

Independent Reporting Mechanism

AZERBAIJAN: Progress Report 2012-13

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EXECUTIVE SUMMARY

INDEPENDENT REPORTING MECHANISM (IRM): AZERBAIJAN PROGRESS REPORT 2012-2013

Azerbaijan took important steps to provide citizens with more access to information via state websites. At the same time, many of its commitments were too vague or open-ended to evaluate. Most commitments to improve public participation in government remain unfulfilled.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each OGP participating country.

Azerbaijan officially joined OGP on 20 September 2011, when Minister of Foreign Affairs Elmar Mammadyarov declared the government's intent to join.

Azerbaijan's OGP initiative is co-ordinated by the Commission on Combating Corruption. The Commission has significant influence, as it is chaired by the President's Head of Administration and its secretary is a senior advisor of the President's administration. Azerbaijan is a unitary state with 45 ministries and central authorities, as well as 65 appointed city and district authorities. The national action plan applies to all central and local authorities, which are required to report to the central government on their progress. In September 2012, the Commission also committed to involve civil society organisations (CSOs) in the implementation and evaluation of the plan.

OGP PROCESS

Countries participating in the OGP follow a process for consultation during development and implementation of their OGP action plan.

Azerbaijan's government adopted its action plan in September 2012 after discussions with a limited number of CSOs. The Commission on Combating Corruption posted a draft version on its website in May 2012 and organised two public hearings in May and June 2012. Some of the recommendations received from CSOs through this outreach were reflected in the final action plan.

However, overall, only a few CSOs participated in the consultation process. Public awareness of OGP is low in Azerbaijan, and not all stakeholders perceived the OGP process to contribute substantially to policy-making. The government only sought input from a small segment of civil society and did not include private sector stakeholders. Those CSOs that participated were provided with only limited information about the government's plans and timelines. Consultations concentrated mostly in the capital city of Baku.

After implementation of the national action plan, there was no regular forum for consultation with the public.

At a glance

Member since: 2011
Number of commitments: 37

Level of Completion

Completed: 6 of 37
Substantial: 6 of 37
Limited: 22 of 37
Not started: 1 of 37
Unclear: 2 of 37

Timing

On schedule: 26 of 37

Commitment Emphasis:

Access to information: 19 of 37
Civic participation: 7 of 37
Accountability: 15 of 37
Tech & innovation for transparency & accountability: 4 of 37
None: 6 of 37

Number of Commitments with:

Clear relevance to an OGP value: 31 of 37
Moderate or transformative potential impact: 20 of 37
Substantial or complete implementation: 12 of 37
All three: 3 of 37

COMMITMENT IMPLEMENTATION

As part of OGP, countries are required to make commitments in a two-year action plan. Table 1 summarises each of the Azerbaijan's plan commitments, including each commitment's level of completion, ambition, whether it falls within Azerbaijan's planned schedule, and key next steps. Azerbaijan's plan covered a wide variety of sectors and had a number of ambitious commitments, as evidenced below. Azerbaijan completed six of its 37 commitments and made limited progress on other commitments, as described in Table 2.

For purposes of this report, it is important to note that the government of Azerbaijan is on a three-month delayed schedule relative to the other governments that joined OGP at the same time. The government has indicated that its self-assessment will not be ready until February 2014. As a result, the IRM researcher was unable to take into account the government's self-assessment for this analysis.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
1. ACCESS TO INFORMATION										
1.1. Institutional Framework: Build a system for public access to information by designating key employees, adopting rules, and raising public awareness.									On schedule	Further work on basic implementation
1.2. Training for Civil Servants: Provide comprehensive training for key civil servants on public access to information.									On schedule	Further work
1.3. Office of the Commissioner for Human Rights: Improve the Office's structure so that it can oversee implementation of the Access to Information Act.							Unclear	Unclear	Unclear	Revision of the commitment to be more achievable or measurable
2. PUBLIC AWARENESS OF STATE INSTITUTIONS' ACTIVITIES										
2.1 Updates to State Institutions' Websites: Ensure that central and local authorities maintain updated information about their activities on their webpages.									Unclear	Revision of the commitment
★ 2.2. Posting of Annual Reports on Websites: Ensure that central and local authorities compose annual reports and upload them to their webpages.									On schedule	Maintenance and monitoring of completed implementation
2.3. Public Communication Events: Hold press conferences and other public events about the performance of central and local authorities.									On schedule	Revision of the commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
<p>2.4. Reader-Friendly Versions of Legislation: Disseminate reader-friendly information about legislation that regulates the activities of central and local authorities.</p>									Unclear	Further work
<p>2.5. Internet Resources about State Programmes: Develop Internet resources dedicated to areas covered by state programmes.</p>									On schedule	Further work
<p>2.6. Common, Minimum Standards for State Websites: Develop and adopt a common template and minimum standards for websites of central and local authorities.</p>									On schedule	Maintenance and monitoring
<p>2.7. Cabinet of Ministers' Reports: Include updates on open government activities in the reports of the Cabinet of Ministers to the Parliament.</p>									On schedule	Further work
3. CENTRAL LEGISLATION ELECTRONIC DATABASE										
<p>3.1. State Register for Legislation: Regularly update and maintain the State Register for Legislation as the official legal citation source.</p>									Unclear	Maintenance and monitoring
4. PUBLIC PARTICIPATION										
<p>4.1. Civil Society Involvement in Draft Legislation and Public Hearings: Involve civil society representatives when drafting legislation of public interest and organizing public hearings.</p>									Unclear	Further work
<p>4.2. Public Councils: Establish councils or networks to improve central and local authorities' interactions with civil society.</p>									Behind schedule	Further work
<p>4.3. Public Participation through Webpages: Involve the public in decision making using webpages where citizens can send comments and receive responses.</p>									Unclear	Revision of the commitment
<p>4.4. "Open Door" Citizen Forums: Organise forums where state institutions can interact with citizens.</p>									Unclear	Further work

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
5. E-SERVICES										
<p>★ 5.1. Evaluation of E-services: Evaluate central and local authorities' e-service delivery and publicly disclose the results.</p>									Unclear	Maintenance and monitoring
<p>5.2. Annual Public Presentations on E-services: Conduct annual, public presentations on e-services provided by state institutions.</p>									On schedule	Further work
<p>5.3. United System of Electronic Information Exchange: Establish a system that facilitates the electronic exchange of information between state institutions.</p>									Ahead of schedule	None: completed implementation
<p>5.4. Improved Electronic Payments: Improve systems that allow citizens to pay fees, taxes, utility costs, and other dues online.</p>									On schedule	Further work
<p>5.5. Access to E-services in the Regions: Facilitate access to e-services in the regions of the country.</p>									On schedule	Further work
6. TRANSPARENCY IN STATE FINANCIAL CONTROL INSTITUTIONS										
<p>6.1. Legal and Institutional Framework for State Financial Control: Develop draft legislation and delineate the powers of state financial control institutions.</p>									On schedule	Further work
<p>6.2. Accountability and Transparency of State Financial Control Institutions: Enhance the accountability of these institutions and disclose financial analyses and data to the public.</p>									On schedule	Further work
<p>6.3. Use of Information Technologies in State Financial Control: Build an electronic system for state financial control.</p>									On schedule	Further work
<p>6.4. State Financial Control Databases: Develop a central database to co-ordinate the activities of state financial control institutions.</p>									On schedule	Revision of the commitment
<p>6.5. Disclosure of Financial Reports: Publish financial reports of state institutions along with auditors' reports.</p>									On schedule	Further work

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
<p>6.6. Oversight of Local Budgets: Propose oversight mechanisms and procedures for the drafting and execution of local budgets.</p>								On schedule	New commitment building on existing implementation	
<p>★ 6.7. Reports on Annual Budget Implementation: Publish state budget implementation reports and draft budget laws for the next fiscal year, before submission to Parliament.</p>								On schedule	Maintenance and monitoring	
7. TRANSPARENCY OF TAX CONTROL AND EXAMINATION										
<p>7.1. Access to Necessary Information for Taxpayers: Conduct awareness-raising activities among taxpayers.</p>								On schedule	Revision of the commitment	
<p>7.2. Tax Transparency: Improve tax institutions in accordance with the International Monetary Fund's Code of Best Practice on Tax Transparency.</p>								On schedule	Further work	
<p>7.3. Electronic Payment of Taxes: Improve the electronic payment system for taxes.</p>								On schedule	None: abandon commitment	
8. TRANSPARENCY IN EXTRACTIVE INDUSTRIES										
<p>8.1. Implementation of the Extractive Industry Transparency Initiative: Ensure continued implementation of EITI in cooperation with companies and CSOs.</p>								On schedule	Maintenance and monitoring	
<p>8.2. Disclosure of Income from Extractive Industries: Continue to publicly disclose information on income that the government receives from the extractive industries.</p>								On schedule	New commitment	
<p>8.3. Disclosure of Annual EITI Reports: Publish annual reports on implementation of EITI in Azerbaijan.</p>								On schedule	New commitment	
9. AWARENESS-RAISING AND CO-OPERATION IN THE FIELD OF OPEN GOVERNMENT										
<p>9.1. Disclosure of the Evaluation of OGP National Action Plan: Evaluate implementation of the action plan and disclose the results to the public on an annual basis.</p>								On schedule	Further work	

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
9.2. Dissemination of Educational Material on OGP: Publish educational material and raise public awareness of the OGP.									Unclear	Revision of the commitment
9.3. Continued Implementation of OGP Commitments: Continue to implement commitments made by the government under the OGP.					Unclear				Unclear	Revision of the commitment
9.4. Financial Support to Civil Society for Open Government Initiatives: Provide financial resources for CSOs to participate in implementation of the OGP national action plan.									On schedule	Further work

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
<p>★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>	
<p>1. ACCESS TO INFORMATION</p>	
<p>1.1. Institutional Framework</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>In Azerbaijan, a Law on Access to Information was approved in 2005, but implementation of this law remains a challenge. This commitment has the potential to build the government's internal capacity with respect to access to information. However, a civil society study found that only 24 per cent of the 90 central and local authorities that were monitored have points of contact in charge of the access to information. Less than 20 per cent of these authorities adopted internal rules on freedom of information or actually raised public awareness. Consequently, further work is needed on basic implementation.</p>
<p>1.2. Training for Civil Servants</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>A civil society study found that only 13 per cent of central and local executive authorities provided training for civil servants on how to ensure access to information. If fully implemented, such training could shorten the period for official responses to information requests and could improve the quality of official answers. The IRM researcher recommends that the government continue to implement this commitment and involve CSOs in the training of civil servants.</p>
<p>1.3. Office of the Commissioner for Human Rights</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Unclear 	<p>This commitment has the potential to improve the Office's capacity to oversee implementation of the Access to Information Law. Stakeholders considered the Office to be ineffective in overseeing the law, especially because it is not independent from the executive. In September and December 2012, the Office organised several meetings and roundtables around the commitment. However, the IRM researcher could not find any information about actual implementation of the commitment since that time.</p>
<p>2. PUBLIC AWARENESS OF STATE INSTITUTIONS' ACTIVITIES</p>	
<p>2.1. Updates to State Institutions' Websites</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial 	<p>The vast majority of central and local authorities (approximately 65 per cent) regularly upload and update relevant information about their activities on their websites. However, this effort was already underway before the government joined OGP. The IRM researcher did not observe any specific improvements after the adoption of the national action plan. To ensure that this commitment is a relevant part of the next action plan, the government should revise the existing commitment to introduce a more measurable version that includes annual timelines for implementation.</p>
<p>★ 2.2. Posting of Annual Reports on Websites</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial 	<p>Central and local authorities made substantial progress in preparing annual reports and uploading them to their websites. A civil society study found that the level of implementation for this commitment was higher than 60 per cent. As a result, this commitment has contributed to the government's efforts of regular reporting. In the next action plan, there is a need to develop minimum standards for central and local authorities' annual reports.</p>
<p>2.3. Public Communication Events</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: None • Completion: Substantial 	<p>Despite the fact that approximately 65 per cent of central and local authorities held at least one press conference on their activities during the assessment period, it was difficult to evaluate this commitment. Press conferences often did not cover the most urgent, challenging issues that face Azerbaijan society. These events often were not open to journalists who are known to criticise the government. The IRM researcher recommends that the government rephrase this commitment to clarify its precise content and to make press conferences accessible for all interested local and foreign journalists.</p>
<p>2.4. Reader-Friendly Versions of Legislation</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Not started 	<p>Implementation of this commitment was not started during the assessment period. Rather than provide an exact time frame for implementation, the government only promises to fulfil the commitment "on an ongoing basis." If implemented with clear timelines, this commitment could help citizens to better understand the content of legislation.</p>

<p>2.5. Internet Resources about State Programmes</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>Most of the ministries have webpages for particular state programmes. However, many of these webpages pre-existed OGP. Information on government websites also tends to be scattered and disconnected. If information was provided online in an organised and comprehensive way, it would serve as a very useful resource for journalists and civil society activists who monitor state programmes. The IRM researcher recommends adopting minimum standards for what content must be disclosed on the websites of state programmes, and perhaps establishing a single website with information on all state programmes, so that information is user-friendly and accessible.</p>
<p>2.6. Common, Minimum Standards for State Websites</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: None • Completion: Complete 	<p>On 4 September 2012, the Cabinet of Ministries adopted technical standards for state website design, which suggests that this commitment has been completed. However, the President adopted the OGP national action plan on 5 September 2012, one day after the commitment was already completed. Thus, it is unclear why a completed action was included in the action plan. The government's minimum standards for official websites are primarily technical in nature, but also require use of online communications tools to improve authorities' communications with citizens. Not all state agencies' websites meet the minimum standards, so there is room for further steps to ensure that all government websites are user-friendly and informative for citizens.</p>
<p>2.7. Cabinet of Ministers' Reports</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited 	<p>The annual report of the Cabinet of Ministries to the Parliament partly covered some measures on anti-corruption activities, but did not include any information on the promotion of open government. Unfortunately, the government does not disclose these annual reports through online channels. As a result, the IRM researcher recommends further work to include open government elements in the Cabinet's annual report to the Parliament and to upload the annual reports to the Cabinet of Ministries' website.</p>
3. CENTRAL LEGISLATION ELECTRONIC DATABASE	
<p>3.1. State Register for Legislation</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial 	<p>This commitment has value for lawyers and all interested citizens wishing to have access to legal acts. The online version of the State Register began to operate in November 2011, before the OGP implementation period began. As a result, this is a pre-existing commitment, but the Ministry of Justice has regularly updated and maintained the online register during the OGP implementation period. As with other commitments, the IRM national researcher recommends that the government identify clearer timelines and milestones for implementing this commitment, instead of using the existing "ongoing basis" principle.</p>
4. PUBLIC PARTICIPATION	
<p>4.1. Civil Society Involvement in Draft Legislation and Public Hearings</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Limited 	<p>Only a few central and local authorities regularly invite civil society organisations or citizens to participate in the preparation of draft laws. In November 2013, the Parliament adopted the Law on Public Participation, whose purpose is to establish legal assurances for citizen participation in public administration and decision making processes of the country. If fully implemented, this commitment has the potential to open up new dialogue channels between state and non-state actors. Moving forward, there is need to specify clear annual timelines for implementation of this commitment, instead of using the existing "ongoing basis" principle.</p>
<p>4.2. Public Councils</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Limited 	<p>Public councils are consultative bodies within central or local authorities where government officials can debate policy issues with representatives of civil society. The IRM researcher found that most central and local authorities have not yet established these councils. Where public councils exist, their independence and real power are also debatable. For example, one of these, the Public Council under the Ministry of Youth and Sport, made public statements to support a presidential candidate from the ruling party. Additionally, not all existing public councils have taken shape based on consensus and parity between government and civil society. The IRM national researcher recommends that the government stimulate and accelerate the establishment of independent, inclusive, and competent public councils within the central and local executive authorities.</p>

