

Final Working Draft – 14 July 2003

ASSESSMENT REPORT

FOR A

**“CODIFIED LEGAL DATABASE OF AZERBAIJAN’S LEGAL
FRAMEWORK”**

I. INTRODUCTION

Governance under the “Rule of Law” requires transparency – that is, timely access by both those governing and those being governed to the text of the controlling framework legal documents of Azerbaijan. The overriding objective of this assignment is to assess whether it is technically and economically feasible to establish a “Codified Legal Database of Azerbaijan’s Legal Framework”, and if so, to design a Request for Proposal for the development and distribution of the database. This report covers the assessment phase of the assignment. The design document for the Request for Proposal is set forth in Appendix E.

More specifically, as amplified in the initial in-country briefing with USAID officials, the assignment focuses on the institutional capacity of the Ministry of Justice or another Azerbaijani institution: First, to identify and collect the laws that will comprise the database; second, to create the initial database; third, to maintain and update the database as new laws are issued; fourth, to codify the database; fifth, to distribute the database to users; and sixth, to document and support user access to the database. See Appendix A for the Scope of Work Statement. In addition, at the out-briefing meeting held with United States government officials, questions were raised regarding the “political will” of the Minister of Justice to implement the suggested implementation strategy, and it was suggested that we consider proposing a tandem project with the President’s Office.

The necessary in-country fact gathering was undertaken by the ARD, Inc. team of Charles Shapiro and Keith Rosten from 17 June 2003 through 27 June 2003. During this period, the team met with numerous individuals representing key Azerbaijani organizations in both the public and private sectors, as well as with representatives of various donor organizations involved in providing assistance of a legal nature in Azerbaijan. In- and out-briefings, as noted, were held with United States government officials.

The public sector organizations met with, some several times, included the President’s office, the Cabinet of Ministers, the Ministry of Justice, and the Tax Ministry. Meetings with private sector organizations included two of the three existing providers of legal databases in Azerbaijan (the third refused a meeting), and several NGOs (ABA/CEELI, Azerbaijan Young Lawyers Association, Legal Education Society, and World Learning). Donor organizations met with were UNDP, the Council of Europe, the European Commission, and the European Union/TACIS project. The latter project is working directly with the Cabinet of Ministers, and is in the process of soliciting bids to upgrade the technical infrastructure of the Cabinet of Ministers.

In this report, we begin with the definition of several key terms (Section II, “Definition of Key Terms”). These definitions are necessary to provide a common framework for understanding some of the myriad and complex issues required for creating, maintaining and delivering a complete, accurate and timely database containing legal documents. The Statement of Work included a specific list of 22 sets of questions that the assessment

team was to answer. The answers to these questions are provided in Sections III through VI. Appendix B contains a summary of the answer for each of the questions posed by USAID in the Statement of Work.

Section III of this report, “Assessment Findings”, presents our findings and analysis based on the facts obtained in our meetings. Section IV sets forth our recommended approach for developing the database (“Recommended Program”). Section V provides our proposed plan for implementing the recommended program (“Implementation Plan”), with required resources.

II. KEY DEFINITIONS

The following definitions are neither comprehensive in breadth nor in depth. Nor are they intended to be technically as precise or as inclusive as a dictionary, a computer expert or a lawyer would use. Rather they are intended merely to help the reader understand the discussion in the sections that follow in this Report.

“**Law**” – the governing rules of Azerbaijan, setting forth the rights and obligations of citizens and government

“**Codify**” – the process of integrating a law that has been amended or repealed by a later law, as a means to have in one place a complete current version of the then effective law¹

“**Classify**” – the process of assigning a subject-matter or topic term to a law²

“**Legal Database**” – a collection of legal documents in electronic form that can be searched for and retrieved using computer-based technology

“**Official Document**” – the hard-copy exact replication of a law, as signed by the appropriate government official

“**Source Document**” – the copy of each law that is used to create the documents in a legal database³

“**Image Format**” – a digital picture of a source document that can be used for archiving purposes and for retrieval purposes in a legal database⁴

¹ With rare exception, only legislative enactments are subject to being codified.

² Each type of law is subject to being classified, assuming a classification scheme, but not all types of laws are subject to being codified; only those types of laws that can be amended or repealed, such as legislative enactments, are candidates for codification.

³ The source document may be the official document or a representation of the official document.

⁴ A document in image format is the equivalent of a facsimile representation of the source document.

“Full-Text Format” – a digital representation of a source document that can be used for archiving purposes, for word searching purposes in a legal database, and for retrieval purposes in a legal database⁵

“User” – any person or organization that has an existing or potential need to have access to the documents in a legal database

“Workstation” – the computer that is used by a user for accessing and processing information⁶

“Search and Retrieval” – the process by which a user can find potentially relevant documents in a legal database, and then retrieve those documents for display on the user’s computer, and if there is a connected printer, for printing retrieved documents

“Finding tools” – the computer files that are available to a user for searching for potentially relevant documents in a legal database

“CD-ROM” – a technology that can be used for storing archival files in image format or full-text format, and that can be used for distributing a legal database for access by a user in that user’s local environment⁷

“Web-based” – a technology that can be used for distributing a legal database for access by users through the Internet⁸

“Bandwidth” – the capacity for transmitting data between a user’s local environment and the web-based hardware and software in a central site⁹

⁵ A document in full-text format is the equivalent of word processing version of the source document.

⁶ The workstation can be standalone, can be part of a Local Area Network in which workstations share resources in a local environment, and can be connected to computers in remote locations, such as through the Internet, using various forms of connectivity, ranging from dial-up telephone lines to satellite transmission.

⁷ One CD-ROM contains approximately 660 megabytes of information; this volume is the equivalent of perhaps 330,000 pages of text in full-text format, and perhaps 25,000 pages of text in image format; a DVD, another optical storage medium, holds approximately 7 times the volume that can be stored on 1 CD-ROM.

⁸ Web-based technology requires central site hardware and software for maintaining the database, for processing a user’s search request, and for transmitting retrieved documents resulting from the search request, as well as some form of digital connectivity between a user’s local environment and the central site environment in which the database is stored.

⁹ Bandwidth affects the speed at which information is exchanged between a user and the central site; assuming all things being equal, a page of text in image format will take as much as 13 times longer to transmit than a page of text in full-text format.

III. ASSESSMENT FINDINGS

Nature and Scope of the Legal Framework Documents

Article 148 of the Constitution of the Republic of Azerbaijan, adopted in November 1995 (as amended), identifies the country's "normative legal acts" (those of general applicability) that comprise the country's legislation, and creates a hierarchy under which certain types of such acts take precedence over others. The legal documents in this system of legislation are the "framework documents" to be included in the database. Legal documents that are not legislative in nature, such as the decisions of the Supreme Court, or that are legislative in nature but not normative, are not, for the purposes of this assessment, framework documents.

