAs have offices, are present in their districts and hear citizens' concerns and are seeking to address them.

However, the impact of these accomplishments is far less apparent. For the most part, the program did not change how the MM functions or how ordinary people in Azerbaijan relate to and understand the parliament. MPAs still solve a relatively small proportion of the problems encountered by their constituents and are not viewed by CSOs in their districts as an important part of the political environment. Similarly, in spite of the well-received MP trainings, publications, and website assistance, the MM remains an unambiguously minor partner to the executive. Even though the MPs may be better prepared to do their jobs, there is still very little debate in the MM, indicating that the PPA has not changed the core characteristics of the parliament.

In general, there is a striking discrepancy in the views of the program. Those who were directly involved with it overwhelmingly thought it was a success, while those who were not directly involved in the program were either unaware of the specific components of the program or saw its impact as minor. This discrepancy mirrors the difference between the program's concrete accomplishments and its overall impact on the political environment.

3.2 PROGRAM ACTIVITIES WERE TOO MODEST TO ACHIEVE THE REASONABLY AMBITIOUS GOALS SET IN THE MOU

The MoU signed between the Government of Azerbaijan and USAID states that the goal of the program is "to strengthen the capacity of the Parliament to effectively fulfill its legislative and oversight function and develop a more independent, representative and responsive legislative institution that reflects the views of Azerbaijani society." This is an ambitious goal, particularly given the state of the MM when the program began in 2007. The MoU outlined three activities associated with this goal: (1) trainings for MPs and MM staff members on topics such as effective responses to constituency requests and legislative procedures and processes, (2) study tours to expose MPs to relevant parliamentary models, and (3) technical assistance in establishing a number of transparency mechanisms in the parliament and improving the MM's existing website which included installing a legislative database, augmenting the website to include a section for draft legislation and revisions from subsequent readings, and developing a section to provide synopses of parliamentary and committee debates.

There is some dissonance between the program's stated goals and the activities outlined in the MoU. The program's goals are very ambitious and address the larger issue of the legislature's relative weakness and inability to serve as an effective check on the power of the executive branch. Program activities, however, are narrow and technical in nature. Instead of taking the risks necessary to promote wider democracy and representation in the Azerbaijan, program activities continue to suggest that the primary problem facing the MM is that its members and staff lack the skills necessary to be a more effective and democratic legislature. While there certainly is a deficit of skills in the MM, this only represents part of the reason why the MM is weak. Interestingly, this dissonance is found in the MoU itself as well as in subsequent program documents.

3.3 AZERBAIJAN'S DIFFICULT POLITICAL ENVIRONMENT CONSTRAINED PROGRAM ACTIVITIES AND RESULTS

The PPA was implemented in an undemocratic political context where the government has demonstrated little interest in democratic reform. Particularly following the 2010 elections, members of parliament are not democratically elected. As such, the MPA program sought to instill notions of accountability and representation among MPs who do not believe they would need to stand for reelection in the future, a particularly challenging task as the electoral mechanisms that usually underlie these principles, simply do not apply in Azerbaijan.

Due to the absence of free media and the relative weakness of civil society in Azerbaijan, the demand for greater accountability from or access to the parliament is not strong. MPAs have little contact with CSOs in their district and very few CSOs would know what to do if they were invited to meet with an MPA or an MP. In addition, while the MM website is beginning to post draft laws, there are very few media organs or NGOs that have the capacity or freedom to investigate, discuss, modify, or critique these draft laws.

Lastly, as a result of the country's ample oil wealth, Azerbaijan is not heavily dependent on foreign aid for basic services or infrastructure, thereby limiting the leverage the PPA had over the MM. Thus, from a financial angle, the MM was a legitimate partner of USAID in this project. For example, the MM paid the MPAs' salaries, while USAID trained the MPAs, with financial contributions from the MM.

3.4 THE PROGRAM HAS REACHED A TURNING POINT WITH REGARDS TO BROADER QUESTIONS OF IMPACT ON DEMOCRATIC DEVELOPMENT

On the whole, while the PPA has been relatively successful, the program's accomplishments lean much more heavily towards governance than towards democracy. The MM staff, for example, confirmed that the PPA has built the capacity of the MM by strengthening the competences of the staff, increasing interdepartmental cooperation, fostering fellowship among MPAs, and changing the internal culture of communications (i.e., introducing games and simulations). Though significant, these achievements lead to a more efficient, though not necessarily a more representative, parliament.

MM staff also confirm that during the first year of the program there were difficulties, due to the fact that the "other side was imposing its will." Things have changed after MM and DAI "sorted out their relationship" problems. DAI gradually adjusted the program to the needs and interests of the MM. As the PPA backed away from some elements of the program that were more controversial, but important for democratic development, the MM staff became more involved in the program's objectives.

Both program recipients and DAI indicate that they view the PPA almost entirely as a governance-oriented program and confirm that the program did not bring the MM into contact with society more broadly. While the program established a nascent connection between MPAs and constituents, the IDIs suggest that MPs and MPAs handle individual issues that could be quickly and easily fixed rather than larger, community-level issues. One MP told the team that it is impossible for any MP to solve 70 to 80 percent of the problems

raised by the constituencies since those issues are within the purview of local executive authorities, which are much more capable and powerful institutions.

The governance-heavy approach of the PPA during the last four years has helped build a solid working relationship between USAID and the MM, enhanced the technical skills of the MM, and made future legislative support possible. Nevertheless, the direction and focus of that future programming will be important for achieving the broader goals of the program.

3.5   CLOSE INVOLVEMENT OF THE PARLIAMENTARY ADMINISTRATION HAD MIXED EFFECTS ON THE PROGRAM

The administrative leadership of the parliament played a key role in the implementation of the program. Almost all program activities were discussed with the administration before they were implemented; the administration helped develop activities with the PPA; activities and relationships were generally mediated through the leadership or administration of the parliament; and much of the assistance such as the written publications and improved website were created with, and sometimes for, the administrative staff.

This level of involvement by the parliament's administrative offices is a reflection of the power held by the administrative leadership in the parliament. In Azerbaijan, the executive office and central staff—not the members—are, to a large extent, the real source of power within the parliament. The unelected bureaucrats in the administration have considerably more influence than all but the most powerful MPs in deciding procedural, budgetary, and administrative matters.