<p>4.3. Public Participation through Webpages</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited 	<p>Almost all central authorities have their own official websites, which were put in place before the adoption of the national action plan. Although the content on these websites improves public knowledge of government operations, no sound mechanisms follow-up on considerations and public inputs provided through websites of agencies. The IRM researcher recommends that the government identify an institution to co-ordinate this commitment, as well as clear timelines for its implementation. There is also a need to develop mechanisms for the government to follow up and respond to public inputs (e.g. suggestions and appeals) through the websites.</p>
<p>4.4. “Open Door” Citizen Forums</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>“Open Door” citizen forums have potential to expand opportunities for government agencies to interact with media, civil society, and citizens. During the OGP commitment period, various central and local executive authorities announced “Open Door” events for media representatives, CSOs, and occasionally ordinary citizens. However, further work is needed on basic implementation of this commitment. For example, work is needed to clarify a format for the forums, to identify an institution to co-ordinate the forums, and to make the forums open for any interested citizens. The IRM researcher recommends that the open forums should be organised quarterly by central authorities and monthly by local authorities.</p>
<p>5. E-SERVICES</p>	
<p>✪ 5.1. Evaluation of E-services</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial 	<p>In January 2013, the State Agency for Public Service and Social Innovations adopted “Guidelines for the Evaluation of E-services.” The Ministry of Communication and Information Technology conducted its first evaluations and published the results in the “Electron Government Bulletin.” The seventh edition of the bulletin was published in July 2013 and was partly devoted to the evaluation of e-services and public disclosure of its results. Moving forward, the IRM researcher recommends that the government establish clear timelines for this commitment and invite CSOs to participate in the evaluation process.</p>
<p>5.2. Annual Public Presentations on E-services</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>The level of implementation for this commitment is low. Only a few central executive authorities organised public presentations of their e-services, including the State Committee on Property Issues, the Ministry of Taxes, and the Ministry of Economy and Industry. Further work is needed on basic implementation of this commitment. The IRM researcher recommends accelerating the number of presentations in the next national action plan, especially in regions.</p>
<p>5.3. United System of Electronic Information Exchange</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Complete 	<p>According to the Special State Protection Service, a secure information network has already been established. Currently, all intra-governmental information exchange processes take place through this network. While this commitment has technical importance in terms of information security, it has very little connection with open government principles and values. The IRM national researcher recommends that the government exclude this commitment from its next national action plan.</p>
<p>5.4. Improved Electronic Payments</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Limited 	<p>Generally, it is now possible for all citizens to pay their taxes electronically, either through government websites or via private companies. However, electronic payment of fees, taxes, and other administrative dues has little direct linkage with open government principles. This IRM researcher recommends involving CSOs in the monitoring of the electronic payment of taxes, fees, and duties. This would help the government to achieve effective external oversight of tax payments, and would link the commitment more directly to OGP principles.</p>
<p>5.5. Access to E-services in the Regions</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>During the OGP commitment period, the government continued to expand access to e-services in the regions through the “ASAN service” network and through AZERPOST’s new regional offices and facilities. Improving access to e-services in the regions encourages transparency and predictability of government services and rules for service delivery, which in turn increases access to information and reduces opportunities for corruption. Further work is needed on basic implementation of this commitment, including better co-ordination and more reliable statistics on access to e-services in the regions.</p>

6. TRANSPARENCY IN STATE FINANCIAL CONTROL INSTITUTIONS	
<p>6.1. Legal and Institutional Framework for State Financial Control</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>The government is in the process of drafting legislation, regulations, and rules on state financial control. However, it is not clear when the draft law on state financial control will be prepared and submitted to the legislative body and who will be the main responsible body, the Ministry of Finance or the Chamber of Accounts. The IRM researcher recommends that the Ministry of Finance involve CSOs in the drafting and early discussions of the draft law on state financial control.</p>
<p>6.2. Accountability and Transparency of State Financial Control Institutions</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>This commitment has been only partly implemented. A limited number of measures have been taken related to disclosing analyses and statistical data to the public. Some key documents have been uploaded to government websites, such as the government's report on execution of the 2012 budget, the Chamber of Accounts' review of 2012 budget execution, and the Chamber of Accounts' audit of state agencies in 2013. The Ministry of Taxes and the Ministry of Finance also regularly upload relevant information to their websites. Moving forward, the IRM researcher recommends further engagement with CSOs that have experience working on fiscal policy issues.</p>
<p>6.3. Use of Information Technologies in State Financial Control</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Limited 	<p>The government has not yet established an electronic control system, but some technical preparations have been carried out. The Ministry of Finance and the Ministry of Taxes increasingly apply information technologies to state financial control. However, there is no publicly open information about information technology applications and e-control mechanisms. As a result, it is unclear how this commitment improves open government. As a next step, civil society needs to be involved in the creation and evaluation of state financial control systems.</p>
<p>6.4. State Financial Control Databases</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Limited 	<p>According to the Ministry of Finance, the formulation of a single electronic database for financial supervision institutions is under preparation. However, the general level of implementation of this commitment is limited. Furthermore, this commitment has a very weak linkage with open government principles. It mostly covers relations between financial supervision bodies and does not promise accountability, participation, or transparency to the broader public. The IRM researcher recommends that the government either rewrites this commitment or excludes it from the next National Action Plan.</p>
<p>6.5. Disclosure of Financial Reports</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>State owned enterprises control a significant portion of the national economy and public financial flows. As a result, disclosure of financial statements (along with auditors' reports) by state-owned enterprises has vital importance in Azerbaijan. The government began some preparation activities on this commitment during late 2012 to early 2013. Further work is needed on basic implementation of this commitment.</p>
<p>6.6. Oversight of Local Budgets</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Limited 	<p>This commitment is important because the formulation and execution of budgets of cities, districts, and municipalities occur outside of public scrutiny. However, the IRM researcher could not find evidence that much implementation had taken place. Nor is it clear from the wording of this commitment if government oversight includes an element of public participation or access to information about local budgets. Further discussion is needed on how to effectively improve oversight of local budgets in a way that provides the public with more information about local budgets.</p>
<p>✶ 6.7. Reports on Annual Budget Implementation</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial 	<p>The Ministry of Finance actively uploads these reports and draft documents to its website in a timely manner. However, the quality of the budget reports in Azerbaijan falls far below international standards. If implemented according to international standards, this commitment would be a valuable contribution to open government in Azerbaijan by promoting public debates over the contents of budgets.</p>
7. TRANSPARENCY OF TAX CONTROL AND EXAMINATION	
<p>7.1. Access to Necessary Information for Taxpayers</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: None • Completion: Complete 	<p>The government has undertaken numerous activities to provide taxpayers with necessary information about online payments, tax rates, etc. This has contributed to a more transparent tax system, but it was already an integral part of the workload of the Ministry of Taxes before the OGP national action plan was in place. The IRM researcher also believes that the narrative of this commitment is very general, which complicates the monitoring of implementation. As a result, this commitment needs substantial rewriting or exclusion from the next national action plan.</p>

<p>7.2. Tax Transparency</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>Adoption of the international standards of fiscal transparency, such as the International Monetary Fund's (IMF) Code on Best Practice on Tax Transparency, is very important for reducing corruption in Azerbaijan. The Ministry of Taxes had initial discussions with the IMF's representatives on these and other relevant standards. The Ministry of Taxes should continue negotiations with the IMF in order to harmonise local taxation practices with international standards.</p>
<p>7.3. Electronic Payment of Taxes</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: None • Completion: Limited 	<p>This commitment has approximately the same content as Commitment 5.4 and does not add any value in the OGP context. The IRM researcher recommends excluding this commitment from the next OGP national action plan.</p>
<p>8. TRANSPARENCY IN EXTRACTIVE INDUSTRIES</p>	
<p>8.1. Implementation of the Extractive Industry Transparency Initiative (EITI)</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: None • Completion: Complete 	<p>Extractive industries generate a substantial portion of Azerbaijan's fiscal revenues, and EITI creates important opportunities for dialogue among the government, civil society, and extractive companies. During the OGP commitment period, the State Oil Fund of Azerbaijan Republic (SOFAZ) continued implementation of the standards of EITI in Azerbaijan. However, the government already committed to these dialogues before including them in the OGP national action plan. While it is important to continue these dialogues, the IRM researcher recommends that the Government refrain from including pre-existing commitments in its next action plan.</p>
<p>8.2. Disclosure of Income from Extractive Industries</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: None • Completion: Complete 	<p>In June 2013, Azerbaijan published its 17th EITI report. This commitment is pre-existing and responds directly to EITI requirements. As a result, including this commitment within the OGP national action plan did not create additional value. In the future OGP national action plan, the government should avoid including pre-existing commitments that have only limited or no potential to change the status quo.</p>
<p>8.3. Disclosure of Annual EITI Reports</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: None • Completion: Complete 	<p>As with other commitments related to EITI, the steps taken by the Azerbaijan government are laudable, but do not add additional value to the OGP national action plan. SOFAZ already publishes EITI implementation reports on a regular basis, although in some cases, these reports are not uploaded to the website in a timely manner. In this case, however, the government could take several steps in the next OGP national action plan to add value to EITI: SOFAZ could commit to upload EITI annual implementation reports to the website as soon as they are completed, and it could also consider organising roundtable discussions with CSOs on these reports.</p>
<p>9. AWARENESS-RAISING AND CO-OPERATION IN THE FIELD OF OPEN GOVERNMENT</p>	
<p>9.1. Disclosure of the Evaluation of OGP National Action Plan</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>At the time of the drafting of this report, the Commission on Combating Corruption had already started to collect and to analyse draft implementation reports from central and local executive authorities. As a result, it is realistic to expect the final version of the government's annual implementation report and a public presentation of the results in February or March 2014. The IRM researcher recommends that the Commission on Combating Corruption invite CSOs and individual professionals to take part in the evaluation of the annual implementation of the national action plan.</p>
<p>9.2. Dissemination of Educational Material on OGP</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>The government has prepared different educational materials on open government and plans to finish and disseminate these materials in late 2013 or early 2014. These materials could incrementally raise public awareness of OGP, if the government prepares non-technical publications using easy and understandable language, and if these materials are distributed throughout the country. As with other commitments that are scheduled "on an ongoing basis," the government needs to introduce clear timelines and milestones. This also presents an opportunity to involve CSO representatives and individual professionals in the preparation of educational materials on OGP.</p>
<p>9.3. Continued Implementation of OGP Commitments</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Unclear 	<p>The government has actively participated in all annual summits of OGP. However, it is not possible to connect these activities with this commitment because of the commitment's unclear scope. Revision of the narrative of this commitment is needed to increase the clarity of measures and to introduce a more precise deliverable.</p>

<p>9.4. Financial Support to Civil Society for Open Government Initiatives</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>Although the Council was established in December 2007, the financing of particular projects is a new development that began after the adoption of the OGP national action plan. The Council on State Support to Non-Governmental Organisations currently supports two projects on enhancement of open government principles in Azerbaijan. The IRM researcher recommends that the Council support more CSO projects that focus not only on awareness, but also on alternative monitoring activities. This support should extend to CSOs from different sectors and regions. However, it is essential that all sources of funding, whether from the government or from donor agencies, should respect the independent and even critical views of CSOs without any intervention in their agenda.</p>
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RECOMMENDATIONS

Azerbaijan is a resource-rich, post-Soviet country with a growing economy, but it faces transitional challenges such as institutional arrangements and spending frames that threaten fiscal sustainability and could lead to insufficient conversion of revenue flow into economic development in the long run. Azerbaijan's participation in OGP has the potential to contribute to improving this institutional framework.

Despite its relatively high level of ambition, the government's national action plan has some shortcomings as an official document. Only a small minority of the commitments directly address the fundamental issues of open government that are prominent in Azerbaijan such as expanding protection of citizens' freedoms of expression, assembly, and association. Furthermore, the lack of clear and measurable timelines and deliverables complicates the monitoring and assessment of actual implementation of the commitments. In other words, the government should not list commitments as having a timeline of "ongoing basis."

In 2014 and 2015, the government will determine priorities for its new OGP action plan, ideally in consultation with civil society. One of the government's main priorities in the next few years will likely be increasing the number of e-services and expanding the geography of ASAN-Service Centres (Public Service Halls). In addition to this important goal, the IRM researcher recommends that the government include the following priorities in its next action plan.

Public Participation

There is an urgent need for the government to create new opportunities for public participation in decision making processes. This includes mechanisms where civil society can have an ongoing exchange of views with the government on critical policy issues, as well as the creation of independent public councils within the central and local authorities. Election integrity and transparency are a priority issue for many stakeholders and would be enhanced by broad and co-equal participation in election commissions.

Furthermore, the IRM researcher recommends establishment of a joint government-civil society dialogue platform to monitor and discuss implementation of the OGP national action plan. As currently designed, formal civil society participation in OGP is limited to commenting on the draft plan.

Access to Information

While the government has made progress in strengthening public access to information, much more work is needed. Stakeholders recommended that legal and participatory mechanisms would help to achieve more transparency in the exploration of natural resources, including oil, gas, and mining throughout the country. Improved assets disclosure of public officials is also an essential step in combating corruption.

The government could also take a number of steps to improve implementation of the freedom of information law. For example, the government could involve independent experts and CSOs when preparing publications on open government and training for civil servants who implement the law. Central and local authorities would also benefit from the development of minimum standards of what must be included in their annual implementation reports to the public.

The effective delivery of public services in Azerbaijan depends on increasing accountability to the public. The establishment of a unified database on public services is an important first step, as well as the disclosure of

the list of public services provided by each central government agency. The government will be able to better evaluate the quality of public services if it develops and publishes a methodology for doing so.

Finally, the IRM national researcher recommends that the international OGP Secretariat determine serious quality requirements for national action plans to encourage OGP member countries to make new (rather than pre-existing) and valuable commitments.

Eligibility Requirements 2012: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. Raw data has been recoded by OGP staff into a four-point scale, listed in parentheses below. For more information, visit www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria.

Budget Transparency: Executive budget proposal and Audit Report (4 of 4) **Access to Information:** Law Enacted (4 of 4)

Asset Disclosure: Senior public officials to congress (2 of 4) **Civic Participation:** 4.71 of 10 (2 of 4)

Kenan Aslanli is the project co-ordinator of the National Budget Group and a senior economist at the Public Finance Monitoring Centre. This report was written in Mr. Aslanli's personal capacity.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. BACKGROUND

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, OGP provides an international forum for dialogue and sharing among governments, civil society organisations, and the private sector, all of which contribute to a common pursuit of open government. OGP stakeholders include participating governments, as well as civil society and private sector entities that support the principles and mission of OGP.

Introduction

Azerbaijan officially joined OGP on 20 September 2011. To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third party indicators are used to determine the extent of country progress on each of the dimensions, with points awarded as described below.

Azerbaijan entered into the partnership meeting the minimal requirements for eligibility. It received a score of four out of four possible points in the category of “Budget Transparency.”¹ The country has a freedom of information law in place, giving it four of four possible points for “Access to Information.”² With regard to asset disclosure for politicians and high-level officials, the country scored two of four points as only parliamentary assets are disclosed in a non-public fashion (other politicians are exempted).³ Information on high-level officials’ assets is not made public. In terms of citizen engagement, based on the Economist Intelligence Unit’s Democracy Index, the country received a 4.71 out of a possible ten, which was recorded for OGP purposes as two of four possible points.⁴ Altogether, Azerbaijan received a total of 12 out of 16 points.

All OGP participating governments must develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments should begin their action plans by sharing existing efforts related to a set of five “grand challenges,” including specific open government strategies and ongoing programmes. (See Section IV for a list of grand challenge areas.) Action plans should then set out each government’s OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant grand challenge. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Azerbaijan’s national action plan consists of 37 commitments within nine different categories. The commitments are partly new and partly reflect different initiatives from previous, related state programmes. Despite the fact that many of the commitments remain unaddressed, it is generally a comprehensive action plan that includes suggestions made by civil society groups.

Pursuant to OGP requirements, the Independent Reporting Mechanism (IRM) of OGP partnered with an experienced, independent local researcher to carry out an evaluation of the development and implementation of Azerbaijan’s first action plan. This report was authored by Mr. Kenan Aslanli, the IRM national researcher for Azerbaijan. Mr. Aslanli is the project co-ordinator of the National Budget Group and a senior economist at the Public Finance Monitoring Centre, but wrote this report in his personal capacity. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country.

Institutional Context

The Commission on Combating Corruption is the leading and main co-ordinating body in the implementation of Azerbaijan's Open Government Initiative National Action Plan 2012-2015, which was endorsed by Presidential Decree on 5 September 2012.⁵ Taking into consideration that the Commission is chaired by the Head of the Administration of the President and its secretary is a senior advisor of the Administration of the President, it can be considered a very powerful institution. It is also responsible for monitoring the national action plan and raising awareness on open government issues in society.

In September 2012, the Commission on Combating Corruption officially committed "to involve non-governmental organisations into the process of implementation and evaluation of action plans and to organise broad public awareness measures," just after adoption of the national action plan.⁶

As part of its OGP commitments, the President established the State Agency for Public Service and Social Innovations (ASAN) on 13 July 2012 by Decree No. 685, as well as "ASAN Service Centres" within the State Agency.⁷ ASAN Service Centres provide public services in a more integrated, responsive, and co-ordinated way. ASAN Service Centres effectively raised the level of public satisfaction with government and civil servants. The government's former focal point on OGP affairs, Mr. Inam Kerimov, was appointed Chairman of ASAN. He is also the youngest member of the government.