The framework documents, and their hierarchy are: the Constitution; international treaties to which Azerbaijan is a party¹⁰; acts adopted by referendum; laws passed by the Milli Majlis, the country's Parliament, and signed by the President¹¹; decrees issued by the President; resolutions issued by the Cabinet of Ministers; and the normative acts of central bodies of executive authority (that is, the central Ministries or State Committees – hereafter, for convenience, "Ministry", "Ministries", or "Ministerial", as appropriate).

Under Article 148, the laws of the Autonomous Republic of Nakhichevan and resolutions adopted by the Cabinet of Minister of Nakhichevan are binding in Nakhichevan, but they are not included in the framework legal documents of the country. Other potential framework documents include acts of a normative nature adopted by local executive authority, acts issued by the Central Elections Commission, acts issued by the National Bank, and the decisions of the Constitutional Court.

From this list of all framework documents, the key ones are: the laws; the Presidential decrees, the Cabinet of Ministers' resolutions, and the Ministerial regulations that are considered normative acts. All of these documents need to be included in the database. The database also needs to include the Constitution (one document), the acts adopted by referendum (one or two), and the international treaties to which Azerbaijan is a part (perhaps 250).¹² and the Commonwealth of Independent States agreements, to which Azerbaijan is a party (around 220). The remaining potential documents of a normative character should only be included in the database if their source documents are readily available.

For the rest of this assessment we focus on the issues involving only the key framework documents – that is, the laws, the Presidential decrees, the Cabinet of Ministers' resolutions, and the Ministerial regulations that are considered normative acts. Under the law on normative acts (no. 761-IQ, 26 November 1999), the framework documents

¹⁰ Technically, international treaties are not normative legal acts, although they are part of Azerbaijan's system of legislation.

¹¹ Under the Constitution it is possible for laws to enter into force without the President's signature.

¹² The database should also include the approximate 220 agreements under the framework of the Commonwealth of Independent States to which Azerbaijan is a party.

signed by the President (laws and Presidential decrees) and by the Cabinet of Ministers (resolutions) become effective only after publication, unless otherwise provided; and the framework documents issued by the Ministries become effective only after state registration and publication, unless otherwise provided.

Proposed legislative acts in Azerbaijan are considered by one of 11 committees in the Milli Majlis. These acts generally undergo three “readings” or hearings in Parliament. Once passed by a majority of votes, the Milli Majlis sends a draft of the enactment to the President, who has 56 days either to sign the act into effect or to return it to the Milli Majlis.

Once the President signs a law passed by the Milli Majlis, the Protocol Department in the President’s Office promptly distributes (usually within a day) official copies of the signed law to designated recipients, including the Cabinet of Ministers, the Milli Majlis, the Ministry of Justice, and the official newspaper *Azerbaijan*. The law is eventually published in *Toplusu*, the official compilation of laws, Presidential decrees and orders, and Cabinet of Ministers resolutions. *Toplusu* is published monthly, but usually runs several months behind the effective date of the laws, decrees, orders and resolutions that are contained in the publication. Both the newspaper *Azerbaijan* and *Toplusu* are published out of the President’s Office.

The Milli Majlis passes about 100 to 150 laws per year. Since 1991, it has passed 16 major codes (2 of which have since been repealed), including the tax code, the criminal code, the family code and the code of criminal procedure. The majority of the current laws are actually amendments to previously passed laws. Some laws may be extremely lengthy, running more than 30 pages of text. Others may be only a few pages in length. The total number of laws passed since independence is in excess of 1000, of which the vast majority are amendments or repeals of previous laws. In year 2002, *Toplusu* contained a total of less than 2300 pages for all documents published, including laws.

From the above, it should be noted that there are three “official” versions of the signed law – the stamped hard-copy that is distributed by the Protocol Department, the version that appears in the newspaper *Azerbaijan*, and the version that appears in *Toplusu*. At times, there are minor discrepancies between these three versions. There are several possible reasons for these discrepancies. The Milli Majlis is still transmitting the laws in hard-copy form and only sometimes with an electronic version. When the official versions are prepared for the newspaper *Azerbaijan* and for *Toplusu*, they have to be retyped. The typist may make a mistake, causing the discrepancy. An editor may attempt to correct an error in syntax or grammar. Finally, the President’s office may make a substantive change under the guise of correcting an error.

When there is a discrepancy, a dispute could arise as to which “official” version is considered the governing version. Although a law provides that the version that appears in the newspaper *Azerbaijan* and in *Toplusu* is the “official” version, from a technical standpoint the stamped hard-copy should be considered the “official” version, since it is

an exact replication of the original document signed by the appropriate government official.

The President issues both decrees and orders. The difference between the two is that decrees are legal acts having general applicability, while orders are non-general in nature. Technically, only the decrees issued by the President constitute “normative acts”, and hence are framework documents. But since both the Presidential decrees and orders are published in *Toplusu*, we will treat both as framework documents for inclusion in database.

Presidential decrees generally are used to assign tasks to the Cabinet Minister or to identify which executive body (that is, which Ministry) will be charged with the responsibility for implementation of the legislation. Most laws refer to a “corresponding body of executive authority”, and the President then chooses which body (or Ministry) this is. Since independence, the number of decrees issued by President is approximately 1100. The number per year, however, is increasing. In 2002, the President issued around 250 decrees. The decree itself is a relatively short document, running in length on average 2 pages. Many of the decrees include an attached document. Any such attached document needs to be included in the database, either together with its covering Presidential decree or, where appropriate, as a standalone document.

There are perhaps an equal number of orders issued by the President each year, but these average less than a page each. Thus, the President is currently issuing approximately 500 total decrees and orders each year, with the average length being around 1.5 pages. Accordingly, *Toplusu* now contains approximately 750 total pages of Presidential decrees and orders.

The distribution and publication of the Presidential decrees and orders is identical to that described above for laws. That is, official copies are distributed immediately after signing (usually within a day) by the Protocol Department to designated recipients, including the Cabinet of Ministers, the Milli Majlis, the Ministry of Justice, and to the unit in the President’s Office responsible for publishing the newspaper *Azerbaijan*. Publication in the newspaper usually occurs within a day or two after receipt. Publication in *Toplusu*, as previously noted, happens two to three months later.

There appears not to be any divergence between the text of the decrees and orders signed by the president and the text appearing either in the newspaper *Azerbaijan* or in *Toplusu*. This 100% accuracy in the two publications is attributable to the fact that the hard-copy document that was signed by the President was created using word processing technology, and the file containing the word processing version is then used to provide the input for the two publications.

The Cabinet of Ministers issues both resolutions and orders. The difference between the two is that the resolutions are of general applicability, while the orders are of a non-general nature. Technically, similar to Presidential decrees, only the resolutions issued by the Cabinet of Ministers constitute “normative acts”, and hence, are framework

documents. Since only the resolutions and not the orders issued by the Cabinet of Ministers are published in *Toplusu*, only the resolutions will be included as framework documents in the database.

Most Cabinet of Ministers' resolutions endeavor to respond to the instructions of the President as embodied in Presidential decrees. They usually include a preface stating, "to fulfill the Presidential decree". The Cabinet of Ministers issues approximately 100-150 resolutions per year, with an average length of 4 pages each.