The parliamentary administration's cooperation was valuable because it helped ensure that specific activities were successfully implemented, that MPs and staff participated in workshops and trainings, and that the PPA had a consistent partner within the MM. However, the parliamentary administration's close involvement in the PPA also meant that the administration exercised substantial influence over program decisions, encouraging activities which they liked and thwarting activities they did not. Similarly, the parliamentary administration acted as a gatekeeper and limited the program's ability to develop direct relationships with MPAs and thus establish other channels of communication and build additional support for their program. The team encountered this reality first-hand while conducting the evaluation. Mr. Elshad Ismailov from the human resources department of the MM coordinated all meetings with MPs, the central staff of the MM, and MPAs, both in Baku and the regions. Mr. Ismailov acted as a gatekeeper and determined whom the team could meet with, thereby introducing a bias into the evaluation. Additionally, Mr. Ismailov sat in on most of the meetings the team conducted in the parliament building, including all meetings with MM administrative personnel.

3.6   THE MPAS ARE PLEASED WITH SUPPORT THEY HAVE RECEIVED AND WANT MORE

Most of the MPAs the team interviewed indicated that they would like to see PPA support for the MPAs continue. The MPAs asserted that the program offered them opportunities for professional development and allowed them to gain experience working with constituents. Because MPAs and their mission of constituency service were entirely new in Azerbaijan, the MPAs were more open to training and to recognizing their need for training than might typically be expected. In fact, many MPAs openly said they had no idea what their job entailed before they were trained by the PPA and that they benefitted a great deal from the very specific trainings on topics such as how to address constituency concerns or how to solve constituent problems.

Interestingly, although the MPAs appeared to appreciate the assistance they received from the PPA, not all of the knowledge they gained has been applied. For example, a number of the MPAs with whom the team met

still do not have a strong understanding of new methods of communication and don't use computers or the internet. Many MPAs still keep records of interactions with constituents in handwritten form in notebooks. In the offices of these MPAs, electronic complaints and appeals software provided by PPA remains largely unused. However, some of the younger MPAs seem to be more technologically savvy. Several of them have asked USAID to help them establish an MPA electronic network, where they can connect with each other and have access to internal MM documents. Many MPAs responded that the biggest benefit of the trainings for them was the communication and exchange of ideas, experience, and skills with other MPAs.

A minority of MPs evinced some interest in engaging in more work related to legislation. Moreover, some MPAs seem to be aware of their own capacity to become politicians by continuing to work with both constituencies and the MM. MPAs were the largest group of direct beneficiaries of the program, so their satisfaction with the support they received is significant, suggesting that the activities of the program were wellimplemented.

3.7 THERE IS VERY LITTLE ENGAGEMENT BETWEEN THE PARLIAMENT AND CIVIL SOCIETY

CSOs play a very small role in the legislative process in Azerbaijan. There are almost no CSOs which effectively advocate in the parliament. MPs the team interviewed indicated that they very rarely sought or received input from CSOs regarding pending legislation or important issues. The few CSOs which have a relationship with the MM are watchdog CSOs who draw attention to parliament's shortcomings Some national NGOs, such as Transparency International, Counterpart of AmCham have participated in PPA trainings and workshops but outside of that context do not have much contact with MPs or MPAs. Some progress was made toward increasing engagement with the civil sector as the PPA facilitated two public hearings in the spring of 2011. However, this represents a small first step, rather than a trend.

CSOs are similarly marginalized outside the capital. MPAs report that they have virtually no contact with CSOs, except for a few times when the MPAs believed a particular CSO could help solve a problem. There is almost no understanding among MPAs that CSOs are supposed to represent people and their interests. Likewise, CSOs are largely unaware of the work of MPAs. The CSOs the team met with outside Baku often had no direct interaction with the MPAs and, in some cases, did not even know who the MPAs were.

The lack of engagement and interaction between MPs or MPAs and civil society hinders more robust representation in the MM. Not only do MPs and MPAs rarely have contact with civil society representatives, but in IDIs the team also found that MPs and MPAs do not understand why they should have these relationships, the value those relationships might have, or what CSOs might offer them. The team also found that many MPs and MPAs view NGOs, other than those with which they are closely involved, as organizations to be avoided which can contribute little to the work of parliament. This reflects a level of contempt for the nongovernmental sector among public officials which hinders representation and democratic participation.

3.8 MEMBERS OF PARLIAMENT INCREASINGLY SEE THEIR ROLE AS ENTIRELY CONSTITUENT SERVICE AND HAS LITTLE UNDERSTANDING OF REPRESENTATION

MPs, MPAs, and others involved with parliament have a very limited understanding of representation. Most of the work with constituencies is based on individual complaints and appeals where the MP is seen as not an advocate, but a problem solver. Among citizens there is no sense that a MP is a spokesperson of a particular community in the legislative body. Instead, people see MPs as little more than a potential resource for solving individual problems.

MPAs solve constituent problems through different means. Sometimes they take the complaint to the relevant government body but other times they simply help the appellant determine which government agency to contact. In still other cases, the MP solves the problem by spending his or her own money to help a poor constituent, fix a broken road or otherwise provide financial assistance. This suggests a high degree of direct and personalized patronage between MPs and their constituents.

Most MPs have a very superficial relationship with their district, thereby exacerbating the poor understanding of representation. MPs who represent districts outside of Baku typically do not live in the districts they represent and only visit these areas less than once a month. One MP told the team that he already visits his district once a month so clearly could not spend any more time in his district. By institutionalizing a parliamentary office in each district, the MPA project has addressed this issue somewhat. Nevertheless, the roles of the MPAs remain quite limited.

There is no mechanism for voters to make MPs more responsible or responsive. MPs are not elected and have no fear of consequences in future elections. Constituents have little recourse if their MP is unresponsive or unhelpful. In this context, it is a credit to the program that some MPs have begun to seriously and faithfully engage in constituent services.

3.9 WHILE THE MM WEBSITE IS MORE TRANSPARENT AND HAS MORE CONTENT, IT HAS NOT YET BECOME A VEHICLE FOR INTERACTION BETWEEN THE MM AND THE PEOPLE

The PPA helped to develop the MM website. It is now possible to find information about MPs and some draft laws are posted on the site. The parliament also has an intranet for internal communication. Some representatives from civil society and the media told the team that while it used to be very difficult to access laws, since the launch of the MM website, it has become easy. However, it is hard to say that the MM website is an efficient tool for interaction between constituents and MPs, as it appears that most information is still moving from the parliament to the citizens, rather than in both directions. For example, citizens are not able to make comments on the website and it is not clear whether MPs use email to communicate with their constituents.

Though several MPs are active in social networks such as Facebook and Twitter, most of them do not use these applications to communicate with constituents. During an interview, though the head of IT department expressed a willingness to cooperate on building MMs social networking skills, but did not seem enthusiastic about following through on this. There is also an idea to launch "virtual constituency offices" where citizens can interact with MPs. Although there are some reservations regarding the limits of going online and access to the Internet outside Baku is not widespread, it seems that MM is interested in building the website. Some external observers, though skeptical about many things about the program, stressed that USAID should continue working on the MM website, which is going to increase transparency.