Azerbaijan is a unitary state with 45 ministries and other central authorities (committees, commissions, agencies, and public services), as well as 65 city and district appointed authorities. The national action plan obliged all central and local authorities and government agencies to act in a more transparent, accountable, and participatory manner. Additionally, the Nakhchivan Autonomous Republic remained outside the scope of this assessment because of a lack of access to information and governance challenges.

On one hand, the comprehensiveness of the national action plan demonstrated the government's will to solve a broad range of governance problems under the framework of an open government initiative. On the other hand, that complicated the assessment, effectiveness, and timeliness of the implementation process.

For purposes of this report, it is important to note that the government of Azerbaijan is on a three-month delayed schedule relative to the other 37 governments that declared their participation in OGP during the annual summit in Brasilia, Brazil in 2012.

Methodological Note

The IRM researcher organised two stakeholder meetings, one with government representatives on 11 October 2013 and one with civil society representatives on 12 October 2013. Then the IRM researcher conducted six interviews on various aspects of open government with professionals, public opinion leaders, and private sector representatives.

This included the government's current focal point on open government, Mr. Vusal Huseynov, as well as a large number of civil society organisations, including the Economic Research Centre, the Elections Monitoring and Democracy Teaching Centre, the Public Finance Monitoring Centre, the Centre on Assistance to Free Economy, the Centre for Assistance to Economic Initiatives, the Constitution Studies Fund, and the Multimedia Centre, among other organisations actively engaged in stakeholder meetings and interviews.

The IRM researcher collected different views from participants of the stakeholder meetings and interviews, studied alternative assessments on national open government action plans, and explored public statements and releases in various open sources.

Typically, OGP IRM progress reports take into account the input that the government provides in its self-assessment. Because Azerbaijan began the process three months after the rest of its 2012 cohort, it has not produced such a document yet. As a result, the IRM researcher was unable to take this information into consideration.

Further details about the IRM researcher's methodology are included in the Annex.

¹ International Budget Partnership, "Open Budgets Transform Lives," 2010 Open Budget Index 2010, <http://bit.ly/1hTd9TQ>. Croatia country report available at bit.ly/1d7hf57.

² See Right2Info list of countries with FOI/RTI laws as of Feb 2010 (a project of Open Society Justice Initiative and Accessinfo, which covers 197 countries) <http://right2info.org/access-to-information-laws>. Azerbaijan's law is available at <http://bit.ly/1h5H37b>

³ Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009): <http://bit.ly/19nDEfK>; Organisation for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009). <http://bit.ly/13vGtqS>; Richard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009). <http://bit.ly/1cLokyf>

⁴ The Economist, *Democracy Index 2011: Democracy under Stress*, by the Economist Intelligence Unit (Report, London, 2012), <http://bit.ly/1eq9tou>

⁵ Republic of Azerbaijan, *Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2012), <http://bit.ly/1eqa1ul>

⁶ Commission on Combating Corruption, "Information of the Commission on Combating Corruption on Adoption of Action Plan on Open Government and Action Plan on Combating Corruption of the Republic of Azerbaijan," news archive, 7 September 2012, <http://bit.ly/1bqTOEz>

⁷ State Agency for Public Service and Social Innovations, "Asanxidmət," President of the Republic of Azerbaijan, <http://asan.az>

II. PROCESS: DEVELOPMENT OF ACTION PLAN

OGP Guidelines

Countries participating in OGP follow a set process for consultation during development of their OGP action plan. According to the OGP’s Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation;
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views; and, make a summary of the public consultation and all individual written comment submissions available online;
- Undertake OGP awareness-raising activities to enhance public participation in the consultation;
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is dealt with in Section III on “Consultation during Implementation”:

- Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one.

Table 1 summarises the government’s conformance with the requirements set out in the OGP Articles of Governance.

Table 1: Action Plan Consultation Process

Consultation during action plan development	Timeline and process: Prior availability	No
	Timeline: Online	No
	Timeline: Other channels	No
	Advance notice	No
	Advance notice: Days	N/A
	Advance notice: Adequacy	N/A
	Awareness-raising activities	Yes: http://bit.ly/1aAQax7
	Online consultations	Yes: http://bit.ly/1n32b1l
	In-person consultations	Yes
	Summary of comments	No
Consultation during action plan implementation	Regular forum	No. See next section.

Advance Notice of Consultation

Drafts of the national action plan on open government and the national action plan on combating corruption were adopted by decree of the President of the Republic of Azerbaijan on 5 September 2012, after discussions with a limited number of civil society organisations. The national action plan on combating corruption was a continuation of anti-corruption measures in the State Programme on Combating Corruption for the 2004-2006 and the Action Plan for the Implementation of the National Strategy for 2007-2011.

In May 2012, the draft version of the national action plan on open government was uploaded to the website of the Commission on Combating Corruption, to collect early feedback from civil society groups and ordinary citizens.

As a leading organisation and main co-ordinating body within government, the Commission on Combating Corruption also organised two public hearings to discuss the draft national action plan on open government in March and June 2012. The public hearing in March was organised together with the Council of Europe. Additionally, the National Budget Group and the Multimedia Centre initiated a few other public events on open government in May 2012 and on the national action plan in June 2012.

Quality and Breadth of Consultation

Only a few civil society networks, including the Anti-Corruption Network, the Multimedia Centre, and the National Budget Group expressed interest in the formal consultation process and submitted their recommendations. Some of these recommendations were reflected in the national action plan.

Generally, a lack of a platform to discuss open government and the action plan, as well as the low level of public awareness, limited the involvement of civil society. Not all stakeholders perceived the consultations as a very substantial element of policy-making and decision making on open government. Civil society groups that participated in the consultations were provided with only limited information about the government's plans and timelines. Consultations were concentrated mostly in the capital city of Baku, and they only covered a few segments of the wide range of civil society organisations in the country. Private sector representatives were not included in the official consultation process. Furthermore, a summary of public consultations was not made available online, and there was no official press release about the results of the consultations.

Some civil society organisations conducted their own outreach on the national action plan. The National Budget Group organised a public hearing on open government issues and sent a representative to the global summit in Brazil. At the same time, with the support of the Council of State Support to NGOs, two civil society coalitions—the “Youth Coalition” and the Coalition for Promotion of Open Government—actively operated in regions to increase citizens' involvement and public awareness to improve the implementation of the national action plan.

Sources

“Multimedia Mərkəzinin Məlumatı,” Anticorrupt, <http://bit.ly/1aAQax7>

Economic Research Center & Transparency International Azerbaijan, *Monitoring Report on Implementation of Azerbaijan 'Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2013), <http://bit.ly/1bqUDNo>

Commission on Combating Corruption, “Information of the Commission on Combating Corruption on adoption of Action Plan on Open Government and Action Plan on Combating Corruption of the Republic of Azerbaijan,” news archive, 7 September 2012, <http://bit.ly/1bqTOEz>

“Milli B dce Qrupunun (MBQ) Az rbycanda A ıq H kum t T r fdaşlıđı (AHT) T ş bb s n n
Inkişafı il  Bađlı T dbirl ri,” Milli B dce Qrupu, 20 May 2012, <http://bit.ly/1br6TNX>

“Oil Workers’ Rights Protection Organization Workshop for CSO Representatives on OGP
Monitoring in Regions,” Revenue Watch Institute, July 29, 2013, <http://bit.ly/1gobrI3>

III. PROCESS: CONSULTATION DURING IMPLEMENTATION

As indicated in Table 1, there was no regular forum for consultation with non-state actors or public participation during implementation of the national action plan on open government.

IV. IMPLEMENTATION OF COMMITMENTS

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to their chosen grand challenges, including specific open government strategies and ongoing programmes. National action plans then set out governments' OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant policy area. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

OGP commitments are to be structured around a set of five “grand challenges” that governments face. OGP recognises that all countries are starting from different baselines. Countries are charged with selecting the grand challenges and related concrete commitments that most relate to their unique country contexts. No action plan, standard, or specific commitments are to be forced on any country.

The five OGP grand challenges are:

1. **Improving Public Services**—measures that address the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications, and any other relevant service areas by fostering public service improvement or private sector innovation.
2. **Increasing Public Integrity**—measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom.
3. **More Effectively Managing Public Resources**—measures that address budgets, procurement, natural resources, and foreign assistance.
4. **Creating Safer Communities**—measures that address public safety, the security sector, disaster and crisis response, and environmental threats.
5. **Increasing Corporate Accountability**—measures that address corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community engagement.

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, all OGP commitments should reflect four core open government principles:

- **Transparency**—information on government activities and decisions is open, comprehensive, timely, freely available to the public, and meets basic open data standards (e.g. raw data, machine readability).
- **Citizen Participation**—governments seek to mobilise citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative, and effective governance.
- **Accountability**—there are rules, regulations, and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.
- **Technology and Innovation**—governments embrace the importance of providing citizens with open access to technology, the role of new technologies in driving innovation, and the importance of increasing the capacity of citizens to use technology.

Countries may focus their commitments at the national, local and/or subnational level—wherever they believe their open government efforts will have the greatest impact.

Recognizing that achieving open government commitments often involves a multi-year process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible.

Azerbaijan had a total of 37 commitments clustered into nine categories:

- Facilitation of access to information (three commitments);
- Ongoing publicity of state institutions' activities (seven commitments);
- Improvement of the central legislative electronic database (four commitments);
- Enlargement of public participation in the activity of the state institutions (four commitments);
- Improvement of e-services (five commitments);
- Increase of transparency in state financial control institutions (seven commitments);
- Increase in transparency of tax control and examination (three commitments);
- Increase of transparency in extractive industries (three commitments);
- Awareness-raising and co-operation in the field of open government (four commitments).

This section details each of the commitments Azerbaijan included in its initial national action plan. While most indicators given on each commitment fact sheet are self-explanatory, a number of indicators for each commitment deserve further explanation.

- **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values and OGP grand challenges.
 - **OGP values:** To identify OGP commitments with unclear relationships to OGP values, the IRM researcher made a judgment from a close reading of the commitment's text. This judgment reveals commitments that can better articulate their relationship to fundamental issues of openness.
 - **Grand challenges:** While some commitments may be relevant to more than one grand challenge, the reviewer only marked those that had been identified by government.
- **Ambition:** The IRM researcher evaluated each commitment for how ambitious commitments were with respect to new or pre-existing activities that stretch government practice beyond an existing baseline.
 - **Potential impact:** To contribute to a broad definition of ambition, the IRM researcher judged how potentially transformative each commitment might be in the policy area. This is based on the IRM researcher's knowledge and experience as a public policy expert.
 - **New or pre-existing:** Based on the fact, the IRM researcher also recorded whether a commitment was based on an action that pre-dated the action plan.
- **Timing:** The IRM researcher evaluated each commitment's timing, even where clear deliverables and suggested annual milestones were not provided.
 - **Projected completion:** In cases where this information was not available, the IRM researcher made a best judgment, based on the evidence of how far the commitment could possibly be at the end of the period assessed.

1. Access to Information

1.1. Institutional Framework

Full text of the commitment

Designation of the employees in charge of the access to information, adoption of the internal rules on freedom of information and awareness raising by public institutions.

Commitment Description						
Answerability	Lead institution	Central and local executive authorities				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)				
Relevance	OGP grand challenges					
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓				
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: 2012		Actual completion		Limited		
End date: 2014		Projected completion		Limited		
Next steps		Further work on basic implementation				

What happened?

Based on an alternative assessment and monitoring of the national action plan conducted by Transparency International Azerbaijan and the Economic Research Centre, only 24 per cent of the 90 central and local authorities that were monitored have designated employees to be in charge of access to information. Less than 20 per cent of these authorities adopted internal rules on freedom of information or actually raised public awareness.

Did it matter?

This commitment has the potential to upgrade the government's internal capacity on freedom of information. It was intended to raise general public awareness and to present concrete contact persons within institutions who will be responsible for answering information requests and responding to public feedback. Currently, performances of different state agencies vary from very responsive institutions (e.g. the State Agency for

Public Service and Social Innovations and the State Oil Fund) to relatively non-responsive institutions (e.g. the State Procurement Agency).

Designation of the employees in charge of access to information can raise the predictability and credibility of institutions. Additionally, adoption of internal rules on freedom of information can improve documentation and preparedness process within institutions.

Moving forward

Taking into consideration that the national action plan provides a wide and flexible time frame for this commitment (2012-2014), there is no need to rephrase the existing version. Consequently, the IRM researcher's only recommendation is to speed up its implementation.

Sources

Economic Research Center & Transparency International Azerbaijan, *Monitoring Report on Implementation of Azerbaijan 'Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2013), <http://bit.ly/1bqUDNo>

1.2. Training for Civil Servants

Full text of the commitment

Comprehensive training for responsible civil servants in order to ensure freedom of information.

Commitment Description						
Answerability	Lead institution	Central and local executive authorities				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Improving public services, Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓				
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: September 2012		Actual completion	Limited			
End date: 31 December 2014		Projected completion	Limited			
Next steps		Further work on basic implementation				

What happened?

Based on the IRM researcher's stakeholder meetings and the alternative monitoring report produced by Transparency International Azerbaijan and the Economic Research Centre, only 13 per cent of central and local executive authorities, or 12 out of 90 authorities, provided training for responsible civil servants in order to ensure freedom of information. The authorities included the Ministry of Environment and Natural Resources, the Executive Power of Mingecevir City, and others.

Did it matter?

This is an absolutely new pledge for the government of Azerbaijan and could stretch government practice beyond what already existed for freedom of information. If fully implemented, these trainings for responsible civil servants could shorten the period for official responses to information requests and could improve the quality of official answers. In Azerbaijan, the Law on Access to Information was approved in 2005 and has been amended several times. However, implementation of this law remains a challenge.

Moving forward

CSO Stakeholders proposed that the government invite independent experts and civil society organisations to these trainings for responsible civil servants to ensure freedom of information. Also, information about the training should be made publicly available.

Sources

Zaur Ibrahimli, interview with the IRM researcher, 20 November 2013.

Economic Research Center & Transparency International Azerbaijan, *Monitoring Report on Implementation of Azerbaijan 'Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2013), <http://bit.ly/1bqUDNo>

1.3. Office of the Commissioner for Human Rights

Full text of the commitment

Improvement of the structure of the Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan in line with its role of overseeing the implementation of the Access to Information Act, specialized training of the relevant employees.

Commitment Description						
Answerability	Lead institution	Commissioner for Human Rights (Ombudsman)				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Improving public services, Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓				
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: 01 January 2013		Actual completion		Unclear		
End date: 31 December 2014		Projected completion		Unclear		
Next steps		Revision of the commitment to be more achievable or measurable				

What happened?

In September and December 2012, the Office of the Commissioner for Human Rights (Ombudsman) organised several meetings and roundtables related to this commitment in Baku and regions of the country. However, the IRM researcher could not find information through open sources or stakeholders about actual implementation of this commitment since January 2013. On 17 October 2013, the IRM national researcher sent an online information request to the Office of the Commissioner for Human Rights about implementation of this commitment. Unfortunately, the Office had not responded to that request as of January 2014.

Did it matter?

This commitment is not a fundamentally transformative measure, but if it is implemented fully, it could raise the institutional oversight and human resource capacity of the Ombudsman and its Office with respect to access to information.

Moving forward

Stakeholders generally evaluated the oversight function of the Ombudsman as very poor and ineffectual with respect to the implementation of the access to information law. The Commissioner for Human Rights (Ombudsman) needs to achieve functional and organisational independence from the executive. Unfortunately, the lack of a clear and definitive annual timeline in the national action plan complicates the monitoring and assessment of actual implementation of this commitment.

Sources

Economic Research Center & Transparency International Azerbaijan, *Monitoring Report on Implementation of Azerbaijan 'Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2013), <http://bit.ly/1bqUDNo>

"Ombudsman Milli Fəaliyyət Planının Mmüzakirəsini Keçirmişdir," Ombudsman of the Republic of Azerbaijan, <http://bit.ly/1d41oEI>

2. Public Awareness of State Institutions' Activities

2.1. Updates to State Institutions' Websites

Full text of the commitment

Uploading and updating of information on their activity at their respective webpages.

Commitment Description						
Answerability	Lead institution	Central and local executive authorities				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓		✓		
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Minor (The commitment is an incremental but positive step in the relevant policy area.)				
Level of completion						
Start date: Unclear		Actual completion	Substantial			
End date: Unclear		Projected completion	Unclear			
Next steps		Revision of the commitment to be more achievable or measurable				

What happened?

The vast majority of central and local authorities (approximately 65 per cent) regularly upload and update relevant information about their activity at their websites.

Did it matter?

This technical commitment has a restricted added value to the existing capacity of government to upload information to websites and update information resources. Furthermore, the uploading and updating of information by government agencies on their webpages was already underway before the government joined OGP. The IRM researcher did not observe any specific improvements after the adoption of the National Action Plan.