Official copies of the Cabinet of Ministers' resolutions are distributed after signing to designated recipients, including the President's office, the Milli Majlis, the Ministry of Justice, and the affected Ministries. We heard different versions of how soon the approved resolutions are issued after they have been signed, ranging from within one day to as much as three weeks. The text of the resolutions should be included in the Cabinet of Ministers' official newspaper, *Respublika*, but by all accounts, only summaries of some resolutions are printed in *Respublika*. The resolutions are eventually compiled and published in the official series *Toplusu*. The average number of pages published each year in *Toplusu* representing Cabinet of Ministers' resolutions is around 500.

The Cabinet of Ministers currently has a very poorly maintained electronic database containing a portion of the total number of resolutions. Even though there is a Local Area Network at the Cabinet of Ministers building, there are differing versions of the database, and by all accounts, there are at least 500 resolutions that have not been entered. In addition, there is a serious question about whether the text of the resolutions in the database corresponds to the official resolution. The European Union, through its TACIS project, is currently working with the Cabinet of Ministers to upgrade the Cabinet's technical infrastructure.

The last set of key framework documents is the regulations promulgated by the Ministries. There are currently 17 Ministries. The President has issued a decree requiring registration of all ministerial regulations through the Ministry of Justice (Presidential Decree, No. 410, 21 October 2000, as amended No. 758, 24 August 2002, approving the Bylaws on the Procedure for State Recordation and Registration of Normative Legal Acts and Normative Acts in the Republic of Azerbaijan). The Ministry of Justice interprets this decree literally, contending that all normative acts issued by the various Ministries must be registered and processed by the Ministry of Justice. Not all Ministries, however, are complying with the President's decree. As a result, not all documents of a normative nature issued by the Ministries are currently being registered and processed by the Ministry of Justice.

Since the year 2000, the Ministry of Justice has registered over 2900 Ministerial regulations. However, in one year, 2000, there were nearly 2500 normative acts issued by local executive authorities. Hence, the number of Ministerial regulations registered by the Ministry of Justice since 2000 is slightly more than 400. For planning purposes, one can assume that the current workload of the Ministry of Justice for registering and processing Ministerial regulations is currently around 225 documents a year. This

number should increase as more Ministries comply with the President's decree for registering their normative acts with the Ministry of Justice.

In general, the Ministry of Justice is responsible for registering all normative acts issued by the various central Ministries and by the state committees and other central bodies of executive authority, unless the act filed with it contradicts the Constitution, a decree or order of the President, or a resolution or order of the Cabinet of Ministers.¹³ Once approved by the Ministry of Justice, the act is promptly published in the Ministry of Justice's official monthly *Bulletini*.

Summary of the Principal Framework Documents

Since the new Constitution was adopted in late 1995, approximately 4500 legal framework documents (laws, Presidential decrees and orders, and Cabinet of Minister resolutions) have been published in *Toplusu*, with the average length being less than 10 pages. The current volume of documents published in *Toplusu* is around 125 laws, 500 Presidential decrees and orders, and 125 Cabinet of Minister resolutions. There are also some laws that were adopted prior to the new Constitution that are still valid. The total number of laws since independence is in excess 1000.

The publication of *Toplusu* lags behind the effective date of each document published in it by anywhere from 2 to 3 months. Within a day or two of the signing of each of these documents, however, official copies are distributed to designated recipients, including the Ministry of Justice, as well as being published in the newspaper *Azerbaijan* (for laws, and Presidential decrees and orders) and in *Respublika* (for Cabinet of Minister resolutions).

Publication of the Presidential decrees and orders in both the newspaper *Azerbaijan and Toplusu* is generally at a 100% accuracy level of the official document signed by the President. Laws published in these two publications also have a high accuracy rate compared to the official law as signed by the President, but there does appear to be some discrepancies. Publication of Cabinet of Ministers' resolutions in *Respublika* and in *Toplusu* is more problematical in terms of accuracy.

With respect to regulations issued by the various Ministries, the Ministry of Justice is responsible for processing them and, once approved, for publishing them in the *Bulletini*. Approximately 225 Ministerial regulations a year are currently being published in *Bulletini*. This number is expected to increase as more Ministries comply with the President's decree for registration of their normative acts with the Ministry of Justice.

Thus, while *Toplusu* and the *Bulletini* serve as the final official compilation of the key framework documents, the only government organization that receives an official, stamped hard-copy of each official law, Presidential decree, Presidential order, Cabinet of Ministers' resolution, and Ministerial regulation, is the Ministry of Justice. Moreover,

¹³ In accordance with the order of state recordation and registration of normative legal acts and normative acts in the Republic of Azerbaijan, approved by Presidential Decree 21 October 2000 (No. 410), as amended 24 August 2002 (No. 758).

the Ministry of Justice receives the official copy within a day of its approval. Accordingly, the Ministry of Justice is the *de facto* central repository for all key framework documents.

Private Legal Database Vendors

There are three private vendors distributing legal databases containing the framework documents, as well as other legal documents, of Azerbaijan. These databases are distributed through various means to subscribers, including over the Internet and on CD-ROMs. The Ministry of Justice and the President's Office are subscribers to one of these private database distribution services.

These vendors add about 100 new documents to their respective databases per month. One of the vendors has about 7000 documents in Azeri, the vast majority of which are from post-independence enactments. This number includes the approximate 4500 framework documents that have been published in *Toplusu*. The additional 2500 or so documents resident on this vendor's database include (1) the Ministries' documents published in the *Bulletini*, (2) acts of a non-normative character, such as orders of the Cabinet of Ministers, decisions of the Constitutional Court, resolutions of the Milli Majlis, regulations of the Securities Commission, and (3) selected acts of different Ministries that are not registered by these Ministries with the Ministry of Justice.

In addition, these private vendors have also translated selected documents into Russian and English. The leading vendor has translated approximately 70% of its 7000 document Azeri language database into Russian, and 30% into English. None of the documents available on these private databases, in any language, are considered "official". However, having the documents available in Russian is highly desirable. There is, at present, limited demand, for English translations.

No Claim of Secret Documents

Based on discussions with NGOs, government agencies, and the private database vendors, we found that it might be difficult to obtain framework documents on a timely basis, but this difficulty is not attributable to a claim that the documents are "secret".

Current Situation for Codifying Framework Documents

Only those framework documents that are subject to being amended or repealed are candidates for codification. These documents are dynamic, in that they are subject to being changed by new documents. The principal documents that meet this requirement are the laws passed by the Milli Majlis and signed by the President. The remaining framework documents are primarily static, in that while they may relate to the implementation of a law, they do not change the text of that law.

When a comprehensive legislative act is signed into law it is frequently referred to as a “code”. Examples are a “Criminal Code”, a “Civil Code”, a “Tax Code”, a “Family Code”, etc. Since 1991, as previously noted, 16 such codes have been enacted in Azerbaijan (2 of which have now been repealed). See Appendix D for a list of the 14 codes that are still in effect. Subsequent to enactment, these codes, as well as other less comprehensive laws, are constantly amended by added new provisions, changing the language of existing provisions, and repealing other provisions. The process of codifying the law is to have in one place a complete version of the currently effective law, combined with a capability for constructing what the law was on any prior date. As noted earlier, over 1000 laws have been enacted since independence, with most of these documents amending or repealing earlier laws and their provisions.