While helping the MM create a better website is necessary for more transparency in the MM, it is far from sufficient. Unless journalists and NGOs are brought into the process, putting more information on the website will not be enough to make an impact on the overall transparency of the MM. The media and the civil sector must be allowed to have input into the kind of information available on the website and so that they can have a better sense of what to do with the information that is made available.

4.0   RECOMMENDATIONS

The team has crafted a set of recommendations which address holistic issues about the program and those which suggest specific activities for future work with the parliament in Azerbaijan. Taken together they provide a useful foundation for future USAID programming for legislative support in Azerbaijan.

4.1   CONTINUE WORKING WITH THE MILLI MAJLIS AND ADOPT THE GOALS AND OBJECTIVES STATED IN THE MOU

The PPA has laid the groundwork for ongoing productive support for the MM by USAID. Therefore, USAID should continue to work with the MM, despite the democratic shortcomings of that institution and of Azerbaijan in general. Moreover, the basic goals of the program as described in the initial MOU, to help parliament "fulfill its legislative and oversight function and develop a more independent representative and responsive legislative institution," should guide USAID programming with the MM.

This does not mean that USAID should simply continue the existing PPA. Instead, USAID should build on these initial successes and design a parliamentary support program that seeks to more directly address the goals of the MoU. While the PPA has successfully demonstrated the value of US-supported programs to parliamentary leadership, greater emphasis must be placed on the goals of representation, responsiveness, and independence outlined in the MOU. Accordingly, the next parliamentary program should seek to foster democracy by more forcefully introducing notions of accountability and contestation into parliamentary proceedings.

USAID should not change the basic structure of future parliamentary support. The funding level and length of the program should remain the same. Similarly, basing the program in an MoU, albeit a new one, will make it possible to document the aims of the new program. It is still useful to have a foreign contractor running the program. While the local staff used by DAI was excellent, it is still helpful to have, at least initially, an American chief of party, at least for the first year or so of the program. An American in that position helps the program have more status in the eyes of the MM and is valuable for protocol reasons as well. An American with experience in US legislatures also would bring a strong understanding of district-based legislatures which is critical for thesuccess of the program. The current Chief of Party had this understanding, which was a valuable asset. Similarly, a strong local Deputy Chief of Party should remain part of the program. Finally, USAID should take proactive steps to minimize the natural lapse in support for parliament after the end of the PPA.

4.2   PLACE GREATER EMPHASIS ON OVERSIGHT, HEARINGS, AND LEGISLATIVE DRAFTING

Although the PPA engaged with parliament in many different ways, the MPA program became the signature component of the PPA. It was the part of the program on which MPs, the administration of the parliament, and observers spent most of their time discussing with the team, and was an innovative and successful project. However, the MPA program concentrated almost exclusively on building capacity for constituency services, both as the work of parliament and as a defining aspect ofrepresentation.

Particularly in a nation such as Azerbaijan where MPs are elected from geographical districts rather than party lists, being able to help constituents solve problems is a very important part of the role of an individual MP; however, it is by no means the only or most important role for elected officials. Nevertheless, during the

IDIs, numerous MPs and MPAs suggested that adequately representing their constituents entailed solving individual-level problems. This limited understanding of representation dovetails with the PPA's general emphasis on governance rather than democracy. While the PPA began to engage in activities surrounding legislation toward the end of the program, primarily by helping organize hearings on proposed legislation and training newly elected MPs, these activities were not numerous enough to have a much of an impact as they might have.

For the MM to develop into a more functional and effective legislature, MPs must become more involved in crafting, modifying, and discussing legislation. Future USAID-supported programs must recognize this and reflect this in their activities. There are several entry points for future USAID programs. For example, support for public hearings where external experts are able to present their research and insight on proposed legislation to the MM would help lend substance to the legislative process. Trainings and workshops that seek to help strengthen the oversight mechanism of the MM so that MPs know how to better study proposed legislation and ask questions of government representatives would also be helpful Additionally, efforts to introduce elements of contestation and the idea that there can be more than one view on a proposed piece of legislation would also be helpful to the development of the MM, so providing parliament opportunities to hear and participate in spirited policy discussions should be a part of future programming.

Future programming will necessarily require a delicate approach because the MM administration will probably not initially be comfortable with it. However, continuing to focus only on constituency services will soon begin to deliver rapidly diminishing returns as it will lock MPs into a very limited understanding of representation which will, in turn, severely limit the potential of the MM.

4.3   WORK MORE DIRECTLY WITH MPS, PARTICULARLY THOSE WHO DEMONSTRATE AN INTEREST IN THEIR LEGISLATIVE AND REPRESENTATIONAL RESPONSIBILITIES

The PPA had one major activity, the orientation for new MPs, which involved direct work with MPs. Other than that, the PPA targeted their project largely on parliamentary staff and administration. While this led to some very fruitful collaboration, it also made it difficult for the program to develop direct relationships with MPs which would have made it possible for the program to have a greater impact.

Future support for the MM should include more direct contact between the program and MPs. This can include elements like workshops for MPs around specific issues such as legislative review, more public hearings, efforts at instilling a notion of representation, study tours, exchanges and more. Elements of the program aimed at MPs, rather than parliamentary staff, will raise the profile of the overall program and help develop a larger constituency within parliament for the program. Equally important, it is extremely difficult to meaningfully change the institutional culture and behavior of a legislature without engaging directly with legislators.

The team's research indicates that the skill and interest level of the individual MPs in the MM varies significantly. Many MPs are not interested in taking on more legislative responsibilities, becoming better representatives or of building the institution of parliament, but a not insignificant minority of MPs have some interest in these kinds of goals. Rather than seeking to work with all MPs, the program should identify the 10 to 30 MPs who, in varying degrees, take their roles and responsibilities seriously and build this part of the program around them.

Structuring the program so that it includes more direct work with MPs will also reduce the ability of the central administrative staff of the parliament to function as the gatekeeper for the MM. Although, in many respects the administrative staff was cooperative and assisted the PPA, because they, for the most part, controlled the program's access to the MM, they had leverage and influence over the program which contributed to the more modest impact of the program, particularly in areas related to democratic

development. If there are MPs participating in several different program activities, it will be necessary, and possible, for the program to establish working relationships with these MPs which will make the entire program run more smoothly and potentially have a greater impact.