Moving forward

This is a technical commitment for central and local executive authorities to make improvements on an ongoing basis. As a result, the commitment has no start or end date in the national action plan. The IRM researcher recommends that the government revise the

existing commitment to introduce a more measurable version that includes annual timelines for implementation.

Sources

Azərbaycan Respublikası, Siyəzən Rayon İcraHakimiyyəti, <http://siyezen-ih.gov.az/index.html>

Economic Research Center & Transparency International Azerbaijan, *Monitoring Report on Implementation of Azerbaijan 'Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2013), <http://bit.ly/1bqUDNo>

2.2. Posting of Annual Reports on Websites

Full text of the commitment

Composition of the annual reports and their uploading to the webpages.

Commitment Description						
Answerability	Lead institution	Central and local executive authorities				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Improving public services, Increasing public integrity, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓		✓		
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: September 2012		Actual completion	Substantial			
End date: 31 December 2015		Projected completion	Substantial			
Next steps		Maintenance and monitoring of completed implementation				

What happened?

There is substantial progress in the preparation and uploading to websites of annual reports by central and local authorities. For example, at the central level, the Ministry of Economy and Industry (<http://economy.gov.az/media/pdf/iin-hesabat-2012.pdf>) uploaded its annual report for 2012. At the local level, the Executive Power of Siyezen District (<http://siyezen-ih.gov.az/page/26.html>) also uploaded its annual report. Other authorities have uploaded their reports. In their alternative monitoring report on the government's national action plan, Transparency International Azerbaijan and the Economic Research Centre found that the level of implementation for this commitment was higher than 60 per cent.

Did it matter?

On one hand, this commitment can be considered as a technical measure with very limited value added. On the other hand, considering that some central and local authorities have problems with providing and disclosing annual reports, this commitment still adds incremental value to the government's efforts towards regular reporting.

Moving forward

Minimum standards need to be developed for the annual reports of central and local authorities. Civil society organisations and individual professionals can play a crucial role in advancing this commitment through regular discussions and information requests.

Sources

Ministry of Economic Development, *Report on the Activity of the Ministry of Economic Development in 2012*, (Report, Baku, 2013), [Azerbaijani] <http://bit.ly/1le9rZF>

Executive Power of the Siyezen District, “2012 Annual Report for Siyezen Region,” Republic of Azerbaijan, <http://siyezen-ih.gov.az/page/26.html>

Economic Research Center & Transparency International Azerbaijan, *Monitoring Report on Implementation of Azerbaijan ‘Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2013), <http://bit.ly/1bqUDNo>

2.3. Public Communication Events

Full text of the commitment

Holding of press conferences and other direct public communication events about their performance by state institutions.

Commitment Description						
Answerability	Lead institution	Central and local executive authorities				
	Supporting institutions	Not specified				
	Point of contact specified?	Yes				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
Relevance	OGP grand challenges	Improving public services, Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓		✓		
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		None (The commitment maintains the status quo.)				
Level of completion						
Start date: September 2012		Actual completion		Substantial		
End date: 31 December 2015		Projected completion		Substantial		
Next steps		Revision of the commitment to be more achievable or measurable				

What happened?

Despite the fact that approximately 65 per cent of central and local authorities held at least one press conference on their activity during the assessment period, it was difficult to evaluate other direct public communication events. Furthermore, the press conferences often do not cover the most urgent, challenging issues that face Azerbaijan society. These events are often not open to journalists, especially those who are known to criticise the government.

Did it matter?

Stakeholders expressed in meetings and interviews that the current version of this commitment is mostly routine activity that does not add any serious value for open government promotion in the country. Some stakeholders even proposed excluding this commitment from the next national action plan.

Moving forward

The IRM researcher recommends that the government rephrase this commitment in order to clarify the precise content of "other direct public communication events." The IRM researcher also recommends making press conferences accessible for all interested local and foreign journalists.

Sources

Economic Research Center & Transparency International Azerbaijan, *Monitoring Report on Implementation of Azerbaijan 'Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2013), <http://bit.ly/1bqUDNo>

Zaur Ibrahimli, interview with the IRM researcher, 20 November 2013.

2.4. Reader-Friendly Versions of Legislation

Full text of the commitment

Dissemination of reader-friendly versions of the legislation regulating the activity of the state institution, developed guiding principles.

Commitment Description						
Answerability	Lead institution	Central and local executive authorities				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓				
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: September 2012		Actual completion		Not started		
End date: Unclear		Projected completion		Unclear		
Next steps		Further work on basic implementation				

What happened?

Implementation of this commitment was not started during the assessment period. The IRM researcher examined the websites of central and local authorities, but could not find “reader-friendly versions of the legislation regulating the activity of the state institutions” or “guiding principles” for this purpose. Unfortunately, there is no exact time frame for this commitment. Rather, the national action plan indicates that this commitment is for “central and local executive authorities on an ongoing basis.”

Did it matter?

If implemented, this commitment could encourage central and local agencies to adopt understandable, user-friendly language in their regulatory normative documents, decisions, and other legal acts.

Moving forward

Stakeholders recommended that the government accelerate the implementation of this commitment and adopt annual timelines instead of using the “ongoing basis” principle.

Sources

Nazirlər Kabineti, "Nazirlər Kabinetinin Strukturu," Azərbaycan Respublikası,
<http://cabmin.gov.az/?/az/content/126>

2.5. Internet Resources about State Programmes

Full text of the commitment

Development of the internet sources dedicated to the areas covered by the state programmes.

Commitment Description						
Answerability	Lead institution	Central and local executive authorities				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Improving public services, Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓				
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: September 2012		Actual completion		Limited		
End date: 31 December 2014		Projected completion		Limited		
Next steps		Further work on basic implementation				

What happened?

The IRM researcher identified that most ministries have page links on their websites to particular state programmes. However, many of these websites pre-existed OGP. During the OGP commitment period, the Ministry of Economy and Industry added new links about state programmes on regional development, poverty reduction, and sustainable development. However, information on government websites tends to be scattered and disconnected. Different government agencies reveal different types of information about the content and implementation of state programmes.

Did it matter?

Developing Internet resources on different state programmes can be useful for ordinary citizens, but only if these resources present comprehensive information about new opportunities and services for citizens under a particular programme. These resources also can be a very useful source of information for journalists and civil society activists who monitor state programmes.

Moving forward

Stakeholders suggested adopting minimum standards for what content must be disclosed on the websites of different state programmes. Also, the government could consider setting up a single website with information on all state programmes, which would help to ensure that important information about the programmes is regularly provided to the public.

Sources

Only a few state programmes, such as this one, have separate websites. "'Study Abroad' State Programme for 2007-2015)," Republic of Azerbaijan, [Azerbaijani]
<http://xaricdetehsil.edu.gov.az/c-elanlar>

"İqtisadiyyat və Sənaye Nazirliyi," Azərbaycan Respublikası, [Azerbaijani]
<http://bit.ly/1i1veiK>

Economic Research Center & Transparency International Azerbaijan, *Monitoring Report on Implementation of Azerbaijan 'Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2013), <http://bit.ly/1bqUDNo>

2.6. Common, Minimum Standards for State Websites

Full text of the commitment

Development and adopting common template and minimum standards for the websites and internet resources of state institutions according with contemporary standards.

Commitment Description						
Answerability	Lead institution	Cabinet of Ministries, Special State protection Service, Commission on Combating Corruption				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓			✓	
Ambition						
New vs. pre-existing		Potential impact				
New		None				
Level of completion						
Start date: 1 January 2013		Actual completion		Complete		
End date: 31 December 2013		Projected completion		Complete		
Next steps		Maintenance and monitoring of completed implementation				

What happened?

In response to an inquiry by the IRM researcher, the Special State Protection Service and Ministry of Communication and Information Technologies responded officially, “Cabinet of Ministries adopted the Rules entitled ‘Requirements on formation and management of Internet information resources of state agencies,’ dated 4 September 2012.” This indicates that the commitment was completed.

However, the President adopted the National Action Plan on 5 September 2012, just one day after the rules were adopted and identified the implementation period as 2013. Thus, it is unclear why a completed action was included in the national action plan.

Did it matter?

The rules on minimum standards of official websites adopted by the government describe technical aspects of design, functionality, and solutions towards more responsive public relations (receiving feedback) on the websites of state agencies. With respect to promoting open government, the most valuable section of the decree is Article 5. It is fully dedicated to

online communications between citizens and state agencies through official websites (e.g. via e-services, email correspondence, e-appeals, etc.).

Moving forward

The IRM researcher recommends that the government clarify the relevance of this commitment to the OGP initiative, given that it was completed before the implementation period began. The main purpose of rules detailing common and minimum standards should be to ensure that all government websites are user-friendly and informative for citizens. The rules should guide government websites to include important characteristics such as being usable, accessible, and useful.

Secondly, not all state agencies' websites meet the minimum standards. To promote more disclosure through official websites, specialised civil society organisations (e.g. the Multimedia Centre) need to be contracted to monitor official websites for compliance with minimum standards. These civil society organisations could present comparative results to the public. Currently, there is only one civil society entity (<http://www.informasiya.org>) that uses limited resources to track official websites.

Sources

Azərbaycan Respublikası, QƏRAR № 189 “Dövlət orqanlarının Internet informasiya ehtiyatlarının yaradılmasına və idarəedilməsinə dair Tələblər”in təsdiq edilməsi haqqında,” Nazirlər Kabinetinin, 4 September 2012, <http://bit.ly/1f4f9pN>

2.7. Cabinet of Ministers' Reports

Full text of the commitment

Inclusion of the information on measures taken in order to promote open government and combating corruption in the reports of the Cabinet of Ministers of the Republic of Azerbaijan to Milli Meclis (Parliament) of the Republic of Azerbaijan.

Commitment Description						
Answerability	Lead institution	Cabinet of Ministers				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
				✓		
Ambition						
New vs. pre-existing		Potential impact				
New		Minor (The commitment is an incremental but positive step in the relevant policy area.)				
Level of completion						
Start date: September 2012		Actual completion		Limited		
End date: 31 December 2015		Projected completion		Limited		
Next steps		Further work on basic implementation				

What happened?

The annual report of the Cabinet of Ministries to the Parliament (*Milli Meclis*) partly covered some measures on anti-corruption activities, but did not comprise any information on the promotion of open government. The IRM researcher received this information from members of Parliament. Unfortunately, the government does not disclose these annual reports through online channels (e.g. <http://www.cabmin.gov.az>).

Did it matter?

Covering measures towards open government and anti-corruption activities in the government's annual reports could strengthen general accountability of the government and trigger new discussions in Parliament.

Moving forward

Future steps need to do the following: (i) attach at least three pages of information to the annual reports of the Cabinet of Ministries to the Parliament related to open government and anti-corruption measures; (ii) upload the government's annual reports to the website of the Cabinet of Ministries (<http://www.cabmin.gov.az>); and (iii) organise open discussions on measures taken to promote open government and combating corruption.

Sources

Nazirlər Kabinetini, Azərbaycan Respublikası, <http://www.cabmin.gov.az>

3. Central Legislative Electronic Database

3.1. State Register for Legislation

Full text of the commitment

Regular updating and ensuring operating state of the State Register for Legislation of the Republic of Azerbaijan, as the official legal citation source.

Commitment Description						
Answerability	Lead institution	Ministry of Justice				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓			✓	
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Minor (The commitment is an incremental but positive step in the relevant policy area.)				
Level of completion						
Start date: September 2012		Actual completion		Substantial		
End date: Unclear		Projected completion		Unclear		
Next steps		Maintenance and monitoring of completed implementation				

What happened?

The Ministry of Justice regularly updates and maintains daily functioning of the online version of State Register for Legislation of the Republic of Azerbaijan (<http://www.huquqiaktlar.gov.az>). It is possible to enter the website uninterruptedly and access electronic versions of all registered legal acts.

The online version of the State Register began operating on 11 November 2011, before the OGP implementation period began. As a result, this is a pre-existing commitment. However, the online register system has been updated regularly during the OGP implementation period.

Did it matter?

Despite the fact that publishing an electronic version of the state legislation register is a technical matter, it has incremental value for lawyers and all interested citizens who want access to legal acts.

Moving forward

As with other commitments, the IRM researcher recommends that the government define more clearly the annual timelines and milestones for implementation of this commitment, instead of using the existing “ongoing basis” principle.

Examples of possible milestones include the following:

- By 2014, improve the current search system within the State Register of Legal Acts (<http://www.huquqiaktlar.gov/az/FindAkts.aspx>) so that users can search for legal acts according to topics or thematic groups.
- By 2014, add crucial thematic blocks (e.g. legal acts on extractive industries, the budget system, or property) into the search system using web development applications.

Sources

Azərbaycan Respublikası, HÜQUQİ AKTLAR, <http://www.huquqiaktlar.gov.az>

4. Public Participation

4.1. Civil Society Involvement in Draft Legislation and Public Hearings

Full text of the commitment

Involvement of the civil society representatives in the elaboration of draft legislation of public interest, organisation of public hearings by state institutions.

Commitment Description						
Answerability	Lead institution	Central and local executive authorities				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Improving public services, Increasing public integrity, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
			✓			
Ambition						
New vs. pre-existing		Potential impact				
New		Transformative (The commitment entails a reform that could potentially transform “business as usual” in the relevant policy area.)				
Level of completion						
Start date: September 2012		Actual completion		Limited		
End date: Unclear		Projected completion		Unclear		
Next steps		Further work on basic implementation				

What happened?

Only a few central and local authorities regularly invite civil society organisations or citizens to the preparation of draft laws. For example, according to its 2012 Annual Report on Progress in Implementation of the National Action Plan, the Ministry of Taxes involved some taxpayers in the drafting of tax legislation. Public hearings are not a part of the normal course of business in Azerbaijan’s public administration system. However, there are opportunities to send feedback on concrete draft laws through the Parliament’s website (www.meclis.gov.az). The IRM researcher could not find similar annual reports from other central or local authorities.

On 22 November 2013, the Azerbaijani Parliament (Milli Majlis) adopted the Law on Public Participation, which was drafted by the Council on State Support to Non-Governmental Organisations under the auspices of the President of the Republic of Azerbaijan. The ultimate purpose of the law is to establish legal assurances for citizen participation in public

administration and decision making processes of the country. The law consists of five chapters and 21 articles, in which it defines organisational and legal forms of public participation such as public councils, public debates, public hearings, public opinion polls, public consultations, and official written communications.

Did it matter?

If fully implemented, this commitment has the potential to fundamentally change the institutional environment in the country and push forward other related initiatives towards greater public participation. This could open up new dialogue channels between state and non-state actors.

Moving forward

Strong oversight over the implementation of the Law on Public Participation is necessary. The law requires setting up public councils within executive institutions and holding regular public hearings and public discussions. Future public hearings and debates also should cover draft laws on state budget and extra-budgetary funds. Clear annual timelines for implementation of this commitment are needed instead of using the existing “ongoing basis” principle.

Sources

Adam Abbasli, “Public Participation’ on the Bill Was Approved,” news, politics, AZADİNFÖRM, 22 November 2013, [Azerbaijani] <http://bit.ly/1fgpL7c>

Azərbaycan Respublikasının, *İctimai İştirakçılıq Haqqında [Draft Law on Public Participation]*, MilliMəclisi, 13 June 2013, [Azerbaijani] <http://meclis.gov.az/?/az/law/459/2>

Azərbaycan Respublikası Prezidentinin 5 sentyabr 2012-ci iltarixli 2421 nömrəli Sərəncamı ilə təsdiq edilmiş “Açıq Hökumətin təşviqinə dair 2012-2015-ci illər üçün Milli Fəaliyyət Planı”nın icrası ilə bağlı Vergilər Nazirliyi tərəfindən 2012-ci ildə görülmüş işlər üzrə, [Azerbaijani] <http://bit.ly/1dH9IQj>

4.2. Public Councils

Full text of the commitment

Establishment of the appropriate councils and/or cooperation networks with a view to improve interaction with the civil society by state institutions rendering public services.

Commitment Description						
Answerability	Lead institution	Central and local executive authorities				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Improving public services, Increasing public integrity, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
				✓		
Ambition						
New vs. pre-existing		Potential impact				
New		Transformative (The commitment entails a reform that could potentially transform “business as usual” in the relevant policy area.)				
Level of completion						
Start date: September 2012		Actual completion		Limited		
End date: 31 December 2013		Projected completion		Substantial		
Next steps		Further work on basic implementation				

What happened?

In Azerbaijan, “public councils” are consultative or advisory institutions within central or local authorities. In them, government officials can debate policy alternatives on challenging issues with representatives of civil society and receive public feedback on different public policies. Some ministries and other central government agencies already established public councils consisting of civil society representatives, experts, and bureaucrats (in some cases, before this action plan). We can especially notice existing public councils under the Ministry of Labour and Social Protection of Population, the Ministry of Youth and Sport, the Ministry of Ecology and Natural Resources, and the Ministry of Justice. A few other state organisations have “technical councils,” mostly comprised of technical experts. These are not socially oriented (i.e. inclusive) institutions. The IRM researcher found that most of the central and local authorities have not established their public councils.