Several organizations, including the Ministry of Justice and the President’s Office, are engaged in a manual codification process. The procedures followed by personnel doing the codification are basically the same. The starting point is the initial law; it is the “control copy”. As changes are made in that law, personnel literally “cut and paste” the amendments in their appropriate place in the control copy, and cross out any provisions that have been repealed. At this stage it is not possible to determine the accuracy and completeness of the current “control copy” of each initial law in the Ministry of Justice and the President’s Office.

The private database vendors also in effect include “codified” versions of the laws, but these are not official texts, and some governmental officials impugned the quality of these texts. Accordingly, there is a critical need to have an official codified version of these initial laws, both in hard-copy format and as part of the proposed overall database. In this assessment, we focus only on the requirement for inclusion in the database.

Both the Ministry of Justice and the President’s Office appear to have the institutional capacity to compile and maintain an official codified version of each initial law. Whether done in either one of these organizations, or in both, the use of technology will greatly assist in improving the quality and accuracy of the codified version. The effort will require the creation of a full-text document by inputting the text of the initial law, and then maintaining and updating the full-text version as changes are made and adding appropriate historical notes to construct the version of the law that was effective on any prior date. Imposing the necessary quality control procedures is critical for achieving the required accuracy level in the full-text document.

It also needs to be noted that the remaining key framework documents – decrees and orders issued by the Presidential, resolutions issued by the Cabinet of Ministers, and regulations issued by the Ministries – are, for the most part, related in one way or another to the laws. While these documents definitely need to be included in the database, they do not require codification. However, where there is a direct relationship with a codified law, they should be cross-referenced in the codified version of the law as “related documents”.

Current Situation for Recording, Registering, Classifying, and Archiving Framework Documents

The Ministry of Justice is required under the procedures for recordation and registration (see footnote 13, above) (1) to maintain a record of “all normative acts” and a separate record for all Ministerial regulations, and (2) to classify these documents in accordance with a government-approved classification system. We observed that the Ministry of Justice, indeed, has developed a manual system for recording and classifying all framework documents that it receives, as well as for other types of legal documents that it has in its library, such as the decisions of the Constitutional Court. The work is done by two departments – one for only the regulations issued by the Ministries (which includes attaching a sequential registration number), and the other for all other documents.

The recording system used by both departments is similar. In a log book, personnel record in designated columns key information, such as the identifying number (or citation) for the document, the type of document (e.g., a Presidential decree), its effective date, its title, its subject-matter classification, etc.

While not all framework documents are subject to being codified for the reasons stated above, all are subject to being classified. In 1994 the Cabinet of Ministers approved a classification system for legal documents. This system has 450 main topics, and 606 sub-topics, for a total of 1056 possible entries. At present, the two departments in the Ministry of Justice are only using 50 of the main topics to classify documents.

The department responsible for processing the Ministerial regulations maintains one log book for all information other than the classification, and a separate log book for each classification topic (50 different books). These books plus the signed official version of the Ministerial regulation are maintained in one place by this office. It is, in effect, its own self-contained library, with finding tools and source documents, all in hard-copy format.

The other department maintains only one log book for all recorded information. All documents are stored in a separate room. The document storage room appears to contain only one hard-copy of each source document. It is also the room where the codified hard-copy of the initial law is kept – that is, the control copy. A separate room houses a manual card catalog system. The information on the card catalogs appears to be a sorted version of the information kept in the log books.

There is a critical need to have an official system for recording and classifying all framework documents. The classification system presently being applied by both departments within the Ministry of Justice is in accordance with the approved classification system. The log books used by both departments contain information in accordance with basic library science principles. Both departments are in close proximity to each other.

Both departments appear to have the institutional capacity to develop and maintain an official recording and classification system¹⁴. The use of technology will greatly assist both departments in improving the quality, timeliness and accuracy of the information it creates and maintains to find the framework documents. And once in computer-readable format this information can easily serve as the necessary finding tools to search for relevant documents in the database.

In addition, there is a critical need to have back-up copies of each official framework document. One form of back-up is to convert each framework document to image format by scanning it into a computer-readable file. CD-ROM technology is an excellent media for storing documents in image format. The technology required to create the documents in image format is relatively easy to apply. And once in image format, the documents can serve as the documents that can be retrieved from a search in the database. Moreover, for the codified laws in any database, which are in full-text format, anyone wishing to see the official source documents used in compiling the codified law, as well as any related documents, should be able to retrieve them through hypertext links contained in the full-text version of the codified law.

Websites and Local Area Networks

The President's Office, as do several other government units, but not the Ministry of Justice, currently has a website. These websites contain content of a general nature, such as location, purpose, staff, organization, etc. They do not as yet contain framework documents. It is not clear whether these existing websites are operated in house or by third-party vendors. Given the general requirement for uptime 24 hours a day, 7 days a week, it is more likely than not that these government agencies are for now contracting with one or more third-party website hosting services for maintaining and delivering the content on their websites.

Both the President's Office and the Ministry of Justice, as do most, if not all other major government units, have an operational in-house Local Area Network. The head of the Information Technology section in the President's Office was impressive. The Local Area Network in the Ministry of Justice that we observed has at least 22 workstations attached to it. These workstations have access to, among other information, the CD-ROM product of one of the private database vendors.

We did not meet with the personnel within the Ministry of Justice responsible for maintaining and operating this Local Area Network. We were able, however, to observe access to the information from different workstations on the Local Area Network on more than one occasion. We found the Local Area Network to be running smoothly and responsively. As a result, we believe that the Ministry of Justice has technically knowledgeable personnel with the skills necessary to support the development, maintenance and operation of a legal database containing framework documents for

¹⁴ Since the Ministry of Justice is responsible for registering Ministerial regulations, the operation of the department processing these framework documents, in effect, is the official system.

distribution over the Internet (web-based) and on CD-ROMs. Additional technical personnel, however, will probably be required to implement the database.

Remote Sites

Time did not permit visits to potential remote access points. However, in discussions with a UNDP representative in Azerbaijan, we learned that UNDP intends on opening 10 centers to promote Information Technology literacy throughout the country. UNDP plans on supporting these centers with a \$300,000 grant, and has elicited a commitment from the government of Azerbaijan for an additional \$300,000. The proposed Information Technology literacy centers will be open to the public. In our discussion, the UNDP indicated that it would be willing, indeed eager, to include an official database of framework documents accessible from the workstations installed at the centers. Other potential remote sites include regional court houses, and if and when implemented, legal aid centers.

In the short-term, assuming connectivity to the Internet from any potential remote site (as well as from any site in Baku), the time required to retrieve and display full-text documents (for example, a codified law) from a Ministry of Justice website based in Baku will not be a problem. However, the time required to retrieve and display documents in image format could pose a potential problem, particularly for lengthy documents, given the substantially larger volume of information contained in a document in image format compared to that same document in full-text format. Fortunately, with the exception of the lengthier laws, all of which eventually will be codified and available in full-text format, the remaining framework documents are relatively small (half page to perhaps 4 pages).