It is also possible that establishing these relationships with MPs, by making it easier for the program to skirt the gatekeepers in the parliamentary administration, would create tension in the relationship between the parliamentary administration and the program. This might be the case, but it is also a necessary step for the PPA to evolve to the next level and begin to more directly have an impact on making the MM an institution that has more bearing on democratic development in Azerbaijan.

4.4 EXPAND THE MPA ACTIVITY TO INCLUDE A SECOND MPA THAT FOCUSES ON LEGISLATIVE WORK

The MPA activity has both changed how the MM functions and begun to change how some MPs understand their role and responsibilities. By providing staff directly to MPs, the PPA has made it possible for MPs to begin to have more interaction with their constituents and strengthened MPs in a legislature that is still mostly run by the central staff.

The MPAs were based in the field and worked almost entirely on constituency service. Accordingly, the valuable trainings DAI provided for MPAs also consisted largely of helping them perform the tasks necessary for effective constituency service. While the overall impact of the MPAs is still relatively low, they were able to solve some problems presented by constituents, help some constituents build relationships with the parliament and began to instill in some MPs the beginnings of a sense of the necessity of being responsive to constituents.

Significantly, the MPA program was well liked by members of parliament, so there is already some demand, or the very least, receptivity to expanding the MPA project. Expanding the role of MPAs can be most easily and effectively done by providing each MP with a second MPA. Although there is more than enough demand for constituency service in the districts, that it would be possible to add several MPAs to just work on that in each district, the overall goals of the PPA, and the priorities of future parliamentary support programs would be better addressed if the second MPA concentrated on legislation and representation rather than constituency service.

The second MPA should be based in Baku, not to liaise with the first MPA on constituency service, but to help the MP play a larger role in the legislative process. As was the case with the initial MPA program, the parliamentary program would provide training for the second MPAs to help them understand their role and how to do their jobs. These trainings could expose the MPAs to a range of subjects relevant for parliamentary staff working on legislative issues such as how to use legislation to respond to major constituent needs, how to access and use outside expertise on relevant issues, how to do research for legislation, understanding budget impacts of proposed legislation, marking up legislation and the like. Clearly, the MM is an insufficiently developed legislative body for this all to be relevant, but these projects can help build a constituency for reforming and empowering the parliament.

Most MPs and MPAs with whom the team met responded enthusiastically to the idea of a second MPA. Some even raised the idea before the team brought it up. However, the HR department of the parliament raised some concerns over this, primarily for financial reasons.

4.5   CREATE AN MPA NETWORK TO ALLOW MPAS TO SHARE EXPERIENCES AND LEARN FROM EACH OTHER MORE EFFECTIVELY

Many of the MPAs the team interviewed remarked that they thought one of the most valuable components of the trainings was the opportunity to meet and talk with other MPAs. The MPAs asserted that sharing experiences with each other helped them understand their role better and do their jobs more effectively.

Creating a network for MPAs can help strengthen these ties, contribute to more effective work by MPAs, and provide MPAs with opportunities to further develop their capacity outside of the context of formal trainings. The network would allow MPAs to share experiences and remain in contact with each other and could comprise in-person activities as well as a virtual network hosted through an intranet or a social network, such as Facebook. The in-person activities of the program could include activities such as retreats for groups of MPAs, seminars with guest speakers, and professional exchanges with legislative staff from other countries.

This network would allow the program to continue to engage with the MPAs, but to move beyond a training paradigm. It will also make it natural and easy for best practices to be shared and for more ambitious MPAs to begin to build political relationships that might lead to a more pluralistic political environment as political power could begin to be less centralized.

It should, however, be kept in mind that not all MPAs share a similar level of dedication, commitment, or competence. Among the MPAs the team interviewed, it was clear that some were more committed and able than others. IDIs with CSOs and other observers also suggested that some MPAs do not take their job as seriously as they should. The advantage of the MPA network is that it will likely naturally be led by the more active and committed MPAs, as it is unlikely that an MPA who sees his job as simply a patronage position would bother to organize other MPAs, participate in online discussions, and try to think of ways to help other MPAs perform their jobs more effectively. As such, the MPA network will help elevate the role and status of the stronger MPAs.

4.6   FACILITATE LINKS BETWEEN MPAS AND CSOS IN DISTRICTS AND REACH OUT TO CSOS TO STRENGTHEN DEMAND FOR GREATER REPRESENTATION

Currently, MPAs work primarily with constituents seeking to solve individual problems such as concerns about pensions, joblessness, and navigating government bureaucracy. Only very rarely do they interact with groups of citizens. Even in those cases the groups with which they interact are often people from the same village or neighborhood who need better water, a road repaired or some other service.

Most of the MPAs the team interviewed had virtually no contact with CSOs in their district. In the cases when there was contact between CSOs and MPAs, it primarily took the form of MPAs approaching large CSOs to ask for help, or money for constituents. The MPAs with whom we spoke never sought input from CSOs regarding issues facing their district and never experienced CSOs advocating for their positions. These are both examples of the valuable role that CSOs can play in representative systems, but they do not yet exist in Azerbaijan.

Building links between CSOs and MPAs must be done very carefully since most MPAs have a negative view for CSOs, particularly when they are referred to as NGOs. According to our discussions with journalists, NGOs and scholars, this view is shared by most of the government. Nonetheless, bringing these two groups in contact with each other is essential for helping an embryonic culture of constituency service evolve into broader notions of representation.

One way to begin to facilitate more of this interaction would be to set up CSO roundtables in the districts where MPAs could familiarize themselves with the organizations working in their district, learn the concerns of these organizations and begin to see how these organizations, because of their expertise, resource, and

links to various communities could be helpful to them. For this process to be successful, it is critical that the program prepare both MPAs and CSOs for these meetings. CSOs should be asked to bring real proposals, specific descriptions of their work or concerns and not, despite the temptation, view these events as an opportunity to attack the MPA because of frustration with the government. MPAs should be prepared to recognize that some CSOs have legitimate interests and constituencies which should be recognized.

In addition to these roundtables, MPAs could be encouraged to identify and work more frequently with a smaller number of CSOs, while CSOs could be asked to do policy research and even proto-advocacy campaigns aimed at the district level. Accordingly, the implementer would need to be engaged with both the MPA and the CSOs.