Where public councils exist, their independence and real power are debatable. In some cases, these councils intervene in the political processes and make political statements. However, stakeholders highlighted different barriers to the effectiveness of public councils in Azerbaijan: (i) the lack of objective selection criteria for shaping composition of public

councils; (ii) the capacity of representatives of civil society who are already selected; and (iii) the tendency to use these kinds of public councils in official/political propaganda instead of social problem-solving.

Did it matter?

Establishing effective and functioning councils could fundamentally change current, non-inclusive, decision making processes in the public administration system. However, some experts and stakeholders expressed their doubts about the efficiency of existing public councils. Recent experiences demonstrate that some public councils are politically biased. One of these, the Public Council under the Ministry of Youth and Sport, made public statements to support a presidential candidate from the ruling party. Additionally, not all existing public councils have taken shape based on consensus and parity between government and civil society.

Moving forward

Further work is needed on basic implementation of this commitment. The IRM researcher recommends that the government stimulate and accelerate the establishment of independent, inclusive, and competent public councils within the central and local executive authorities. Citizens and civil society representatives with different political views and inclinations should be eligible to be selected to public councils using clear and predictable rules. Also, capacity-building trainings and information sessions should be organised for members of public councils. The purpose of the councils should be to develop public policies and design public services that respond to citizens' needs.

Finally, the meaning of "co-operation networks" needs to be clarified, and the deadline for the whole commitment needs to be extended.

Sources

Ministry of Labour and Social Protection of Population, Composition of Public Council, <http://www.mlspp.gov.az/en/pages/174>

Ramil Mammadov, "Public Council under the Ministry of Youth and Sport, Political Statement on Presidential Election," Azerbaijan Press Agency, 13 May 2013, <http://az.apa.az/news/298587>

4.3. Public Participation through Webpages

Full text of the commitment

Usage of webpages as means of involving the public in decision-making process on matters of public concern (reception of comments and proposals of citizens, organisation of discussions, development of the questions-answers sections, etc.).

Commitment Description						
Answerability	Lead institution	Central and local executive authorities				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
				✓		
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Minor (The commitment is an incremental but positive step in the relevant policy area.)				
Level of completion						
Start date: September 2012		Actual completion		Limited		
End date: Unclear		Projected completion		Unclear		
Next steps		Revision of the commitment to be more achievable or measurable				

What happened?

Almost all central authorities have their own official websites that include special links to pages such as “appeals,” “questions and suggestions,” “frequently asked questions - FAQ,” “meeting days,” and “contacts.” Although all of this content improves public knowledge of government operations, no sound follow-up mechanisms on considerations and public inputs are provided through agency websites. Without these mechanisms, it is difficult to conclude that official websites are ascendant tools for public participation in decision making process.

Did it matter?

Taking into account that most central and local authorities had websites before the adoption of the national action plan, this particular commitment led only to limited change of the government's pre-existing practice.

Moving forward

The IRM researcher recommends that the government introduce leading and supporting institutions, as well as clear timelines for this commitment. There is a need for at least one leading institution (e.g. the Ministry of Communication and Information Technologies) to monitor official webpages in terms of appropriateness for online participation in decision making. Supporting institutions, for example, under a special task force, could provide technical support and assistance during the process.

Also, there is a need to develop follow-up mechanisms for execution of public inputs (e.g. suggestions, appeals, etc.) through the websites of government agencies.

Additionally, some official websites including those of central and local authorities (e.g. State Procurement Agency of the Republic of Azerbaijan (<http://tender.gov.az/new/?lan=en>) and Baku City Executive Power/Mayorship (<http://baku-ih.gov.az/index.html>)) need a more user-friendly technical design that is simple for the user. Website also need to provide more information about their services.

Sources

State Customs Committee of the Republic of Azerbaijan, <http://customs.gov.az/en>

4.4. “Open Door” Citizen Forums

Full text of the commitment

Organization of the “Open-Door” citizen forums by state institutions.

Commitment Description						
Answerability	Lead institution	Central and local executive authorities				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
				✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: September 2012		Actual completion		Limited		
End date: Unclear		Projected completion		Unclear		
Next steps		Further work on basic implementation				

What happened?

During the OGP commitment period, various central and local executive authorities announced “Open Door” events for media representatives, civil society organisations, and occasionally ordinary citizens. For example, the Ministry of Taxes, Ministry of Economy and Industry, State Committee for Family, Women and Children Affairs, State Statistics Committee, State Committee on Security Market, and other state institutions organised Open Door events. Additionally, ministries often visited the regions to meet with inhabitants and study local problems.

Did it matter?

Open Door citizen forums are quite a new communication technique for some bureaucrats. They have the potential to expand the organisational capacity of government agencies to interact with media, civil society, and citizens.

Moving forward

Further work is needed on basic implementation of this commitment. Generally, the government needs a comprehensive and long-term “communication strategy” in order to

deal with the strategic stakeholders including non-state actors, the business community, and citizens. In particular, it is necessary to set forth guiding principles and regulations for organisational aspects as well as a clear format for Open Door citizen forums. Guiding principles and regulations could identify the optimal intensity, duration, and composition of representatives, as well as the format of Open Door events.

Second, the government could introduce leading and supporting institutions, as well as clear timelines for this commitment. In this case, the leading institution could develop the general framework of Open Door forums and monitor which central and local authorities are arranging these forums. Supporting institutions could track implementation of current commitments in the regions of country, thereby countering the fact that most state agencies arrange Open Door events in the capital city.

Third, Open Door participation at citizen forums should be inclusive. The forums should be open for any interested citizen. Through an online registration and notification system that is open early, citizens should be able to get official feedback and to have more information on activities of particular government agencies.

Fourth, Open Door citizen forums should be regularly occurring. The IRM researcher recommends that they be organised quarterly by central authorities and monthly by local authorities.

Sources

APA, Astaraicrahakimiyətiə açıq qapı gününə keçirib, 11 October 2012, [Azerbaijani] <http://bit.ly/1aVWRHN>

Bakı Şəhəri, Xətai Bələdiyyəsi, [Azerbaijani] <http://khatai-ih.gov.az/page/23.html>

Marja.az, QKDK-da "Açıq qapı günü" təşkil ediləcəkdir, 12 April 2013, [Azerbaijani] <http://bit.ly/1mLz0wT>

Ministry of Economy and Industry, "'Open Door' Day - Civic Forum Was Held at the Ministry of Economic Development," 18 April 2013, [English] <http://bit.ly/1dH9PpG>; [Azerbaijani] <http://strategiya.az/?m=xeber&id=13945>

Mövqe.az, Dövlət Statistika Komitəsində "Açıq qapı" günü keçiriləcək, 18 June 2013, [Azerbaijani] <http://bit.ly/1eqtzyN>

Simsar.az, Vergi Auditi Departamentində "Açıq qapı günü" keçirildi, 6 March 2013, [Azerbaijani] <http://simsar.az/news/a-32299.html>

State Committee for Family, Women, and Children Affairs, Vətəndaşlar üçün "Açıq Qapı günü," [Azerbaijani] <http://scfwca.gov.az/news/a-714.html>

Xalq qəzeti, Vergi Auditi Departamentində "Açıq qapı günü" keçirilmişdir, 7 March 2013, [Azerbaijani] <http://bit.ly/LaCMEg>

5. E-SERVICES

5.1. Evaluation of E-services

Full text of the commitment

Evaluation of the e-services and public disclosure of its results.

Commitment Description						
Answerability	Lead institution	Ministry of Communications and IT, Citizen Services and Social Innovations State Agency with the President of the Republic of Azerbaijan				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Improving public services				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓			✓	
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: September 2012		Actual completion		Substantial		
End date: Unclear		Projected completion		Unclear		
Next steps		Maintenance and monitoring of completed implementation				

What happened?

On 11 January 2013, the State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan adopted Guidelines for the Evaluation of E-services. The Ministry of Communication and Information Technology conducted its first evaluations and published the results in the Electron Government Bulletin. The seventh edition of the bulletin was published in July 2013 and was partly devoted to the evaluation of e-services and public disclosure of the evaluation results.

Did it matter?

Evaluation of e-services is important to assess the quality and timing of service delivery. Evaluation enables the government to judge the advantages, disadvantages, and motivations for applied e-services, and also enables them to adjust a set of applicable metrics for measuring success.

Public disclosure of the results is also important. The regular provision of comparative online information is an essential precondition for citizen engagement and performance

appraisal. It is a very effective way to say publicly that a ministry, state committee, or local authority lags behind in e-service provision. Public disclosure of results can lead to open evaluation of these results in order to identify the main problems already encountered, and to determine whether the e-services reached the target groups.

Moving forward

A stakeholder suggested that the government “invite non-governmental organisations and specialised expert groups to the e-service evaluation process.” The IRM researcher agrees with this recommendation because it allows the government and the public to obtain more impartial, trustworthy, comparative information about the actual implementation of e-services in various government agencies. Furthermore, it could be a prospective area for project-based co-operation between the government and civil society.

The government should also introduce clear timelines for this commitment.

Sources

Asan Xidmət, Dövlət orqanlarında elektron xidmətlərin təşkili və göstərilməsi üzrə qiymətləndirmə QAYDALARI, 11 January 2013, <http://www.asan.az/az/content/view/349/2283>

E-Government Portal, *Elektron Hökumət Bülletini No. 7*, by the Information and Computing Center (Bulletin, Baku, 2013), <http://bit.ly/1mLelJb>

5.2. Annual Public Presentations on E-services

Full text of the commitment

Public presentation on E-services rendered by state institutions within their area of activity, at least once a year.

Commitment Description						
Answerability	Lead institution	Central executive authorities				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Improving public services, Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
				✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: 01 January 2013		Actual completion		Limited		
End date: 31 December 2015		Projected completion		Limited		
Next steps		Further work on basic implementation				

What happened?

Implementation for this commitment was limited. Only a few central executive authorities organised public presentations of their e-services. This included the State Committee on Property Issues, the Ministry of Taxes, and the Ministry of Economy and Industry.

On 29 January 2013, the Ministry of Economy and Industry organised a public presentation on its e-services with participation from 100 entrepreneurs, representatives of business associations, and local officials in the Barda region.

Did it matter?

Presentations on e-services by various state agencies can raise public awareness and stimulate formulation of e-government.

Moving forward

Further work is needed on basic implementation of this commitment. In the next national action plan, the IRM researcher recommends increasing the number of presentations, especially in regions.

Sources

Azərbaycan Respublikası İqtisadiyyat və Sənaye Nazirliyi, İstehlak Mallarının Ekspertizası Mərkəzi, [Azerbaijani] <http://bit.ly/1dHauYc>

Əmlak Məsələləri Dövlət Komitəsinin Elektron Xidmətlər Portalının ictimai təqdimatı keçirilmişdir, 23 April 2013, [Azerbaijani] <http://www.emdk.gov.az/?/az/news/view/321>

5.3. United System of Electronic Information Exchange

Full text of the commitment

Establishment of the united system in order to ensure electronic information exchange between state institutions.

Commitment Description						
Answerability	Lead institution	Public Services and Social Innovations State Agency with the President of the Republic of Azerbaijan, Ministry of Communications and IT, Special State Protection Service				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Improving public services, Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Minor (The commitment is an incremental but positive step in the relevant policy area.)				
Level of completion						
Start date: 31 December 2014		Actual completion		Complete		
End date: 01 January 2013		Projected completion		Substantial		
Next steps		None: completed implementation				

What happened?

According to official information provided by the Special State Protection Service on 31 May 2013, a secure intra-governmental information exchange system/network has already been established. It is named IPMPLS and works at the speed of 10 GB per second. Currently, all information exchange processes takes place through this network.

Did it matter?

This commitment has technical importance in terms of information security, but has very little connection with open government principles and values.

Moving forward

Implementation of this commitment has already been completed. The IRM researcher recommends that the government exclude this commitment from its next national action plan on open government.

Sources

Special State Protection Service, official letter to the IRM researcher, 31 May 2013.

5.4. Improved Electronic Payments

Full text of the commitment

Improvement of electronic payment of fees, taxes, administrative fines, utility costs and other administrative dues.

Commitment Description						
Answerability	Lead institution	Central executive authorities, Public Services and Social Innovations State Agency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
Relevance	OGP grand challenges	Improving public services, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Minor (The commitment is an incremental but positive step in the relevant policy area.)				
Level of completion						
Start date: 01 January 2013		Actual completion		Limited		
End date: 31 December 2014		Projected completion		Limited		
Next steps		Further work on basic implementation				

What happened?

The Ministry of Taxes did not present any information on electronic payment of taxes and improvement of e-services in its 2012 Report on Implementation of the National Action Plan. Generally, it is now possible for all taxpayers to set up a single Value-Added Tax (VAT) deposit account and make online payments. Also, there was some limited progress in making online payments for public utility fees. Additionally, a private company called Goldenpay allows citizens to make some electronic payments such as monthly telephone and utility payments.

Did it matter?

Electronic payment of fees, taxes, administrative fines, utility costs, and other administrative dues has little direct linkage with open government principles.

Moving forward

The IRM researcher recommends several next steps to improve implementation of this commitment in the next national action plan. First, it would be helpful to designate an

agency or institution such as the Ministry of Economy and Industry or the Ministry of Communications and Information Technologies to co-ordinate implementation of this commitment. Second, the e-government portal needs to include electronic payment of taxes and administrative duties (<https://www.e-gov.az>).

Most importantly, civil society organisations should be involved in monitoring of the electronic payment of taxes, fees, and duties to achieve effective external oversight. As described in an OECD publication, effective citizen engagement can take place through a “participative web—which is based on smart web services and new Internet-based software applications that enable citizens to contribute to developing, rating, commenting on and distributing digital content and customising online applications.” In this way, the commitment would link more directly to OGP principles.

Sources

Azərbaycan Respublikası Prezidentinin 5 sentyabr 2012-ci il tarixli 2421 nömrəli Sərəncamı ilə təsdiq edilmiş “Açıq Hökumətin təşviqinə dair 2012-2015-ci illər üçün Milli Fəaliyyət Planı”nın icrası ilə bağlı Vergilər Nazirliyi tərəfindən 2012-ci ildə görülmüş işlər üzrə, [Azerbaijani] <http://bit.ly/1dH9IQj>

Azərbaycan Respublikası Vergilər Nazirliyi, İSTİFADƏÇİ TƏLİMATLARI, [Azerbaijani] <http://bit.ly/LaEOEw>

Elektron Hökumət Portalı, Qurumlarüzrə, [Azerbaijani] <https://www.e-gov.az/e-services/?i=citizen>

Ministry of Taxes, 2012 Report on Implementation of the National Action Plan

GoldenPay, <https://www.hesab.az>

OECD, *Focus on Citizens: Public Engagement for Better Policy and Services* (Paris: OECD Publishing, 2009), <http://bit.ly/KYZnTG>

5.5. Access to E-services in the Regions

Full text of the commitment

Implementation of measures facilitating access to E-services in the regions.

Commitment Description						
Answerability	Lead institution	Central executive authorities, Public Services and Social Innovations State Agency, Ministry of Communications and IT				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Improving public services				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓		✓		
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: 01 January 2013		Actual completion		Limited		
End date: 31 December 2014		Projected completion		Limited		
Next steps		Further work on basic implementation				

What happened?

On 29 May 2013, the State Agency for Public Service and Social Innovations started to provide mobile service—mainly through cars and buses—to ensure that the ASAN Service network covered Azerbaijan in a short time. The main purposes of this initiative are the following: (1) to present public services to citizens in a comfortable, new, and modern form; (2) to ensure the accessibility of public services for citizens; and, (3) to achieve citizens' satisfaction.

To further implementation of this commitment, the Ministry of Communications and Information Technology extended the scope and area of postal, financial, business, and ATM services through AZERPOST's new regional offices and facilities. On 16 April 2010, the Azerbaijan Central Bank licensed AZERPOST to deliver financial services in regions. AZERPOST continued to deploy these services during the OGP commitment period of 2012 and 2013.

Did it matter?

In Azerbaijan, rural regions outside the capital of Baku (where approximately 65 per cent of the total population lives) generate only five to seven per cent of fiscal tax revenues.

Nevertheless, it is important to extend access to e-services to these regions to attain open government principles and values throughout the country. Improving access to e-services relates to OGP principles by encouraging transparency and predictability of government services and rules for service delivery, which in turn increases access to information and reduces opportunities for corruption. The IRM researcher further believes that the regional focus of this commitment is important because the degree of government openness should not depend on the wealth and economic importance of a particular region.