In addition, as the price performance of connectivity and bandwidth continue their downward trend, it should make distribution over the Internet of the framework documents in image format to outlying locations and to sites in Baku economically feasible in the not-too-distant future. And if it is not feasible to distribute the database to these locations over the Internet, for whatever reasons, it will be economically feasible for the Ministry of Justice to distribute the database on CD-ROMs on a periodic basis (perhaps monthly). The costs to burn and distribute a CD-ROM are minor – less than \$2 a CD.

Translation of Framework Documents into Russian or English

According to the Constitution, the official language of the country is Azeri, and by Presidential decree issued in June 2001, the official policy of the government is to strengthen the use of Azeri throughout country. There are limited resources within the country, and especially in governmental bodies to make translations. There are some resources available for translating from and to Russian, but very limited resources from and to English. There are certain circumstances, however, when an official translation should be made into Azeri. These include international conventions to which Azerbaijan has acceded, and laws from the Soviet era that are still in effect today.

There is also a need, although not a must requirement, to make unofficial translations of framework documents into Russian, and a lesser need into English. The private database vendors are currently making these translations. They have the economic incentive to assure the quality of their translations (even though some governmental officials impugned the integrity of these translations.) It may make sense to support quality translations from these private sources and possibly to purchase these translations for inclusion on an official website (although they will not be official translations).

Since there is not a requirement for “official” translations to Russian or English of the key framework documents, and given the lack of government resources available to do such translations, we conclude that it is neither necessary nor desirable to have the Ministry of Justice translate the framework documents into Russian or English. This need is best left to the private database vendors, from which the government or other users may purchase the best translation.

IV. Recommended Program

While the private database vendors are helping to make the law of Azerbaijan more readily available and more easily accessible, there is a need to develop, maintain and distribute an official legal database containing the framework documents of the country. This database needs to be timely, accurate, and as complete as possible. It needs to contain the requisite finding tools, for use in searching for potentially relevant documents. The finding tools must include a classification topic entry for each framework document, as well as the other information entered into the log books by the Ministry of Justice in the process of recording the framework documents.

Our recommended program envisions having an official copy of each prospective key framework document available in the database in image format with 2 working days of issuance. This will ensure both timeliness and accuracy. While it is desirable to have all framework documents included in the database, it may not be possible to have all such documents initially. The database should include all framework documents that are readily available, and add those that are not readily available if and when they become available. Fortunately, with some limited exceptions, it appears that the vast majority of all framework documents are currently available.

All framework documents in the database need to be maintained in image format, to enable a user to retrieve the official original version of the document. As a law is codified and becomes available in the database in full-text format, the image formatted documents that comprise that codified law should no longer be retrievable directly from the finding tools, but, instead, should only be retrievable through hypertext links contained in the full-text codified law. The same consideration might also be given to framework documents in image format that are directly related to a codified law – that is, make them no longer directly retrievable from the finding tools but, rather, retrievable only through hypertext links in the codified law that contain an editorially-added “related

documents” section. In addition, if there is a full-text version of a framework document that is not directly linked to a codified law, this version should be the principal retrievable document in the database and it should contain a hypertext link to the image formatted version.¹⁵

The Ministry of Justice is the organ of government best situated to create, maintain and distribute the database. Indeed, it is the only organ that collects all key framework documents on a regular and timely basis. It has in place manual operations for creating the required finding tools, including classifying all documents in the database in accordance with the approved classification system. In our view, the Ministry of Justice is the only organ of government presently situated to build and maintain the database. If for any reason, the Ministry of Justice is not willing to take on this responsibility, our recommendation is to leave the creation, maintenance and distribution of the legal documents issued by the Azerbaijani government in the hands of the private database vendors.

Assuming that the Ministry of Justice will be a willing partner, sustainability after the program ends is a critical consideration. Resistance to change is always an ever-present danger to achieve sustainability. To meet this challenge, or to mitigate it as much as possible, it is helpful, if not desirable, to hold to a minimum any reengineering of workflows. With this in mind, our recommendation is to have those Ministry of Justice personnel in the departments responsible for registering, recording, classifying, codifying and archiving framework documents continue to perform their existing tasks, but with the use of automation techniques to enhance the requirements for accuracy, completeness and timeliness for the documents that will comprise the database.

It will also be necessary to train multiple personnel in the use of the proposed automation technology in these departments. At present there are, at best, limited backup personnel. Indeed, only one person at the Ministry of Justice appears to be responsible for the manual codification work. Backup personnel, even without our recommended program, should be hired and trained. Bringing in new personnel, or training existing personnel as backups, could be viewed as a threat by those currently doing the work. Proper handling by Ministry of Justice management responsible for coordinating our recommended program should overcome this problem, if indeed it arises.

There are two principal areas that could create sustainability issues. The first involves the creation and maintenance of the new Ministry of Justice website, and the additional personnel that may be required to implement the proposed database on the website. There are a number of alternative means for establishing and maintaining the website. These alternatives range from doing everything in-house to outsourcing the entire effort,

¹⁵ Full-text format permits the use of word searching in the text of the document as a finding tool; it also allows a user to “cut and paste” materials from the document into a new document maintained on the user’s workstation. Image format permits neither of these features, but does have the advantage of being an “official” representation of the document, and in most instances available on a timelier basis, since inputting of the document into full-text format, with the required error detection and correction procedures, is a time-consuming process.

using a local vendor to manage and maintain the site. Given the need for availability 24 hours a day, 7 days a week, doing everything in-house does not seem the best way to go. The best course of action will be to out-source all or part of the effort.

If outsourced, the vendor could provide the minimum range of services – the hosting technology and the necessary bandwidth for connectivity with users. Or the vendor could provide a full-service operation, including the required content server technology. One of the very first requirements under the Request for Proposal should be to have the contractor complete a technical-economic feasibility study regarding the alternatives for creating and maintaining the Ministry of Justice website. Whatever alternative is recommended, the contractor will need to recruit and train a Web Developer to perform all duties to support the website.¹⁶ The position of Web Developer will in all probability need to be a new position within the Ministry of Justice, and if so, will require the up-front commitment of the Ministry to fill this position. USAID may want to consider funding this position for the duration of the contract, but ideally, the Ministry should fund the position.

It is also possible that some other donor, such as the European Union/TACIS project, will eventually create a government-wide website, to include the Ministry of Justice, thereby eliminating the sustainability issue for the Ministry of Justice. For the near-term, however, it will be necessary to assume that the Ministry of Justice will have the responsibility for sustaining its website, to include the ongoing costs for the technology and the position of Web Developer as supported by USAID during the contract term.

The second area that could create sustainability issues for the Ministry of Justice involves the human resources required to support the technology to be used for creating, maintaining and updating the database. This assumes that the successful contractor under the Request for Proposal will procure and install the necessary hardware and software. It also assumes that the contractor will need to provide substantial expatriate technical assistance in the design and implementation of the database, and in training of the personnel in the departments responsible for creating the finding tools for all documents, for codifying documents, and for creating the documents in image format.