4.7 IDENTIFY FIVE TO TEN PILOT DISTRICTS FOR INTENSIVE WORK WITH MPAS ON LOCAL HEARINGS, ADVOCACY, AND OTHER ISSUES-BASED WORK

The PPA introduced approximately 125 MPAs into regional districts and provided them with the basic skills to do their jobs. Though constituent service should not be the primary component of the future parliamentary programs, USAID should continue the MPA program. Future support should provide more advanced trainings and ensure that newly hired MPAs receive training and orientation. Further, it would be helpful to develop activities to assist USAID in identifying effective MPAs who show the most potential to broaden their scope of their work. Subsequent programming should assist these MPAs both to become more effective at their job and to help them expand their job to incorporate more inclusive concepts of representation. Through redoubling MPA contacts with civil society, facilitating a more intensive schedule of local hearings on issues important to the district, working with local CSOs to help them advocate on an issue the program can strengthen the ties between these MPAs and their constituents and introduce an element of representation into that relationship that currently exists nowhere in Azerbaijan. Some of these activities would be pursued in all of the districts, but with this group of MPAs, these activities would be more intense. For example, rather than the occasional CSO roundtable, there could be more regular events with CSOs, including policy briefings and sharing of research.

The PPA worked with all the MPAs to help them develop the basic skills to do a difficult, but largely one-dimensional job. This was necessary to help the MPAs get started and to succeed in an ambitious national project. Refining the work to focus more intensely on those MPAs who are more able and committed will make it possible to have deeper impacts in these districts. It will also have something of a demonstration effect as MPAs will speak with each other about what they are doing. The most successful of these MPAs can also be involved in training other MPAs on these types of activities.

4.8 MAKE THE MM WEBSITE MORE INTERACTIVE AND POST INFORMATION IN A TIMELY MANNER

The PPA worked with the IT department of the MM to create a better parliamentary website. Today, the website provides ample information about the parliament, including information about recent legislation, statements by the parliament, and select draft legislation. However, the parliamentary website is still primarily a one-way portal that provides visitors to the site with useful information but does not give them an opportunity to interact with the MM, their MP, or each other.

Making the website more interactive would draw more traffic to the website, allow citizens to acquire, or at least pursue, the information they want, and help make the parliament more transparent and accessible. There are two relatively simple things that the website could do to help facilitate greater citizen engagement. First, the website should allow citizens to identify their MP and obtain contact information for that MP by entering their village, neighborhood, or rayon. This would help make the parliament feel less impersonal and help develop more accountability between citizens and their MPs. Second, providing more opportunities for

citizens to comment on legislation, either proposed or passed, would create dialog, perhaps even debate, where none exists today, even if only virtually. The IT department of the parliament was not entirely forthcoming about how difficult it would be to make these changes to the website, but the next program should work with the IT department to help do this.

In recent months the parliament has begun to post some draft legislation on the website, but the IT department still has some reservations about doing more of this claiming that it is both technologically difficult and time consuming. This may be true, but it is the kind of thing that a parliamentary support program could address through providing technical support such as new software or better programs for linking the IT department with wherever the legislation is produced.

A more significant and telling obstacle making it difficult to post draft legislation is that, as the team was told several times, laws are passed quickly and rarely originate in the parliament. Therefore, according to some in the MM, it is both difficult and somewhat pointless to post draft legislation on the website. While this description is empirically accurate, it actually underscores the need to post draft legislation on the website. If more legislation is posted on the website and discussion, either online or in other fora, is generated aroud this draft legislation, it may create a demand for still more legislation, because people may begin to understand the value of discussing legislation before it is passed. Ultimately, this may lead to changing the dynamic of a legislature whose members currently do not even have the time to review legislation that is essentially presented to them as a fait accompli.

Almost all the NGO and media representatives the team interviewed commented on the availability of draft legislation on the MM website. As such, there appears to be external demand for legislative transparency and . It is likely that at least some NGOs would review draft legislation, make comments on it and seek improvements if this information was made available. Similarly, even within the confines of Azerbaijan's repressive media environment, some media organizations such as Modern.az, a website which covers the parliament, would probably write about potential legislative developments more if the drafts were available. Over time these NGOs and media organizations would also demand more draft legislation be posted online making it more difficult for the parliament to avoid doing it.

4.9   CREATE INDEPENDENCE FROM PARLIAMENTARY LEADERSHIP

The administrative department of the parliament played a very large role in this program. To some extent this was expected, particularly since the PPA was the first USAID-supported program to work with the MM, and since Azerbaijan is a closed political system where the government is wary of most democrace and governance oriented programs. The PPA, however, was excessively dependent on the parliamentary leadership throughout the program. As mentioned above, the parliamentary leadership exercised *de facto* veto power over program activities and acted as a gatekeeper between DAI and MPs. The team found that DAI had extremely few direct relationships with MPs that were not mediated through the administration of the MM.

DAI maintained a good relationship with the leadership of the MM throughout most of the program which made much of the program possible. However, the strength of this relationship held the program hostage to the parliamentary administration which with the power to cancel or alter activities at any time. Though the administration rarely exercised this power, the role it played was nonetheless significant.

Future programs would benefit from being less dependent on the leadership and administration of the parliament. This will make it possible to develop activities that directly address the needs and ideas of members who may be more interested in developing the legislative aspects of parliament more or of helping empower parliament as an independent institution. Additionally, the next program may develop activities that involve direct work with CSOs as part of efforts to create ties between MPAs and the people they represent, or to help CSOs participate more effectively in public hearings. These activities cannot be overseen by the administrative branch of the parliament.

The administrative staff of the parliament also may have a natural tendency to see their needs as particularly important, leading them to propose program activities such as publications, trainings or workshops that benefited them directly. Although these activities are not without value, it is far from clear that they should be the top priorities of the program, particularly as activities that strengthen the administrative organs of the MM also help maintain the current structure of the parliament in which the administrative staff has more power than the members. If the next iteration of the PPA has some more distance from the parliamentary leadership, they will be able to see these proposed activities with better perspective and perhaps decide to offer fewer activities which directly benefit the administrative departments of the parliament.

4.10   ENSURE THAT THE PROGRAM BECOMES MORE RISK-ACCEPTING

In general, the PPA was characterized by a very risk-averse approach. This is partially a reflection of the political climate in Azerbaijan, as a program that was too ambitious or that paid no heed to the extant political constraints would have been unsuccessful or even shut down by the government of Azerbaijan. Nonetheless, the PPA must be willing to take more chances, even if this means potentially upsetting the government or parliamentary leadership or administration. A failure to take chances will lead to another program that implements activities successfully, but demonstrates little impact on the larger questions of democracy, pluralism, and representation.

DAI seems acutely aware of the potential concerns the Azerbaijani government could raise. In fact, DAI seemed to censor themselves, eschewing potentially controversial ideas in favor of activities they were sure would be met by parliamentary approval. It is important to recognize that if the leadership of the parliament definitively refuses to allow a proposed activity, this does not mean that the program has failed, but rather that the program has taken the right amount of risk.