Moving forward

Further work is needed on basic implementation of this commitment, including better coordination and more reliable statistics on access to e-services in the regions. It is obvious that access to e-services directly correlates with Internet access in regions. In Azerbaijan in 2012, 87 out of 100 inhabitants in the capital city of Baku were Internet users, while 60 out of 100 inhabitants in the regions were Internet users. Overall, 70 out of 100 inhabitants in Azerbaijan were Internet users.

Sources

AsanXidmət, ASAN Səyyar fəaliyyətdə!, 29 May 2013, [Azerbaijani] <http://bit.ly/1aYLFqQ>

Azerpost, <http://bit.ly/1fow9aB>

“Mobile Service,” State Agency for Public Service and Social Innovations, <http://www.asan.az/en/content/index/201>

“Information Society,” State Statistical Committee of the Republic of Azerbaijan, <http://bit.ly/1e8hF0b>

6. Transparency in State Financial Control Institutions

6.1. Legal and Institutional Framework for State Financial Control

Full text of the commitment

Delineation of powers of the [State Financial Control (SFC)] institutions and development of draft legislation providing for improved legal basis for the state financial control.

Commitment Description						
Answerability	Lead institution	Cabinet of Ministers, Chamber of Accounts, Ministry of Finance and Ministry of Taxes				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
				✓		
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: 01 January 2013		Actual completion		Limited		
End date: 31 December 2014		Projected completion		Limited		
Next steps		Further work on basic implementation				

What happened?

Powers have not been delineated to the agencies fulfilling state financial control (i.e. the Chamber of Accounts, the Ministry of Finance, and the Ministry of Taxes). Development of draft legislation is in progress. New regulations and rules have been prepared and adopted for the State Financial Control Service within the Ministry of Finance. Additionally, the Deputy Minister of Finance, Mr. Azer Bayramov, made an official statement on 21 February 2013, "A new draft bill on 'State financial control' is under preparation, and the best practices of the European countries are [being] studied." However, it is not clear when the draft law will be prepared and submitted to the legislative body. It also is not clear the Ministry of Finance or the Chamber of Accounts will be the main responsible entity.

Did it matter?

The two elements of this commitment could lead to a more predictable and accountable public finance management system. First, the government could clarify the responsibilities for every state agency involved in state financial control. Second, the government could adopt a separate law on financial control.

However, Parliament established the Chamber of Accounts. That means it reports to Parliament (not to the government) and has functional and organisational independence by law. As a result, various stakeholders perceived the Chamber's involvement in the national action plans on accountability, transparency, and participation in government's activities differently.

Moving forward

The Ministry of Finance should involve specialised non-state actors in the drafting and early discussions of a draft law on state financial control. This includes the National Budget Group, the only civil alliance of experts and organisations focusing specifically on budgetary issues. The National Budget Group has accumulated extensive international experience on policy dialogue and budget legislation, from which it can ensure inclusiveness in the legislative processes of drafting, scrutinising, approval, endorsement, and a published law on state financial control.

Sources

Economic Research Center & Transparency International Azerbaijan, *Monitoring Report on Implementation of Azerbaijan 'Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2013), <http://bit.ly/1bqUDNo>

İ. Amid, "Azərbaycanda 'Dövlət Maliyyə Nəzarəti Haqqında' Yeni Qanun Hazırlanır – Nazir Müavini," SalamNews, 21 February 2013, <http://bit.ly/1f4xWRL>

National Budget Group, <http://www.budget.az/budget>

6.2. Accountability and Transparency of State Financial Control Institutions

Full text of the commitment

Enhancement of accountability of State Financial Control institutions and disclosure of the results of the financial examinations, analyses and statistical data to the public.

Commitment Description						
Answerability	Lead institution	Cabinet of Ministers, Chamber of Accounts, Ministry of Finance, Ministry of Taxes				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
				✓		
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: 1 January 2013		Actual completion		Limited		
End date: 31 December 2015		Projected completion		Limited		
Next steps		Further work on basic implementation				

What happened?

This commitment has been only partly implemented. A limited number of measures have been taken related to disclosing analyses and statistical data to the public. For example, the “Execution of the State Budget in 2012 of the Republic of Azerbaijan” and the review of Chamber of Accounts on state budget execution were uploaded to the agency’s website (<http://ach.gov.az>) in May and June 2013. The external audit conducted among the state agencies by the Chamber of Accounts in the first half of 2013 also was on the agency’s website. The Ministry of Taxes regularly updates information about tax evasion, tax control inspections, and tax collections on its web page. The Ministry of Finance regularly updates the websites of the State Insurance Control Service.

Did it matter?

Accountability of state financial control institutions can promote fiscal transparency and accountability, which are important for open government. This commitment can improve

the regularity and content of statistical data, as well as the analysis of state financial control institutions.

Moving forward

Further work on basic implementation is needed. Close collaboration with non-state actors is necessary. Co-operation with civil society should involve organisations that have long-term experience working with fiscal policy issues, such as the National Budget Group.

For example, the National Budget Group and its member organisations already have prepared a full package of recommendations for the Chamber of Accounts about how to improve the content of annual audit reports. The Chamber of Accounts could sign a memorandum of understanding to set up a reliable policy dialogue platform with the National Budget Group to debate these recommendations.

State financial control institutions (i.e. the Chamber of Accounts, the Ministry of Finance, and the Ministry of Taxes) could organise a roundtable discussion with civil society organisations about durable communication. State financial control institutions may receive feedbacks and inputs from civil society while implementing audit and financial control measures.

Sources

Hesablama Palatası, Xəbərlər, <http://ach.gov.az>

“News Archive,” Ministry of Taxes, <http://bit.ly/LaHPV6>

Ministry of Finance, State Insurance Control Office, <http://www.sigorta.maliyye.gov.az/en>

6.3. Use of Information Technologies in State Financial Control

Full text of the commitment

Application of the information technologies in the state financial control and building the e-control system.

Commitment Description						
Answerability	Lead institution	Cabinet of Ministers, Chamber of Accounts, Ministry of Finance, Ministry of Taxes				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
New		Minor (The commitment is an incremental but positive step in the relevant policy area.)				
Level of completion						
Start date: 01 January 2013		Actual completion		Limited		
End date: 31 December 2014		Projected completion		Limited		
Next steps		Further work on basic implementation				

What happened?

An electronic control (e-control) system has not been established yet, but some technical preparation has started. The State Financial Control Service within the Ministry of Finance has already benefited from using advanced software systems. The Ministry of Taxes applies information technologies more intensively in its tax inspections and tax control measures by checking online tax statements. However, there is no publicly open information about information technology applications and e-control mechanisms in the Chamber of Accounts.

Did it matter?

Applying information technologies and establishing an e-control system can improve the quality of state financial control. At this stage, it is unclear how this commitment improves open government. In the future, it may provide additional opportunities for holding state financial control institutions more accountable and making the financial control process more participatory and predictable.

Moving forward

State financial control institutions need common guidelines about e-control systems and information technology applications. Specialised civil society groups like the National Budget Group (NBG) could contribute to this process so that the government benefits from a more collaborative framework.

Civil society groups can play the role of online citizen juries in state financial control mechanisms. If the Ministry of Finance empowers the NBG as a civil society partner or contractor, then NBG could help create a united website for all kinds of state financial control measures and draft regulations for an e-control system. Additionally, the Ministry of Finance and the NBG could jointly prepare an evaluation tool enabling the government to assess the influence and effectiveness of its e-control system.

Sources

Azərbaycan Respublikası Maliyyə Nazirliyi, Dövlət Maliyyə Nəzarəti Xidməti - Əsasnamə, [Azerbaijani] <http://maliyye.gov.az/node/1077>

Azərbaycan Respublikası Prezidentinin 5 sentyabr 2012-ci iltarixli 2421 nömrəli Sərəncamı ilə təsdiq edilmiş "Açıq Hökumətin təşviqinə dair 2012-2015-ci illər üçün Milli Fəaliyyət Planı" nın icrası ilə bağlı Vergilər Nazirliyi tərəfindən 2012-ci ildə görülmüş işlər üzrə, <http://bit.ly/1dH9IQj>

"Xəbərlər," Hesablama Palatasını, <http://ach.gov.az>

Ministry of Finance, official letter to the IRM researcher, 7 August 2013.

6.4. State Financial Control Databases

Full text of the commitment

Organisation of the mutual activity between state financial control (SFC) institutions, establishment of the SFC Central Database, development of the electronic data-exchange.

Commitment Description						
Answerability	Lead institution	Cabinet of Ministers, Chamber of Accounts, Ministry of Finance, Ministry of Taxes				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
Relevance	OGP grand challenges	Increasing public integrity, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
New		Minor (The commitment is an incremental but positive step in the relevant policy area.)				
Level of completion						
Start date: 1 January 2013		Actual completion		Limited		
End date: 31 December 2014		Projected completion		Limited		
Next steps		Revision of the commitment to be more achievable or measurable				

What happened?

According to an official letter from the Ministry of Finance on 7 August 2013, the formulation of a single electronic database for financial supervision institutions is under preparation. However, the general level of implementation of this commitment is limited.

Did it matter?

This commitment has a very weak link to open government principles. It mostly covers relations between financial supervision bodies. It does not promise accountability, participation, or transparency to the broader public.

Moving forward

The IRM researcher recommends that the government either rewrite this commitment to make it relevant to OGP principles or exclude it from the next national action plan.

Sources

Economic Research Center & Transparency International Azerbaijan, *Monitoring Report on Implementation of Azerbaijan 'Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2013), <http://bit.ly/1bqUDNo>

Ministry of Finance, official letter to the IRM researcher, 7 August 2013.

6.5. Disclosure of Financial Reports

Full text of the commitment

Improvement of the mechanism of control over the publication of the financial reports, drawn by the state institutions in accordance with the International Standards of Financial Reporting or National Accounting Standards, along with the auditor's report.

Commitment Description						
Answerability	Lead institution	Cabinet of Ministers, Chamber of Accounts, Ministry of Finance				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
				✓		
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: 1 January 2013		Actual completion		Limited		
End date: 31 December 2014		Projected completion		Limited		
Next steps		Further work on basic implementation				

What happened?

The government prepared some activities on this commitment during the end of 2012 and the first half of 2013. Work is in progress on improving the control mechanism over the financial report publication. Also, the Code of the Azerbaijan Republic on Administrative Violations (adopted in 2000 and amended most recently in 2012) imposes administrative penalties for state-owned enterprises that do not disclose financial reports.

Did it matter?

State-owned enterprises disclosing financial statements (along with auditors' reports) in compliance with the International Financial Reporting Standards (IFRS) and national accounting standards has vital importance in Azerbaijan. State owned enterprises (especially the State Oil Company of Azerbaijan Republic - SOCAR) control a significant portion of the national economy and public financial flows. SOCAR uses modern financial and accounting principles in its reports and also applies IFRS. However, other state-owned companies have had some technical difficulties in modernising financial disclosures.

Moving forward

The IRM researcher believes that the next step is to build an effective control mechanism overseeing state-owned enterprises' financial reporting processes. The Ministry of Finance or the Chamber of Accounts could develop procedural rules for control mechanisms over the publication of the financial statements (with auditor's report) by state-owned enterprises as a separate legal act, to be adopted by the Cabinet of Ministries.

Sources

Economic Research Center & Transparency International Azerbaijan, *Monitoring Report on Implementation of Azerbaijan 'Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2013), <http://bit.ly/1bqUDNo>

Economics and Statistics, "SOCAR Reports," State Oil Company of the Azerbaijan Republic (SOCAR), <http://bit.ly/LaaZny>

6.6. Oversight of Local Budgets

Full text of the commitment

Development of proposals on the mechanism and procedure of oversight over the drafting and execution of local budget, including correspondence of the expenditures to the approved budget indicators, as well as the local municipality financial reports.

Commitment Description						
Answerability	Lead institution	Ministry of Justice, Ministry of Finance, Chamber of Accounts				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
New		Minor (The commitment is an incremental but positive step in the relevant policy area.)				
Level of completion						
Start date: 1 January 2013		Actual completion		Limited		
End date: 31 December 2013		Projected completion		Limited		
Next steps		New commitment building on existing implementation				

What happened?

According to the alternative monitoring report on implementation of the OGP national action plan, published by the Economic Research Centre and Transparency Azerbaijan, "Preparation of proposals on composition, control mechanisms and procedures of local budget are in progress." However, the IRM national researcher could not find either strong evidence about preparation or early discussions of proposals on local budget drafting, execution, and oversight.

Did it matter?

Municipalities are not powerful or influential institutions in Azerbaijan. Therefore, their financial bases are weak, and they do not control the majority of local finances. Nevertheless, budget development and execution for cities, districts, and municipalities occur outside of public scrutiny. Transparency and accountability in local budgeting processes are a considerable challenge. Municipalities generally do not publish budget

figures online with some exceptions (e.g. the Municipality of Sumgait City). Moreover, for the most part, municipalities do not have active websites.

It is not clear from the wording of this commitment if 'government oversight' includes public participation and access to information about local budgets. As a result, the relevance of this commitment to the OGP is unclear.

Moving forward

Further discussion is needed on how to improve oversight of local budgets so that the public has more information about local budgets. Discussion requires a clarification of this commitment in the next OGP national action plan. To involve CSOs in local budget processes, the Ministry of Finance, the Ministry of Justice, and the Chamber of Accounts could publish draft budget proposals online and conduct consultations.

Sources

Sumqayıt Bələdiyyəsi, SUMQAYIT BƏLƏDİYYƏSİNİN 2011-Cİ İLDƏ FƏALİYYƏTİNİN NƏTİCƏLƏRİNƏ DAİR HESABATI, <http://bit.ly/Mha8Cc>

Economic Research Center & Transparency International Azerbaijan, *Monitoring Report on Implementation of Azerbaijan 'Open Government Initiative National Action Plan 2012-2015*, (Report, Baku, 2013), <http://bit.ly/1bqUDNo>

6.7. Reports on Annual Budget Implementation

Full text of the commitment

Publication of the reports on the implementation of state budget and the relevant legislation drafts prior to referral to Parliament (*Milli Majlis*) of the Republic of Azerbaijan.

Commitment Description						
Answerability	Lead institution	Cabinet of Ministers, Ministry of Finance				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓				
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: 1 January 2013		Actual completion		Substantial		
End date: 31 December 2015		Projected completion		Substantial		
Next steps		Maintenance and monitoring of completed implementation				

What happened?

Reports on the budget implementation for the previous year and draft budget laws for the next fiscal year are being published before submission to the Parliament (*Milli Mejlis*). The Ministry of Finance actively updates its website (<http://maliyye.gov.az/>) with new reports and draft documents.

However, according to an assessment by the International Budget Partnership (IBP), the content of budget reports in Azerbaijan is unsatisfactory. IBP regularly releases the Open Budget Survey and Open Budget Index, which assess whether the central government in each country surveyed makes key budget documents available to the public, as well as whether the data contained in these documents is comprehensive, timely, and useful.

Annual budget reports are missing information on differences between estimates or forecasts and actual outcomes of government revenues, macroeconomic variables, data on nonfinancial assets, performance indicators, and funds intended for programmes targeting the sensitive social groups. In Azerbaijan, classifications (economic, functional, and administrative) of budget expenditures do not fully meet the international norms and

standards developed by OECD, the International Monetary Fund, and the International Budget Partnership.

Did it matter?

This commitment can promote pre-budget debates in society involving media, civil society organisations, trade unions, and community leaders. As a result, it is a valuable contribution to Azerbaijan's open government initiatives.

Moving forward

The IRM researcher recommends that the Ministry of Finance take into consideration IBP's recommendation on the content of the annual budget implementation report:

Improve the comprehensiveness of the Year-End Report by presenting audited actual expenditures and by providing extensive explanations for the differences between estimates/forecasts and actual outcomes of government revenues, macroeconomic variables, non-financial data, performance indicators, funds intended for programs targeting the poor, and extra-budgetary funds.

Sources

Azərbaycan Respublikası Maliyyə Nazirliyi, [Azerbaijani] <http://maliyye.gov.az/node/1621>

Azərbaycan Respublikası Maliyyə Nazirliyi, 2013-cü ilin dövlət və icmal büdcələrinin layihələrinin təqdimatı, [Azerbaijani] <http://bit.ly/1leB30N>

"Open Budget Survey 2012: Azerbaijan," International Budget Partnership, <http://bit.ly/1fojYuz>

The IRM researcher, Kenan Aslanli, completed Azerbaijan's Open Budget Survey in his capacity at the Public Finance Monitoring Centre and the National Budget Group.

"Open Budget Survey 2012: Azerbaijan," International Budget Partnership, <http://bit.ly/1fojYuz>

7. Transparency of Tax Control and Examination

7.1. Access to Necessary Information for Taxpayers

Full text of the commitment

Provision of necessary information to taxpayers and to improve awareness-raising activities towards taxpayers.