But once this effort is completed, local personnel in the nature of a Database Administrator¹⁷ and a Network Administrator¹⁸ will be necessary to sustain the new

¹⁶ The responsibilities of a Web Developer encompass the duties expected of a Web Design Specialist and some functions of a Web Master. A Web Developer should be capable of working independently and without the need for assistance from professional information technology positions; and should have project leadership responsibilities for a multi-faceted integrated database and web applications. The Web Developer for this position needs to be fluent in Azeri and proficient in Russian and English.

¹⁷ A Database Administrator is responsible for designing logical and physical databases, and for coordinating database development by applying knowledge of database design standards and database management systems. In addition to coding, testing and implementing physical databases, a Database Administrator specifies user access level for those users that are authorized to input data into the database, confers with others to determine the impact of changes on other systems, and trains data entry personnel. The Database Administrator for this position needs to be fluent in Azeri, and proficient in Russian and English.

technical infrastructure. There will also be a need for perhaps two additional personnel to support the implementation of the database on the website. One of these two would be a Web Programmer¹⁹, and the other a PC/Customer Support Specialist.²⁰

Thus, in addition to the Web Developer, there is a potential need for four additional personnel. These other four positions – the Database Administrator, the Network Administrator, the Web Programmer, and the PC/Customer Support Specialist – may need to be new positions within the Ministry of Justice, and if so, will require the up-front commitment of the Ministry to fill them. USAID may want to consider funding these positions for the duration of the contract, but ideally, the Ministry should fund them. It may be possible to consolidate the responsibilities of these five positions into a fewer number, depending upon workload and other factors relating to how the program is finally implemented. But for the purposes of this document, we suggest planning for the maximum number of new positions within the Ministry of Justice.

It is also possible that all five positions could come from existing technical human resources with the Ministry of Justice, from transfers from other government units, or from new hires. Whatever the source, the successful contractor will need to evaluate the requirements and make recommendations for filling the responsibilities of the Web Developer, the Database Administrator, the Network Administrator, the Web Programmer, and the PC/Customer Support Specialist. For now, we assume that funding for personnel to handle the responsibilities of these five positions will not raise long-term sustainability issues for the Ministry of Justice.

In addition to the long-term potential sustainability issues, there are two political issues that could dramatically affect the successful implementation of the recommended program. First, the Minister of Justice may not have the political will to implement the program. And second, the President's Office could object to having the Ministry of Justice be the official distributor of the framework documents database.

¹⁸ A Network Administrator is responsible for managing and maintaining an organization's Local Area Network (LAN). Network Administrators normally focus on making sure that an organization's LAN is tuned for optimum performance, delivering required information to end-users of the LAN, and interacting properly with Wide Area Networks, such as the Internet. A Network Administrator must be proficient with a wide variety of software and hardware, and normally holds one or more specialized technical certifications. The Network Administrator for this position needs to be fluent in Azeri, and proficient in Russian and English.

¹⁹ A Web Programmer is responsible for designing and developing applications and scripts for the World Wide Web. Web Programmers normally work in the programming languages common to the Internet and World Wide Web, and are mainly responsible for providing the programming which makes Web pages interactive or allows surfers on the Web to interact with back-end applications like databases. The Web Programmer for this position does not need to be fluent in Azeri or proficient in Russian or English, although fluency and proficiency in these respective languages would be highly desirable.

²⁰ A PC/Customer Support Specialist is responsible for assisting end-users of, in this case, the database, either remotely or in person, with personal computer maintenance, training, troubleshooting, and management. A PC/Customer Support Specialist requires broad skills and knowledge to perform everything from onsite training, to hardware maintenance, to software upgrades. People performing this function normally hold one or more specialized technical certifications. The PC/Customer Support Specialist for this position needs to be fluent in Azeri, and proficient in Russian and English.

We do not see either of these being a substantial threat. It is hard to conceive of the Minister of Justice vetoing a website, when a national action plan for Information and Communication Technology was recently adopted. We understand that 13 of the 17 Ministries have so far received a domain name, and that eventually the plan envisions 40 government offices having a domain name. We also do not anticipate that the Minister of Justice would object to upgrading the infrastructure and institutional capacity of the Ministry. Nevertheless, our recommended approach is based on phasing-in each principal step, to hold to a minimum any potential objections from the Minister. Once the train has left the tracks, it will be difficult, if not impossible, for the Minister to halt the program

We propose four basic implementation steps, or phases, to implement our recommended program for the Ministry of Justice. These four steps will overlap in the timeline for implementation, but should be viewed as four distinct phases. The four are: (1) create a Ministry of Justice generic website on the Internet; (2) automate the Ministry of Justice's existing operations for registering, recording, classifying and archiving the framework documents (to include capturing the source documents in image format); (3) automate the Ministry of Justice's existing operations for codifying those laws that are subject to amendment and repeal; and (4) implement the database on the Internet.

Of these four, the most difficult to implement will be number three – automating the Ministry's codification operations. The control copies for each initial law will need to be inputted into full-text format, followed by an error detection and correction process. The next step will be to update the control copy by adding any amendments at their appropriate places and deleting all provisions that have been repealed. This step will require another quality control effort to assure accuracy. A final step will require the addition editorially of historical notes to identify the amending and repealing laws, with hypertext links to those documents in image format. Consideration should also be given to having a place in the codified law (preferably at the end) for editorially-added references to all related framework documents, again with hypertext links to those documents in image format.

One potential method for reducing the workload requirements for this codification effort within the Ministry of Justice is to have the President's Office also codify the laws using automation techniques. Priorities for codification could then be established between the President's Office and the Ministry of Justice, with the two then exchanging their respective documents. This will save enormously on the inputting of the initial law into full-text format, but will still require an editorially intensive error detection and correction process. This suggestion is discussed more fully below.

There is one final recommendation for achieving the successful implementation of our program, and long-term sustainability within the Ministry of Justice. There should be a program champion within the Ministry of Justice. The Ministry person chosen to manage the program and coordinate the four phases will need to be a senior official within the Ministry who has the confidence of the Minister. He/she will need to be an integral part

in the planning and implementation process, to assure buy-in at all levels. To further negate the potential concerns of the Minister of Justice, USAID should consider funding all or part of the salaries of new Ministry personnel required to implement the program for the duration of the contract. Our recommended timeframe for the contract is 18 months.

We have attached as Appendix C a draft Memorandum of Understanding among USAID, the Ministry of Justice, and the President's Office. We presume that the Memorandum of Understanding will be negotiated and signed prior to USAID soliciting bids under the Request for Proposal. The proposed terms and conditions in this draft Memorandum of Understanding include having the Ministry of Justice name a senior official to fill the coordinator role, fund any new full-time local hires (up to 5 as noted above), and provide office space to house the contractor's team implementing the recommended program, as well as all required office furniture, office telephones, and normal office supplies.²¹ The discussion to support the draft Memorandum of Understanding provisions relating to the President's Office follows.