The leadership of parliament is very comfortable with the PPA as a governance program over which they can assert some control. A parliamentary program that seeks to strengthen the core principles of democracy will necessarily have some conflict with the leadership of a parliament in a undemocratic country. As such, future legislative support programs should not seek to avoid conflict but instead push for the best and most effective activities possible without jeopardizing the program as a whole.

5.0 CONCLUSIONS

The PPA has been, in many respects, a successful program. In addition to the concrete accomplishments described above, the PPA laid the foundation for future work with the MM and began to bring notions of accountability and representation, albeit defined very narrowly to include only constituency service, to the attention of MPs and MPAs.

The program is at a turning point. It would be very easy for USAID to craft a follow-on program that would largely repeat the activities of the current program and continue to work with MPAs and MPs on constituency service, facilitate more public hearings on uncontroversial topics, and continue to produce useful publications for the MM. Doing this, however, would be a mistake and would ensure that the program would continue to have a limited impact on larger issues of democracy and political reform in Azerbaijan.

While the PPA was a successful governance program, it was only nominally a democracy program. For instance, the MPA program, the flagship activity of the PPA, did not entail MPAs seeking policy input or opinions from the people in their districts, but simply to help them solve largely individual problems. While this was useful for the individuals involved, these kinds of activities can be the gateway to greater representation or can simply help strengthen an undemocratic regime. If the next program builds on the current MPA program and incorporates more engagement with civil society and a greater emphasis on issues and deliberation, it may be able to help the MM become more representative and pluralist. If, however, the next program continues to emphasize constituency service only, the next parliamentary support program will likely have little impact on Azerbaijan's democratic development.

Given the accomplishments of the PPA, the relationships it built, and the potential for future successful programming, USAID should continue to work with parliament in a way that seeks to build on the successes of the PPA so that the program's accomplishments and activities can be translated into results and impacts. This entails recognizing the need to bring more of an emphasis on democracy including a more robust understanding of representation, more work on legislation and some attention to contestation in parliament and in the districts as a key element to both democracy and an effective and empowered legislature.

Pursuing these goals is not without risk. The government of Azerbaijan will likely balk at a new set of activities and extensive negotiations and discussions will undoubtedly be necessary. Accordingly, the next program will have to pay careful attention to the political environment to build on the PPA's achievements and begin to make a greater impact on democracy in Azerbaijan.

APPENDIX 1:

LIST OF PERSONS INTERVIEWED

Gulu Aliyev, MPA for MP Jeyhun Osmanli

Gursel Aliyev, Country Director, Caucasus Research and Recourse Center

Shirinbayim Aliyeva, Director, Association of Woman Movement

Vusal Bakhishov, MPA for MP Ali Masimli

Thomas Bridle, DAI

Matthew Bryza, the United States Ambassador to Azerbaijan

Tom de Waal, Carnegie Endowment for International Piece

Elshad Eyvazli, Editor, modern.az, Chief of Parliament Journalists Association

Elshad Ismaylov, Senior Specialist, HR Department, MM

Ilgar Farzaliyev, Head of HR Department, MM

Erkin Gadirli, Lawyer, Political Analyst

Alex Grigoriev, National Democratic Institute

Azay Guliyev, MP from Shirvan

Novruz Guluzade, Sabirabad People's Party member

Maryam Haji-Ismayilova, Twinning Program Manager, EU Delegation

Shahin Hasanov, Head of IT Department, MM

Siyavush Hidayatov, MPA for MP Agiye Nakhchivanli

Panah Huseynov, Former MP from Sabirabad

Malahat Ismailgizi, MP from Shamkir

Khadija Ismayil, Journalist, Azadliq – Freedom

Aydin Karimov, Director, Independent Law Center

Gudrat Kazimov, Head of the Civil Movement Against Drug Abuse

Rufat Mammadov, Citizen's Appeal Department, MM

Aybaniz Mammadova, Constituency Relations Advisor, DAI

Ali Masimli, MP from Sheki

Firdovsi Mirjavadov, Ismayilli branch director, IREX

Safa Mirzayev, Chief of Staff, MM

Asim Mollazade, MP from Baku

Nadir Mukhtarov, MPA for MP Azer Kerimov

Arif Orujov, MPA for MP Vahid Ahmadov

Eric Rudenshiold, USAID

Rena Safaraliyeva , Director, Transparency International Azerbaijan

Sevda, MPA for Arif Ashrafov

Christopher Shields, Chief of Party, DAI

Tofig Yagublu, MPA for MP Arzu Samadbayli, Musavat Party

Sardar Yahyayev, MPA for MP Novruz Aslan

APPENDIX 2:

LIST OF DOCUMENTS REVIEWED

Ahmadov, Anar, *Azerbaijan MPA Survey Report,* Caucasus Research Resource Center, 2010.

DAI, *Program in Azerbaijan: DAI Work Plan for Year 1.* 2007.

Parliamentary Program in Azerbaijan: DAI Draft Work Plan for Year 2, May 23, 2008.

Parliamentary Program in Azerbaijan: Final Report Year 1, 2008.

Parliamentary Program in Azerbaijan: DAI Work Plan for Year 3, November 13, 2009.

Parliamentary Program in Azerbaijan: Annual M&E Report Year 2, 2009.

Parliamentary Program in Azerbaijan: Annual Report-Year 3, July 2010.

Parliamentary Program in Azerbaijan: DAI Work Plan-Year 4, July 9, 2010.

Parliamentary Program in Azerbaijan Quarterly Report (October 1–December 30, 2010), January 2011.

Presentation to USAID D&G, April 2011.

USAID Parliamentary Program in Azerbaijan Expands Citizen Engagement in Legislative Process; Enhances Parliamentary Structure and Processes, 2011.

Parliamentary Program in Azerbaijan Documents prepared by DAI for Evaluation Team, June 2011.

Freedom House, *Freedom in the World* 2006-2011

Memorandum of Understanding Between The Government of the United States of America and The Milli Majlis of the Republic of Azerbaijan on Parliamentary Project, February 7, 2007.

Ottaway, Marina *Democracy Challenged: The Rise of Semi-Authoritarianism* Carnegie Endowment for International Piece, Washington DC (2003)

Rudenshiold, Eric. *Final Report on the Evaluation of the DAI Parliament Program in Azerbaijan: Recommendations for Future Governance in Azerbaijan,* February 2, 2009.