Commitment Description						
Answerability	Lead institution	Ministry of Taxes				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
Relevance	OGP grand challenges	Increasing public integrity, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓	✓	✓		
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		None (The commitment maintains the status quo.)				
Level of completion						
Start date: September 2012		Actual completion		Complete		
End date: 31 December 2014		Projected completion		Complete		
Next steps		Revision of the commitment to be more achievable or measurable				

What happened?

The government undertook numerous activities to provide taxpayers with the necessary information. However, the IRM researcher noticed that this commitment is very general, which complicates monitoring of implementation. Some of these efforts also existed prior to the OGP national action plan. For example, the Ministry of Taxes already started to raise awareness of taxpayers through its interactive website and corresponding online system called “195 Call Service,” through different publications, and through short messages before the OGP National Action Plan was adopted.

Did it matter?

Providing information to taxpayers about online payment systems, new tax rates, electronic tax invoices, online registration, and relevant documentation can contribute to more transparent operations and less bureaucratic burden for the tax administration. But it is already an integral part of the customary workload of the Ministry of Taxes. In fact, adding

this routine and daily work of the Ministry of Taxes to the National Action Plan as a new commitment has very little added value. The Ministry of Taxes is already one of the most effective agencies in terms of awareness-raising activities through its website (<http://informasiya.org>), where it uploads a large volume of relevant information for beneficiaries and taxpayers.

Moving forward

The IRM researcher and stakeholders agreed that this is not a new commitment for the Ministry of Taxes. The commitment needs substantial rewriting. It should be excluded from the next national action plan if the government cannot prove its relevance and measurable content.

Sources

Azərbaycan Respublikası Prezidentinin 5 sentyabr 2012-ci iltarixli 2421 nömrəli Sərəncamı ilə təsdiq edilmiş "Açıq Hökumətin təşviqinə dair 2012-2015-ci illər üçün Milli Fəaliyyət Planı"nın icrası ilə bağlı Vergilər Nazirliyi tərəfindən 2012-ci ildə görülmüş işlər üzrə, <http://bit.ly/1dH9lQj>

Azərbaycan Respublikası Vergilər Nazirliyi, <http://bit.ly/1eY8hf5>

Freedom of Information, <http://informasiya.org>

7.2. Tax Transparency

Full text of the commitment

Execution of measures in order to adjust the activity of the tax institutions with the [International Monetary Fund (IMF)] Code of Best Practice on Tax Transparency.

Commitment Description						
Answerability	Lead institution	Ministry of Taxes				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓		✓		
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: September 2012		Actual completion		Limited		
End date: 31 December 2013		Projected completion		Limited		
Next steps		Further work on basic implementation				

What happened?

The Ministry of Taxes had initial discussions with the IMF's representatives on a few relevant international documents, including the Code of Best Practice on Tax (Fiscal) Transparency and the Code of Fiscal Transparency, Accountability, and Risk. Currently, the IMF is revising the Code of Best Practice on Tax (Fiscal) Transparency.

Did it matter?

Adoption of the IMF's Code on Best Practice on Tax Transparency is very important for Azerbaijan to increase fiscal transparency. The Code is designed to identify a "set of principles and practices to help governments provide a clear picture of the structure and finances of government." It includes clauses that can play an important role in anti-corruption policy, for example: "The national revenue administration should be legally protected from political direction, ensure taxpayers' rights, and report regularly to the public on its activities." In the case of Azerbaijan, the Ministry of Taxes would benefit from implementation of this clause.

Moving forward

The Ministry of Taxes should continue negotiations with the IMF in order to harmonise local taxation practices with the IMF's standards.

Sources

Azərbaycan Respublikası Prezidentinin 5 sentyabr 2012-ci iltarixli 2421 nömrəli Sərəncamı ilə təsdiq edilmiş "Açıq Hökumətin təşviqinə dair 2012-2015-ci illər üçün Milli Fəaliyyət Planı"nın icrası ilə bağlı Vergilər Nazirliyi tərəfindən 2012-ci ildə görülmüş işlər üzrə hesabat, <http://bit.ly/1dH9IQj>

"Code of Good Practices on Fiscal Transparency (2007)," International Monetary Fund, <http://www.imf.org/external/np/fad/trans>

7.3. Electronic Payment of Taxes

Full text of the commitment

Execution of measures in order to improve electronic payment of taxes and other mandatory payments.

Commitment Description						
Answerability	Lead institution	Ministry of Taxes				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
Relevance	OGP grand challenges	Improving public services, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		None (The commitment maintains the status quo.)				
Level of completion						
Start date: September 2012		Actual completion		Limited		
End date: 31 December 2013		Projected completion		Limited		
Next steps		None: abandon commitment				

What happened?

The Ministry of Taxes installed and activated an Internet payment system for some taxes and duties in April 2012, but this was several months before the OGP national action plan was adopted in September 2012.

Did it matter?

This commitment has approximately the same content as Commitment 5.4. It does not add any value in the OGP context.

Moving forward

The IRM researcher recommends that the Government exclude this commitment from its next OGP national action plan.

Ministry of Taxes, "InfoCenter," http://www.taxes.gov.az/?lang=_eng

8. Transparency in Extractive Industries

8.1. Implementation of the Extractive Industry Transparency Initiative

Full text of the commitment

Continuation of cooperation by the Government of the Republic of Azerbaijan with the local and foreign companies engaged in extractive industries, civil society institutions in order to ensure continuing implementation, and development of the Extractive Industry Transparency Initiative (EITI) in Azerbaijan.

Commitment Description						
Answerability	Lead institution	State Oil Fund of Azerbaijan Republic (SOFAZ)				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity, More effectively managing public resources, Creating safer communities, Increasing corporate accountability				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓	✓	✓		
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		None (The commitment maintains the status quo.)				
Level of completion						
Start date: September 2012		Actual completion		Complete		
End date: 31 December 2015		Projected completion		Complete		
Next steps		Maintenance and monitoring of completed implementation				

What happened?

During the OGP commitment period, the State Oil Fund of Azerbaijan Republic (SOFAZ) continued implementation of the standards of EITI in Azerbaijan. According to an official letter from SOFAZ to the IRM national researcher on 30 October 2013, the EITI Multi Stakeholder Group held four meetings during the OGP assessment period. The multi-stakeholder group was comprised of three primary and one alternative member from companies, civil society, and the government.

According to official press releases, the meetings discussed issues such as the 2012 EITI implementation report and an International Conference commemorating the tenth anniversary of EITI implementation in Azerbaijan. Furthermore, co-operation between the

Government and extractive companies under the framework of EITI is expanding. For example, Uge-lancer Pte. Ltd. joined the EITI implementation process in Azerbaijan. Uge-lancer Pte. Ltd. recently began operating in Azerbaijan after signing a production sharing agreement with the State Oil Company in June 2010.

Did it matter?

EITI is a relatively successful platform for dialogue among government, civil society, and extractive companies in Azerbaijan. Extractive industries generate a substantial portion of Azerbaijan's fiscal revenues.

The problem in this case is that, as part of EITI, the Azerbaijan government already committed to the following: "To work with civil society and companies, and establish a multi-stakeholder group to oversee the implementation of the EITI." Furthermore, SOFAZ already had sufficient experience and political will to cooperate with civil society organisations before the OGP implementation period. SOFAZ actively collaborated with civil society organisations and companies in the EITI Multi-Stakeholder Group (established in 2010) and has been responsive to all information requests from civil society organisations. Thus, having this commitment in the OGP national action plan will not change the status quo on EITI implementation in Azerbaijan.

Moving forward

SOFAZ, on behalf of the Azerbaijan government, should continue constructive dialogue with civil society organisations on EITI implementation and transparency of expenditure. This would be especially important for investment projects fulfilled by SOFAZ. However, the IRM researcher recommends that the government refrain from including pre-existing commitments in its next OGP national action plan.

Sources

State Oil Fund of Azerbaijan, official letter to the IRM researcher, 30 October 2013.

"News Archive," State Oil Fund of the Republic of Azerbaijan, <http://bit.ly/1foxUVa>

I. Khalilova, "UGE-Lancer Joins EITI Implementation Process in Azerbaijan," Trend, 24 January 2013, <http://bit.ly/MgJPMH>

Extractive Industries Transparency Initiative Azerbaijan, *The Standards of the EITI Implementation in the Republic of Azerbaijan*, by the EITI International Secretariat (Report, Norway, 2013), <http://bit.ly/1e84lc8>

8.2. Disclosure of Income from Extractive Industries

Full text of the commitment

Continuation of the disclosure to public of the information on cumulative incomes obtained by the Government of the Republic of Azerbaijan from the extractive industries.

Commitment Description						
Answerability	Lead institution	State Oil Fund of Azerbaijan Republic (SOFAZ)				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓				
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		None (The commitment maintains the status quo.)				
Level of completion						
Start date: September 2012		Actual completion		Complete		
End date: 31 December 2015		Projected completion		Complete		
Next steps		New commitment building on existing implementation				

What happened?

On 10 June 2013, Azerbaijan published its 17th Extractive Industries Transparency Initiative (EITI) report for 2012, which was audited by Moore Stephens, an independent Aggregator. The release was accompanied by the Aggregator's opinion based on individual submissions of extractive industry companies participating in the EITI process in Azerbaijan. The full report and the Aggregator's opinion on the document have been disclosed on the websites of the State Oil Fund (SOFAZ) (www.oilfund.az), the International EITI Secretariat (www.eiti.org), and the Non-Governmental Organisations Coalition for Increasing Transparency in the Extractive Industries of the Republic of Azerbaijan (www.eiti-az.org).

Did it matter?

This commitment is pre-existing and responds directly to EITI requirements. For example, Requirement Two of EITI reads as follows:

The EITI requires timely publication of EITI Reports (EITI Requirement 2). If the EITI Report is not published by the required deadline, the country will be suspended. EITI reports should include summary description of the legal framework

and fiscal regime; together with an overview of: the extractive industries; the extractive industries' contribution to the economy; production data; state participation in the extractive industries; revenue allocations and the sustainability of revenues, license registers and license allocations; and, any applicable provisions related to beneficial ownership and contracts.

As a result, this commitment did not added serious value for extractive industries transparency in Azerbaijan.

Moving forward

SOFAZ could strengthen its efforts to present EITI reports in the regions of Azerbaijan through a new series of roundtable discussions. Additionally, in future OGP national action plans, the government should avoid including pre-existing commitments that have only limited or no potential to change status quo.

Sources

"Azerbaijan Discloses 17th EITI Report," news archive, State Oil Fund of the Republic of Azerbaijan, 10 June 2013, <http://bit.ly/1eY9vH9>

Extractive Industries Transparency Initiative Azerbaijan, *The Standards of the EITI Implementation in the Republic of Azerbaijan*, by the EITI International Secretariat (Report, Norway, 2013), <http://bit.ly/1e84lc8>

8.3. Disclosure of Annual EITI Reports

Full text of the commitment

Disclosure of the annual reports of the implementation of the Extractive Industry Transparency Initiative (EITI) in Azerbaijan.

Commitment Description						
Answerability	Lead institution	State Oil Fund of Azerbaijan Republic (SOFAZ)				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓				
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		None (The commitment maintains the status quo.)				
Level of completion						
Start date: September 2012		Actual completion		Complete		
End date: 31 December 2015		Projected completion		Complete		
Next steps		New commitment based on existing implementation				

What happened?

The State Oil Fund attached the 2012 annual report on EITI implementation in Azerbaijan to an official letter sent to the IRM national researcher on 30 October 2013. The report contains information on EITI, Azerbaijan's joining the initiative, the macroeconomic situation in country, the multi-stakeholder group and its members, events, and information disclosure.

Did it matter?

Transparency in resource revenue is a challenging issue for resource-rich Azerbaijan. According to the IMF's Guide on Resource Revenue Transparency, "Transparency can help establish and maintain credibility in regard to the collection and distribution of resource revenue." But this commitment is not new for Azerbaijan. SOFAZ already publishes EITI implementation reports on a regular basis, although in some cases, these reports are not uploaded to the website in a timely manner.

Moving forward

SOFAZ should upload EITI annual implementation reports to the website as soon as they are completed. It also should consider organising regional roundtable discussions with civil society organisations on these reports. By including these steps in the next OGP national action plan, SOFAZ could contribute additional value to the steps already being taken for EITI.

Sources

“Reports Archive,” State Oil Fund of the Republic of Azerbaijan, <http://bit.ly/KZoaHe>

EITI Azerbaijan, *Annual Report 2011*, (Report, Baku, 2011), <http://bit.ly/19Weau0>

International Monetary Fund, *Guide on Resource Revenue Transparency*, by the Fiscal Affairs Department (Guide, Washington, DC, 2007), <http://bit.ly/1eXGhrZ>

9. Awareness-Raising and Co-operation in the Field of Open Government

9.1. Disclosure of the Evaluation of OGP National Action Plan

Full text of the commitment

Evaluation of implementation of the Action Plan and disclosure to the public of its results on an annual basis.

Commitment Description						
Answerability	Lead institution	Commission on Combating Corruption				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
				✓		
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: September 2012		Actual completion		Limited		
End date: 31 December 2015		Projected completion		Limited		
Next steps		Further work on basic implementation				

What happened?

The Commission on Combating Corruption already started to collect and analyse draft implementation reports from central and local executive authorities. In accordance with the national action plan, all central and local executive authorities should present annual implementation reports to the Cabinet of Ministries and the Commission on Combating Corruption by 15 January 2014. As a result, it is realistic to expect the final version of the annual implementation report and a public presentation of the results in February or March 2014.

Did it matter?

This commitment calls for central and local executive authorities to complete a comprehensive, annual evaluation of implementation of the national action plan and to

disclose the results. This has the potential to generate more inputs from civil society organisations to the government about the general institutional landscape and individual agencies' performances. From the perspective of civil society, evaluation reports that fulfil this commitment could promote new advocacy initiatives to fill gaps in implementation.

Moving forward

The IRM researcher recommends that the Commission on Combating Corruption invite civil society organisations and individual professionals to take part in the evaluation of annual implementation of the National Action Plan. The government also could develop and publish a comparative performance table, similar to the US' Open Government Dashboard. The main aim of this dashboard is to “track agency progress on the deliverable set out in the Open Government Directive, including each agency's Open Government Plan.”

Sources

Azerbaijan Republic, Commission on Combating Corruption, “News,” <http://antikorrupsiya.gov.az/view.php?lang=az&menu=0>

The Administration, Open Government Initiative, “Around the Government,” U.S. Government, <http://www.whitehouse.gov/open/around>

9.2. Dissemination of Educational Material on OGP

Full text of the commitment

Publication and dissemination among the public of the educational material on Open Government Initiative.

Commitment Description						
Answerability	Lead institution	Commission on Combating Corruption, Cabinet of Ministers, central and local executive authorities				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		✓				
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: September 2012		Actual completion		Limited		
End date: Unclear		Projected completion		Unclear		
Next steps		Revision of the commitment to be more achievable or measurable				

What happened?

The IRM national researcher was informed during stakeholder meetings about the government's preparation of different educational materials on open government. The government plans to finish and disseminate these materials in late 2013 or early 2014.

Did it matter?

If the government prepares non-technical publications using easily understandable language, and if they are distributed throughout the country, they could incrementally raise public interest on this topic.

Moving forward

As with other commitments that are scheduled "on an ongoing basis," the government needs to introduce clear timelines and milestones for this commitment.

The Commission on Combating Corruption and other central and local state agencies should involve representatives of civil society organisations and individual professionals in the

preparation of educational materials on open government, including appropriate international experience.

The government could outsource the preparation of these materials to professional civil society organisations to reduce additional, time-consuming burdens and to open up new co-operation opportunities. Indeed, specialised civil society alliances (e.g. the National Budget Group and the Information and Collaboration Network of Non-Governmental Organisations on Combating Corruption) have adequate expertise in the preparation, publication, and dissemination of educational materials on good governance and transparency in public policy. They can develop practical, readable educational materials and guides for different social groups. For example, the National Budget Group already published an educational publication, “33 Questions about Budget,” a simplified version for students and civil society organisations.

Sources

Korrupsiyaya qarşı mübarizə üzrə Komissiya, [Azerbaijani] <http://bit.ly/1f4np97>

National Budget Group, *33 Questions About Budget*, (Report, Baku, 2012), http://www.budget.az/budget/upload/files/Budce_kitab_son.pdf

9.3. Continued Implementation of OGP Commitments

Full text of the commitment

Continuation of measures within the framework of implementation of commitments under Open Government Partnership.

Commitment Description						
Answerability	Lead institution	Cabinet of Ministers, central and local executive authorities, Commission on Combating Corruption				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
				✓		
Ambition						
New vs. pre-existing		Potential impact				
New		Minor (The commitment is an incremental but positive step in the relevant policy area.)				
Level of completion						
Start date: September 2012		Actual completion	Unclear			
End date: 31 December 2015		Projected completion	Limited			
Next steps		Revision of the commitment to be more achievable or measurable				

What happened?