As to the potential political threat of the President's Office objecting to having the Ministry of Justice be the official distributor of the framework documents database, again we do not view this as a substantial threat. The database is simply a compilation of the documents currently being collected and processed by the Ministry of Justice. The Ministry will not be responsible for collecting other documents and making them available in the database. Nor does the recommended program affect the current dispute over the non-compliance of certain Ministries in registering their regulations that are of a normative character with the Ministry of Justice.

Nevertheless, to forestall any potential problem, we recommend that the President's Office also be a counterpart agency. We propose that the current codification process currently being done in the President's Office be upgraded, similar to the proposed upgrading of the exact same activity in the Ministry of Justice. This will require that the President's Office to input the text of the control document into full-text format and then maintain and update the control document as changes are made in it, and make the codified documents available on the President official website.

If priorities for codification between the Ministry of Justice and the President's Office are established, it will enable the Ministry of Justice to download from the President's Office website those documents codified by the President's Office, saving the time and effort for inputting these codified laws by Ministry of Justice personnel. Once downloaded, the work effort of the President's Office will need to go through an intensive error detection and correction process. Any discrepancies can be resolved between the two units, with both then being able to distribute on their websites an "official" version of each codified law.

²¹ The illustrative budget, however, includes office rental and furnishing costs, given our sometimes difficult experience with rapid mobilization in situations requiring such contributions from governmental organizations.

To implement this recommendation, we add a fifth phase to our recommended program – namely, automate the operations in the President’s Office for codifying laws, and establish a document transfer capability between the President’s Office and the Ministry of Justice.

Another potential activity with the President’s Office is the reduction in the time lag for publication of *Toplusu*. USAID could require the contractor, as a relatively minor part of the Request for Proposal, to assess the feasibility of reducing the time lag and to make recommendations accordingly. However, since the purpose of the Request for Proposal will be to develop a database containing the framework documents, we think that such a feasibility study, with recommendations, is not called for under this program.

There are three final elements to our recommended program. The first is “public awareness.” The successful contractor, working with the coordinator of the program within the Ministry of Justice, should conduct at least one seminar/conference to introduce the availability of the database on the Ministry of Justice’s website. Invitees to the seminar/conference should include officials from other government units, the private database vendors²², and other parties having a potential interest in having access to the framework documents on a timely basis (such as NGOs, the press, etc.). The seminar/conference should include a “show and tell”, a discussion of the benefits of having the official framework documents available and accessible, and the timetable for having the complete database available.

The second element, and closely related to the first, is the need to make the database available and accessible at remote locations. We are aware of the 10 Information and Communication Technology literacy centers being proposed by UNDP. There is also the possibility of remote sites at regional court houses, and if and when implemented, regional legal aid centers. At this time, the number and location of all potential remote sites are not known. Whatever remote sites there will be, however, the workstations at them, as well as any connectivity to the Internet from them, is not part of our recommended program for funding by USAID.

Nevertheless, the contractor will need to inventory the potential sites, and make a determination as to whether each such site has the requisite connectivity and bandwidth requirements for accessing the database and retrieving documents. Of particular concern here are the bandwidth requirements for transmitting documents in image format.

If there is no connectivity from these sites (or sites in Baku), or if there is connectivity but with inadequate bandwidth, the database will need to be distributed to the sites on CD-ROMs on a periodic basis (perhaps monthly). The costs for creating and distributing any such CD-ROMs are relatively minor (as previously noted). All modern standalone workstations have built-in CD-ROM players, to enable access to the data on the CD-

²² One of the database vendors indicated a willingness to pay for having official documents available in electronic format on a timely basis; thus, it is conceivable that the Ministry of Justice under our recommended program could be both a retailer and wholesaler of the official framework documents included in the database.

ROMs either directly or through the workstation's hard drive. And if the workstations are part of a Local Area Network, the CD-ROMs can be installed to operate in a shared environment. The only disadvantage to this form of distribution of the database is the lack of currency, a small price given the tremendous benefits of having access to the database containing the official framework documents.

In addition to a public awareness program and an assessment of potential remote sites, the last element of our recommended program is the ongoing need for training of users of the database. The development of a user's manual, and the availability of the PC/Customer Support Specialist (see footnote 20, above) address this need. Moreover, the anticipated user interface for searching and retrieving documents in the database will be relatively straight-forward and easy to learn. The exact coverage of the database in terms of what is included also needs to be spelled out in the user support materials, during any training session, and in the database itself.

In summary, we recommend that the Ministry of Justice establish a website, first to contain general information about the Ministry, followed eventually by the complete official framework documents database. The database should be made available initially with only the most recent framework documents – say for the past six months – all in image format, and with any codified laws that have been completed in full-text format. In effect, the database initially would act more like a “current awareness” service, as opposed to a full database. And where necessary, the database would also be distributed on CD-ROMs.

Once the website is up and running, prospective documents in image format would be added on a timely basis (within 2 working days after receipt), retrospective documents in image format would be added as they become available, and the codified laws would be added in full-text format as they become available. The database will include all of the key framework documents, and any other framework or other significant documents (such as the decisions of the Constitutional Court, subministry rules, etc.) that are collected by, or readily available to the Ministry of Justice. Where necessary, as previously noted, the database would also be distributed on CD-ROMs.

For the reasons already noted, creating the codified laws and incorporating them into the database will take more time than loading the framework documents in image format. The codification of laws should be completed in stages. The first priority should be to codify the 14 codes passed since 1991 and still in effect (see Appendix D for a list of these laws). The next priority should be all remaining laws. If the President's Office also agrees to codify laws as a counterpart agency, the contractor, working with the appropriate personnel within the two counterpart agencies, should establish each office's codification priorities, both for the first priority 14 codes and then for the remaining laws.

The recommended program is estimated to require 18 months to complete. The availability of the initial database on the website, projected in month 7 after start-up, will contain only the current documents in image format (perhaps the most recent six months of documents) and some codified laws (some, but probably not all of the 14 laws having

the highest priority). The remaining 12 months will be necessary to add all retrospective documents in image format, continue to add all prospective documents in image format within 2 working days of receipt by the Ministry of Justice, and complete the codification process for all laws. It is conceivable that the complete database could be available sooner than 18 months from start-up, particularly if the President's Office also undertakes to do the codification effort, but with different priorities, thereby saving the dual inputting of all laws. However, for planning purposes we have assumed 18 months to complete the database, including all codified laws.

The required deliverable "Program Description/Statement of Work (SOW)" to implement our recommended program (see the Implementation Plan, below) is included as Appendix E. Appendix F contains an "Illustrative Budget" to support this Statement of Work, to include all commodities and technical assistance by both long and short-term expatriate advisors and by the up to 5 local professional hires. Implementation will require a full-time expatriate as Chief of Party to oversee all activities, and perhaps six months of short-term expatriate technical assistance. For the local professional hires, we have assumed a worst case scenario, under which USAID funds completely the 5 potential local hires for the duration of the contract. Including these professionals, the Illustrative budget is under \$1.2 million.