USAID/Azerbaijan, *Parliamentary Assistance Program in Azerbaijan: Statement of Work.*

APPENDIX 3:

SCOPE OF WORK FOR PARLIAMENTARY PROGRAM OF AZERBAIJAN EVALUATION

Purpose

The purpose of this Task Order is to acquire services of a Contractor to identify lessons learned from Phase I and II of the Parliamentary Program of Azerbaijan (PPA) in order to enhance USAID's understanding program performance as well as inform decisions about future programming in the area of legislative function and process.

Background

The Milli Majlis of Azerbaijan is a unicameral parliament with 125 seats elected from single-mandate constituencies. As a result of November 2010 Parliamentary elections, 38 seats were filled by new MPs who had never before served in the Parliament. The majority of the seats (72) went to the ruling party, Yeni Azerbaijan Party (YAP). Other seats are distributed among independent candidates (41) and other small party candidates. No real opposition candidates made it into the Parliament. The Parliament exists in absence of free and fair election process as noted by both international and domestic observers.

Among many citizens, the Parliament has had a negative reputation, often perceived as a "rubber stamp" for Executive initiatives. Many see Parliament as a non-transparent institution lacking in staff capacity (both in numbers and in professional knowledge and experience) and procedurally ineffective, due to a lack of proper rules and regulations. The high-level parliamentary and governmental interlocutors were aware of these issues and once USAID offered assistance in this area, decided to move ahead with developing the legislature. The Parliament and USAID signed a Memorandum of Understanding (MoU) in February 7, 2007 on cooperation and technical assistance. The Parliamentary Program in Azerbaijan started in April 2007, has been extended twice since then, and is now in Phase II with an end date of September 30, 2011. The Program is designed to provide assistance to strengthen Azerbaijan's MM to fulfill its function of representing citizens, improve the institution's capacity to serve constituents, initiate legislative actions based on citizen concerns, and increase the transparency of the Parliament's work. The Program provides skills and knowledge for staff and opportunities for MPs to speak from an informed perspective, through their constituency staff and offices on pertinent matters and address constituent issues. Development Alternatives Inc. (DAI) is the Contractor implementing the Program.

During the first six months, activities mostly focused on providing assistance on internal parliamentary functions, operating procedures, transparency and organizational structure.   Later, greater emphasis was placed on building the MM's institutional capacity to communicate directly with citizens through the creation, staffing, and staff training for MP constituent offices located throughout the country representing each MP election district. To-date, the project has supported the establishment of constituency offices in 118 constituencies (out of 125 totals).

Approach

Through review of program data and key informant interviews, as well as other methods to be proposed by the Contractor, the evaluation should analyze where the program was successful and where it was not,

as well as identify remaining gaps necessary to achieve the overarching goal of improving legislative function and process.In developing its findings and recommendations, the evaluation should consider changes in the political context (including the 2010 election of a new Parliament) that occurred in the final year of the Program.

USAID seeks to gain a better understanding of the impact that the PPA has had on the Milli Majlis' (MM) overall functionality, the performance of the Member of Parliament Assistants (MPAs) institution, MM staff efficiency and changes in the role of the MPA and constituency offices within the Government of Azerbaijan. By examining the performance of the USAID Implementing Partner and responsiveness of the MM to the program's interventions, the evaluation will assess the strengths and weaknesses of the ongoing activity and whether there are continuing unmet needs.Evaluation approach should also assess program outcomes and impact on both women and men.

Statement of Work

Objective

The Contractor shall collect input from national and local stakeholders, as well as relevant international organizations.Since donor coordination is of vital importance in the area of legislative strengthening, this aspect of the evaluation methodology is critical. The Contractor should use, to the maximum extent possible, social science methods (quantitative and qualitative) and tools that reduce the need for evaluator-specific judgments.This would include, but is not limited to, Performance Monitoring Plan (PMP) data, country level surveys and opinion polling, and global indexes and surveys such as the Global Integrity Survey and the Open Budget Survey.Findings should be based on facts, evidence and data as opposed to relying exclusively upon anecdotes and unverified opinions.

The Contractor will provide well-supported answers to:

Evaluation Questions

- To what extent did the Program improve the constituency relations function of the Parliament? What were the successes and failures?

- To what extent did the Program improve the transparency of the Parliament?What were the successes and failures?

- To what extent did the programs inputs and outputs (such as staff trainings, study tours, etc.) contribute to the outcome of improving the overall institutional and procedural functionality and efficiency of the Parliament?What were the successes and failures?

- What were the major problems or constraints during the implementation? Was the project adequately designed and implemented to overcome those constraints or problems?What could have been done differently to minimize the risk of such problems and constraints?

- What were the major factors that contributed to success during implementation?

- Were civil society, media, business community, and other sectors that receive assistance from other USAID projects adequately engaged in working with and strengthening the legislative body?What could have been done differently to improve the engagement of these groups?

- What are the gaps remaining in Parliament's functioning effectively especially in areas of constituency relations and transparency?

- What are the major unmet needs of the Parliament that would make it a more effective and democratic institution?

- What could or should have been done differently by USAID, or by DAI, as part of the design or implementation of the program?

- In light of the lessons learned from the implementation of PPA, would it be fruitful to pursue similar program activities, or are there other more promising approaches for strengthening legislative function and process?

Evaluation Tasks

Task 1: Review of relevant documents and preparation of the evaluation Work Plan and methodology by the Contractor before commencement of the field work. Two in-briefings will be held – one with USAID and the other with USAID and the Contractor responsible for implementing the Parliamentary Program.The Work Plan/methodology should describe the evaluation approach, key informants, interview questions, a proposed schedule/timeline for carrying out the evaluation and other relevant information.

The publications/documents to be reviewed must include, but are not limited to the following:

- MoU signed between the Parliament and USAID on cooperation (2007)

- Statement of Work of the Parliamentary Program

- Annual Work Plans for the Parliamentary Program

- 2009 USAID Evaluation of the Parliamentary Program

- 2007 Parliament Staff Survey and 2010 MP Assistant Survey

- Last 3 Quarterly reports of the Parliamentary Program

- 3 Annual reports of the Parliamentary Program

- Relevant global indices and surveys such as the Global Integrity Survey and the Open Budget Survey

Task 2: Conduct Field Evaluation and Data Collection. Field work will commence immediately upon receiving USAID approval/comments on the Work Plan and methodology. The Contractor shall meet and conduct a series of interviews with key governmental officials, MPs, parliament's administration, representatives of IC organizations, civil society organizations, business associations, U.S. Embassy personnel, USG implementing partners, and others.Other evaluation methods will be used as suggested by a Contractor in their proposal and approved by USAID.The Contractor shall also travel to at least two regions to meet with MP assistants and constituents.