The content of this commitment is not clear from the text.

Did it matter?

The Government of Azerbaijan actively participated in all annual summits of OGP, including the London Summit. But it is not possible to connect these activities with this commitment because of the commitment's unclear scope.

Moving forward

The IRM researcher recommends revising this commitment to enhance the clarity of measures and to introduce a more precise deliverable.

Sources

Azerbaijan Republic, Commission on Combating Corruption, "News," <http://bit.ly/1f4np97>

9.4. Financial Support to Civil Society for Open Government Initiatives

Full text of the commitment

Provision of the financial support to the civil society institutions for the implementation of the measures foreseen in the National Action Plan.

Commitment Description						
Answerability	Lead institution	Cabinet of Ministers, central and local executive authorities, Council for the State Support of the NGOs with the President of the Republic of Azerbaijan and Commission on Combating Corruption				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
				✓		
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)				
Level of completion						
Start date: September 2012		Actual completion	Limited			
End date: 31 December 2015		Projected completion	Limited			
Next steps		Further work on basic implementation				

What happened?

Under the auspices of the President of the Republic of Azerbaijan, the Council on State Support to Non-Governmental Organisations (the Council) supports only two projects on enhancement of open government principles in Azerbaijan. These include, first, the “Implementation of Awareness Activities towards Promotion of Open Government in Azerbaijan” and, second, the “Youth Participation in Promotion of Open Government in Azerbaijan.” Although the Council was established by Presidential Decree in December 2007, the financing of particular projects is a new development that began after the adoption of the OGP national action plan.

Did it matter?

Financial support for civil society organisations to implement projects on open government can lead to expansion of related ideas and principles in society. In addition to the Azerbaijan government, international donor agencies have expressed interest in open government issues. Civil society organisations also received funding from external donors to work on other projects related to open government (e.g. the Economic Research Centre, Transparency Azerbaijan, the Committee

to Protect Rights of Oil-Industry Workers, etc.). However, it is essential that all sources of funding, whether from the Government or from donor agencies, respect the independent and even critical views of civil society organisations without any intervention in their agenda.

Moving forward

The Council on State Support to Non-Governmental Organisations should support more civil society organisations projects focusing not only on awareness, but also on alternative monitoring activities. This support should be provided for civil society organisations from different sectors and regions.

Sources

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“Gənclər koalisiyası Açıq Hökumətin təşviqi ilə bağlı Göygöldə ictimai dinləmə keçirdilər,” Gün, 17 October 2013, [Azerbaijani] <http://www.gun.az/nesil/86722>

“Açıq Hökumətin Təşviqi” Koalisiyası Şuranın Dəstəyi ilə Şirvan şəhərində və Hacıqabul Rayonunda ictimai Dinləmə Keçirib,” Qhtxeber.az, 6 September 2013, <http://qhtxeber.az/news/a-25765.html>

V. SELF-ASSESSMENT CHECKLIST

Azerbaijan's Open Government Initiative National Action Plan 2012-2015, endorsed by Presidential Decree on 5 September 2012, stipulates that all central and local authorities should present an annual report on the action plan's implementation for the previous year to the Cabinet of Ministries and Commission on Combating Corruption no later than 15 January 2014. The government's annual progress report will be based on these implementation reports and will be ready in February 2014.

Table 2: Self-Assessment Checklist

Was annual progress report published?	No
Was it done according to schedule?	N/A
Is the report available in the local language?	N/A
According to stakeholders, was this adequate?	N/A
Is the report available in English?	N/A
Did the government provide a two-week public comment period on draft self-assessment reports?	N/A
Were any public comments received?	N/A
Is the report deposited in the OGP portal?	N/A
Did the self-assessment report include review of the consultation efforts?	N/A
Did the report cover all of the commitments?	N/A
Did it assess completion according to schedule?	N/A
Did the report reaffirm responsibility for openness?	N/A
Does the report describe the relationship of the action plan with grand challenge areas?	N/A

Sources

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VI: MOVING FORWARD

This section puts the OGP national action plan into a broader context and highlights potential next steps, as reflected in the preceding sections, as well as stakeholder-identified priorities.

Country Context

Azerbaijan is a resource-rich, post-Soviet country with a growing economy and transitional challenges. In the view of the IRM researcher, Azerbaijan's current institutional arrangements and spending frames threaten fiscal sustainability and could lead to insufficient conversion of revenue flows into economic development in the long run. The OGP national action plan contains a number of laudable goals that could help to improve the institutional framework in the country.

In the course of researching this report, however, the IRM researcher noted that there is a poor connection between the government's commitments in the current national action plan and the open government challenges that have been identified in the country by non-governmental and international observers. Although the current action plan does not address some of these issues, there is an opportunity for the government's next action plan to directly address these issues, as other countries have done.

Consistent with the Open Government Declaration, all OGP member governments recognise that "citizens have a right to seek information about governmental activities." Governments commit "to protecting the ability of not-for-profit and civil society organisations to operate in ways consistent with our commitment to freedom of expression, association, and opinion." As part of this, governments further commit to "having robust anti-corruption policies, mechanisms and practices."

Freedoms of Expression, Association, and Opinion

Some regional and international organisations occasionally criticise the government for putting pressure on independent media, human rights advocates, young leaders, and political activists in Azerbaijan. In a recent statement, the EU noted its "concern about continued pressure on a number of opposition activists, civil society and independent media, such as intimidations, arrests on dubious charges, detentions and sentencing without proper respect for international standards and rights of the accused. Some human rights organisations have expressed concerns that Azerbaijan is facing important challenges regarding basic freedoms, such as the freedoms of expression and association.

Furthermore, local organisations have identified access to information in Azerbaijan as problematic. For example, although Azerbaijan adopted a Law on Access to Information in 2005, a number of stakeholders interviewed for this report expressed the view that implementation remains a challenge. Indeed, local lawyers have brought several claims to the European Court for Human Rights related to poor execution of the law.

Civil society organisations face difficulties operating in Azerbaijan, especially in the regions of the country. To organise any event in the regions, CSOs must apply to the government and receive official permission. Hundreds of CSOs are not registered because they face barriers to registering with the government. The government imposed further restrictions on civil society in December 2013 with the passage of new laws governing non-governmental organisations.

International organisations also reported that current laws regulating non-governmental organisations have violated the freedom of association. The International Center for Not-for-Profit Law observed:

It is very difficult to register as either a domestic or foreign NGO in Azerbaijan. The Government of Azerbaijan has lost at least five cases before the European Court of Human Rights, which has found denials of registration to violate the freedom of association. In addition, Azerbaijani NGOs have difficulty complying with financial reporting requirements. Many NGOs have limited capacity to comply with such requirements and are under threat of being punished for non-compliance.

Stakeholders interviewed for this report expressed similar concerns with the government's approach to civil society. Despite the fact that the Council on State Support to Non-Governmental Organisations and the Azerbaijan Youth Foundation opened new financial opportunities for local civil society, "brain drain" is still a serious concern for some independent CSOs that have financial shortcomings. Furthermore, stakeholders did not consider the government's interactions with civil society in different stages of policy-making and decision making to be sufficient.

Public Access to Information as a Means of Combating Corruption

In September 2013, the Organisation for Economic Co-operation and Development (OECD) acknowledged that Azerbaijan made progress in its anti-corruption initiatives. At the same time, the OECD noted, "A number of reforms remain unaccomplished and limited," including, among other issues, lack of "vigorous implementation" of the access to information law. Furthermore, the OECD observed, "A system of asset declarations by public officials has not been made operational and do not function in practice, despite that is provided for in the law since 2005." The IRM researcher notes that implementation of OECD anti-corruption recommendations has played a key role in the OGP national action plans of other member governments.

Similarly, in June 2012, the Parliament passed a Law on Commercial Secrets. According to the international NGO Freedom House, "The changes...allow commercial enterprises to withhold information about their registration, ownership, and structure, severely limiting the ability of investigative journalists to uncover corruption in the corporate sector and identify the private assets of public figures."

Various independent observers claim that elections still do not meet international standards in the country. During the last presidential election on 9 October 2013, the OSCE/ODIHR Election Observation Mission Final Report concluded, "The counting [of votes] was assessed in overwhelmingly negative terms, with 58 per cent of observed polling stations assessed as bad or very bad, indicating serious problems."

Two months after the election, Anar Mammadli—the head of the Election Monitoring and Democratic Studies Centre (EMDS) and former member of the Eastern Partnership Civil Society Forum steering committee who actively monitored elections and revealed critical reports on results—was arrested.

The issue of transparency in election monitoring relates directly to the OGP. Consequently, there is an opportunity in the government's next National Action Plan to include a commitment for more rigorous monitoring of elections.

Accountability to Citizens

Furthermore, different local and international actors regularly express the view that there is an insufficient division of legislative, judiciary, and executive power in Azerbaijan. Freedom House concluded in its 2012 Nations in Transit Report, "Although legislation guarantees judicial independence, in reality, the judiciary is deeply dependent on the executive." The report concludes that the country's judicial system "does not provide effective redress against rights violations" and specifically references challenges related to property rights. This, in turn, raises questions about the availability of effective accountability measures for citizens of Azerbaijan.

Azerbaijan's participation in OGP has the potential to contribute to improving this broader institutional context, but currently only a small minority of the commitments address fundamental issues that would make Open Government viable.

Current plan: Stakeholder priorities

The government's national action plan contains nine priority areas and 37 related actions. During the stakeholder meeting and individual interviews, some experts suggested that the plan was very generic and ambitious, occasionally seeming unrealistic to achieve in three years. The government expressed its position on existing and new open government priorities in the first stakeholder meeting on 11 October 2013: "All of the activities and priorities of the existing national action plan are all important."

For civil society organisations and non-state actors, however, the most important priorities in the current action plan are the following:

- Facilitation of access to information;
- Ongoing publicity of the state institutions' activity;
- Expanded public participation in the activity of state institutions;
- Improvement of e-services;
- Increased transparency in state financial control institutions;
- Transparency in tax control.

Future plan: Stakeholder priorities

In 2014, ideally in consultation with civil society, the government will determine priorities for a new or updated national action plan to be implemented through 2015. It seems likely that a main priority for the upcoming few years will be increasing the number of electronic services and expanding the geography of ASAN-Service Centres (Public Service Halls). Stakeholders also expressed a strong interest in enhanced accountability, transparency, and public participation in public investment projects and thematic state programmes.

Recommendations

Despite all of the assurances it brings forward, the national action plan has some shortcomings as an official document. The IRM researcher recommends the following:

- The government should not list commitments as having a timeline of "ongoing basis." A lack of clear and definitive annual timelines and deliverables in the national action plan complicates the monitoring and assessment of actual implementation of the commitments.
- The government should streamline commitments in the National Action Plan that replicate each other (e.g. Commitment 5.4 and Commitment 7.3).
- The Azerbaijan Government should avoid including pre-existing commitments that have only limited or no potential to change the status quo.
- All commitments should be addressed and all terms should be understandable for external reviewers.
- The government should identify leading and supporting institutions for all commitments.
- Some commitments need substantial rewriting or exclusion from the national action plan.

The IRM national researcher, independent experts, and many of the civil society activists interviewed recommend that the government address the following priorities for the next national action plan.

Public Participation

- A joint government-civil society dialogue platform to discuss implementation of the National Action Plan and to collaborate on new challenges.
- Election integrity and transparency, including broad and co-equal participation in election commissions.
- More effective institutional mechanisms for civil society to have a sustainable exchange on critical governance issues and policy recommendations.
- Establishment of independent, inclusive, and competent public councils within the central and local executive authorities, and opening up new opportunities for public participation in decision making processes.

Access to Information

- Legal and participatory mechanisms to achieve more transparency in exploration of natural resources, including oil, gas, and mining throughout the country.
- Improved asset disclosure of public officials.
- Establishment of a unified database on public services, which discloses the list of public services provided by each central government agency.
- Development of a methodology to measure the quality of public services.
- Development of minimum standards for the annual implementation reports of central and local authorities.
- Involvement of independent experts and specialised civil society organisations in preparing publications on open government and trainings for relevant civil servants to ensure freedom of information.

Finally, the IRM national researcher recommends that the international OGP Secretariat determine serious quality requirements for national action plans to encourage OGP member countries to make new and valuable commitments.

Sources

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ANNEX: METHODOLOGY

As a complement to the government's self-assessment, an independent assessment report is written by well-respected governance researchers, preferably from each OGP participating country.

These experts use a common OGP independent report questionnaire and guidelines,¹ based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from civil society stakeholder meetings. The IRM report builds on the findings of the government's self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organisations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section). In national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Introduction

The IRM national researcher for Azerbaijan used desk research, expert interviews, and focus groups as the main research methods while assessing the government's implementation of its national action plan. Representatives of the government, civil society organisations, and the private sector were involved in interviews and focus group discussions.

Typically, OGP IRM progress reports take into account the input that the government provides in its self-assessment. Because Azerbaijan's OGP process was delayed by three months, the government has not produced such a document yet. As a result, the IRM researcher was unable to take this information into consideration.

The IRM national researcher used a well-documented list of questions during stakeholder meetings and individual interviews, consisting of the following points:

- General views on how the institutional environment in Azerbaijan can push open government values forward or backwards.
- Degree of consultation and collaboration during development and implementation of the national action plan.
- Added value of concrete commitments to the governance in country.
- Each individual commitment's compliance and consistency with OGP values and principles.
- Overall conclusions on the existing action plan and recommendations for future steps.

Stakeholder Selection

In cases of communication with the government, the IRM national researcher asked a point of contact from the Commission on Combating Corruption (Mr. Vusal Huseynov) to collaborate during the research. The contact made significant efforts to collect opinions and information from all related agencies.

With respect to designing stakeholder meetings for civil society organisations, the IRM national researcher took care to include organisations and individuals with different levels of proximity to open government issues. Therefore, the national researcher engaged a wide range of organisations and had meetings with various individuals from different thematic backgrounds.

Stakeholder Meeting One

The first stakeholder meeting took place with the Government of Azerbaijan on 11 October 2013. This meeting was arranged with the government's point of contact on open government partnership, the Secretary of the Commission on Combating Corruption, Mr. Vusal Huseynov (government contact). He informed all related central government agencies about the OGP IRM process. These bodies empowered Mr. Huseynov to represent their positions in the meeting with the IRM researcher.

The format of the meeting was an interview. During the meeting, the government contact and the IRM researcher discussed different stages of the preparation process for the national action plan, including intra-governmental discussions, drafting, and early collaboration with civil society.

The government contact indicated that non-state actors were involved in the preparation of the action plan. However, they were organisations that worked primarily in the capital city of Baku. The process did not consider involving different regional organisations, gender groups, disabled persons, refugees, ethnic minorities, or internally displaced persons (although Azerbaijan has more than 600,000 internally displaced persons). Different opportunities and challenges in implementing the national action plan also were discussed. The government contact expressed the view that a vast majority of proposals from civil society had been taken into account.

Stakeholder Meeting Two

The second stakeholder meeting took place with civil society organisations on 12 October 2013. The IRM national researcher for Azerbaijan asked the Economic Research Centre (ERC) to assist during the research, taking into account that ERC, with Transparency International Azerbaijan, developed a Report on Monitoring of the Implementation of National Action Plan for Promotion of Open Government for the Years 2012-2015.

ERC shared their draft report, as well as responses to information requests from different ministries and local authorities with the IRM researcher. The IRM researcher used ERC's office to arrange the second stakeholder meeting for civil society organisations working in both the capital Baku and regions.

The IRM researcher invited members of the National Budget Group, the NGOs Anti-Corruption Network, and the Youth Coalition on Promotion of Open Government. The NGOs Anti-Corruption Network requested an additional meeting and the Youth Coalition on Promotion of Open Government agreed to answer the IRM researcher's questions in writing. Consequently, attendees of the first stakeholder meeting were members of the National Budget Group, including representatives from the Economic Research Centre, the Public Finance Monitoring Centre, the Public Association for Assistance to Free Economy, and the Economic Innovations Centre).

The format of the meeting was a focus group discussion. During the meeting, participants were asked about their perceptions, opinions, and insights towards the development and implementation of the government's national action plan. National Budget Group members generally considered the level of co-operation and consideration of their proposals in the early draft of action plan to be unsatisfactory.

In addition to these stakeholder meetings, the IRM researcher conducted very informative and useful individual interviews with Mr. Osman Gunduz (Director of Azerbaijan Internet Forum and

“Multimedia” Centre), Mr. Zaur Ibrahimli (Expert of the Constitution Research Fund) and other prominent experts.

¹ Full research guidance on the OGP research methodology can be found at <http://bit.ly/120SROu>