Task 3:Presentation to USAID. Based on the results of the interviews and visits, the Contractor shall make a presentation to USAID on preliminary findings, conclusions and recommendations.

Task 4:Preparation of Evaluation Report. The Contractor shall prepare a report not to exceed 20 pages plus attachments.A preliminary draft of the report is due before the Contractor departs Azerbaijan.Evaluation reports shall address all evaluation questions included in the scope of work. The report should include an executive summary and should clearly delineate between findings, conclusions and recommendations.

The evaluation report should represent a thoughtful, well-researched and well organized effort to objectively evaluate what worked in the project, what did not and why.Limitations to the evaluation shall be disclosed in the report, with particular attention to the limitations associated with the evaluation methodology.

Attachment must include, but are not limited to, the following:

- List of persons interviewed

- List of documents reviewed

- Interview Questionnaires (if relevant) and other information collection tools[5]

- Scope of Work for Parliamentary Program Evaluation

- Evaluation team composition

- Signed conflict of interest statement by each evaluation team member

The Contractor shall submit a draft evaluation report.Based on USAID's comments, the Contractor shall revise the report before a final document is submitted.

Deliverables

The Contractor shall be responsible for submitting the following deliverables within the specified time period.

- Written evaluation Work Plan and methodology before arrival to Azerbaijan.USAID will provide comments within 3 days of receipt.

- Exit Briefing to USAID and Preliminary Draft Report due prior to departure from Azerbaijan.

- Draft Report of Evaluation and Recommendations due within two weeks of completion of field work in Azerbaijan.USAID will provide written comments within 5 days of receipt.

- Final Report of Evaluation and Recommendations due in 7 days after receipt of USAID comments on draft report

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[5] As mentioned in the methodology section, the team did not design a formal interview protocol.

APPENDIX 4: EVALUATION TEAM COMPOSITION

LINCOLN MITCHELL, PH.D. – POLITICAL SCIENTIST

Lincoln Mitchell is an accomplished political scientist, professor, political consultant, and international development professional. He has experience working on legislative strengthening and other democracy and governance programs in the former Soviet Union and Eastern Europe, as well as in other parts of the world. He has worked in more than 14 countries, including Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Georgia, Romania, Russia and Serbia. He combines technical excellence, and expertise in professional project management, strategic planning, communications and reporting, administrative and financial management, contracts and procurement, security management, as well as exceptional customer service, energy, initiative, and cultural sensitivity in solving the most complex problems and providing comprehensive development solutions across a wide range of programs, often in high-risk and challenging environments. He is a creative and flexible team leader with extensive management experience in program design, as well as implementation, and results-based monitoring and evaluation.

Dr. Mitchell has more than fifteen years of experience implementing and evaluating programs in Eastern Europe and the former Soviet Union, including Azerbaijan. Most recently, Dr. Mitchell completed a global evaluation of the UN Democracy Fund (2010), served as team leader for Democracy International's evaluation of USAID's Kosovo Civil Society Strengthening Project (2010), conducted policy research for Trans-Atlantic/NDI (2010), and led a democracy assessment of Bosnia Herzegovina (2009). In 2008, Dr. Mitchell led Democracy International's evaluation of USAID's Kosovo Civil Society Program. Additionally, in 2007 Dr. Mitchell served as team leader for a legislative strengthening assessment in Armenia with DI. Moreover, in Azerbaijan in 2005, Dr. Mitchell worked with NDI on three different assignments working with political parties on communication and political strategy. Dr. Mitchell has also worked on democracy and governance assessments in Bahrain, Bangladesh, Bosnia, Bulgaria, Cambodia, the Democratic Republic of the Congo, Georgia, Haiti, Kyrgyzstan, the Palestinian Authority, Romania, Serbia, Tanzania, and Ukraine.

From 2002 to 2004, Professor Mitchell served as the Chief of Party for the USAID-funded democracy and governance program of the NDI in Georgia, which included a substantial legislative strengthening component. In this role, he oversaw civic, political party, and legislative strengthening programs, advised Georgian politicians, developed and secured funding for programs, and liaised with the international and diplomatic community. While in Georgia, he worked with domestic election monitoring groups, supported the development of voter education projects, and implemented training programs to increase the capacity of women in leadership positions in the civic, political and business communities.

Professor Mitchell is currently an Associate Professor at the Harriman Institute at Columbia University where he teaches courses on political transitions in the former Soviet Union, democratization, governance, and political development. He has also taught at Brown University and the Georgia Institute of Public Affairs. His published works focus on democratic change and democracy assistance in the Caucasus region. Professor Mitchell received a B.A. from the University of California, Santa Cruz, and an M.A., M.Phil., and a Ph.D. in political science from Columbia University. He is proficient in Russian, French, and Mandarin Chinese.

RASHAD SHIRINOV, M.A. – LOCAL EXPERT

Rashad Shirinov is a noted expert in the legislative system and political environment of Azerbaijan and an international development professional with eight years of experience. Mr. Shirinov has significant experience working in and analyzing the Azerbaijani electoral and political environment. Last year Mr. Shirinov served as

a Political Analyst for the OSCE's Election Observation Mission of the 2010 parliamentary elections in Azerbaijan. In this role, he monitored the pre-election campaign, assisted the Head of Mission in communication with authorities and political parties, and evaluated the degree of preparedness of the electoral administration. In addition, during the 2005 parliamentary elections in Azerbaijan, Mr. Shirinov served as a Project Assistant for the International Foundation of Electoral Systems. In this role, he assisted the Council of Europe and the OSCE during negotiations with state authorities to improve the election legislation, monitored political developments during the election period, and prepared voter education documents. Moreover, Mr. Shirinov served as Electoral Expert Assistant for the OSCE's Election Observation Mission of the 2003 presidential election in Azerbaijan where he analyzed the political environment and advised on mediation between government and opposition parties. In 2009, as a Political Programs Officer for the National Democratic Institute for International Affairs, Mr. Shirinov coordinated political party and civil society programs, In this role, he organized weekly Emerging Leaders Workshops, brought together youth leaders in political parties and civil society, and analyzed developments in the political environment.

Mr. Shirinov received a B.A. in International Relations from Baku University in Baku, Azerbaijan. His published works primarily focus on democracy and governance issues in the former Soviet Union and Caucusus region. He is a founding member of the Azerbaijani National Committee on European Integration, an associate at the Transatlantic Institute, and a board member and co-founder of the Free Minds Association. Mr. Shirinov is fluent in Azerbaijani, English, Russian, and Turkish. Mr. Shirinov also has an advanced understanding of Arabic and an intermediate understanding of German.