If the Ministry of Justice hires the local professionals, as suggested in the Memorandum of Understanding (see Appendix C), the cost to implement the program will be reduced by approximately \$150,000. In any event, the Ministry of Justice must be willing to fund these professional local hire positions after the contract terminates to sustain the database. If the Ministry of Justice is not willing to absorb these positions at the end of the contract, then we recommend that no activity be undertaken by USAID, leaving the development and implementation of a database to the private vendors.

It also needs to be noted that no consideration is given in this Report to the possibility of there being user charges to access a Ministry of Justice framework documents database. As noted in footnote 21, one of the private database vendors indicated a willingness to pay for accessing and downloading official documents. If there were user charges, they would more than likely offset the cost of the additional hires, as well as maintenance and upgrades to the commodities once the contract is terminated.

V. Implementation Plan

Our recommended program consists of five overlapping phases. These are: (1) create a Ministry of Justice generic website on the Internet; (2) automate the Ministry of Justice's existing operations for registering, recording, classifying and archiving the framework documents (to include capturing the source documents in image format); (3) automate the Ministry of Justice's existing operations for codifying those laws that are subject to amendment and repeal; (4) implement the database on the Internet; and (5) automate the operations in the President's Office for codifying the laws, and establish a document

transfer capability between the President's Office and the Ministry of Justice. These five phases, with their respective timelines, are set forth below.

Phase One: Create a Ministry of Justice Generic Website on the Internet (Months 1-4 for creation; months 4-18 for operation)

The contractor will need to design and implement a passive Ministry of Justice website. The site would be informational and contain content of a general nature, such as location, purpose, staff, organization, etc. Once operational, projected in month 5, the website would not be interactive – that is, it would not be searchable for framework documents. The first availability of the searchable framework documents is projected in month 7 (see Phase Four, below).

At the outset of this Phase One, the contractor will need to complete an overall “Work Plan” for the entire program, followed by a technical-economic feasibility study regarding the alternatives for creating and maintaining the website, with recommendations. Whatever decision is made regarding the chosen alternative, the contractor, working with the coordinator within the Ministry of Justice, will need to recruit and train a full-time Web Developer, beginning in month 2, to perform all duties to support the website.

As part of the Work Plan, the contractor will identify the required commodities to implement the entire program. Phase One commodities will depend in large measure on the alternative chosen for implementing the website. For planning purposes, we have assumed the procurement of all web server hardware and software by the contractor, as well as peripheral equipment and software required on an ongoing basis by the Web Developer. We project these commodities at a total of \$20,000 – Web server (\$7,500); Development PC (\$5,000); Printer (\$500); Server software (\$2,500); PC software (\$2,500); and Miscellaneous supplies (\$2,500).

On top of this would be the monthly charges from the vendor hosting the website, to include the telecommunications charges to support user access. These add-on charges, which can have a wide swing depending upon traffic on the website, would not begin until month 5, when the website is projected to go live. These subcontract charges are estimated at under \$20,000 for the remaining 14 months. However, for budgeting purposes, we have assumed subcontract expenses of \$25,000. Thus, for this Phase One, the total commodities and local contracts are estimated at \$45,000.

In terms of Level of Effort for Phase One, we estimate 1.5 months of expatriate short-term technical assistance in 2 trips – one very early in the project, and the other at the time that the website goes live with the database (see Phase Four, below), and 17 months of local full-time technical assistance for the Web Developer. See footnote 16 for the responsibilities of the Web Developer.

Phase Two: Automate the Ministry of Justice’s Existing Operations for Registering, Recording, Classifying and Archiving the Framework Documents (Months 1-2 for research, procurement of commodities, and training; months 4-6 for completion of this portion of the initial database; months 7-18 for implementation of the complete database)

The contractor will need to automate the existing operations, mirroring to the extent possible the current workflows in the various departments responsible for these functions. Scanning each framework document into image format on a timely basis will be critical. Applying the approved classification system to each document will also be critical, as well as adopting quality control procedures for all activities. The contractor will also need to inter-connect the various workstations being used for this effort through a Local Area Network.

The total commodities required for this phase are estimated at \$40,000. These commodities include: LAN server and connections (\$10,000), Backup device (\$2,500); 4 PC Workstations (\$10,000); 4 Scanners (\$3,000); 2 Printers (\$1,000); LAN server software (\$2,500); PC Workstation software (\$4,000); Backup software (\$2,500); and Miscellaneous supplies (\$4,500).

The contractor, working with the coordinator in the Ministry of Justice, will also need to recruit a full-time Network Administrator to operate and maintain the network, and a full-time Database Administrator to provide ongoing technical support and training for the personnel involved in data entry. Given the relatively small size of the required network configuration, and assuming that the design for the database will be completed by expatriates and that the initial training will be conducted by expatriates, it is possible that only one additional full-time local person will be required for this phase. And it is also possible that whatever additional full-time resources are required, the personnel may already be available within the Ministry of Justice. Nevertheless, for planning purposes, we have assumed funding by the contractor of a full-time Network Administrator for 16 months, and a full-time Database Administrator for 15 months. See footnotes 17 and 18 for the responsibilities of these two positions.

In terms of Level of Effort for Phase Two, we estimate 2.5 months of expatriate short-term technical assistance in 3 trips – one at the beginning for database design and initial training, the second to confirm the accuracy and completeness of the work product before implementation of the database on the website (see Phase Four below), and the third towards the end of the contract to review the product and make recommendations dealing with sustainability. In addition, there is a combined 31 months of local full-time technical assistance for the Network Administrator (16 months) and Database Administrator (15 months).

Phase Three: Automate the Ministry of Justice’s Existing Operations for Codifying those Laws that are Subject to Amendment and Repeal (Months 1-2 for research, procurement of commodities, and training; months 3-6 for completion of some of the laws with the highest priority for codification; months 7-18 for completing the

remaining laws requiring codification (adding them to the database as they become available), plus keeping all laws that have been codified current)

The contractor will need to automate the existing operations, mirroring to the extent possible the current workflows in the department responsible for this function. The only documents that will be codified are the laws. The codified laws will contain hypertext links to the image-formatted framework documents comprising the codified version, to enable retrieval of them if necessary to authenticate the codification process. It is also desirable that each codified law contain a section that references “related documents” (such as Presidential decrees, Ministerial regulations), with hypertext links to their image-formatted document. Once the codified version is available in the database with its hypertext links, the image-formatted laws that comprise the codified version should no longer be accessible from the finding tools (access to them will only be from the hypertext links in the codified full-text formatted law), and the same consideration should be given to the related documents. The additional workstations required for this phase will be connected to the Local Area Network installed in Phase Two.

The total commodities required for this phase are estimated at \$10,000. These commodities include: 2 PC Workstations (\$5,000); 1 Printer (\$500); PC Workstation software (\$2,000); and Miscellaneous supplies (\$2,500).

In terms of Level of Effort for Phase Three, we estimate 2 months of expatriate short-term technical assistance in 2 trips – one at the beginning for training in the codification process, and the second towards the end of the contract to review the work effort and make recommendations dealing with sustainability. No additional local personnel are required. Any follow on training required to support this effort will be done by the Database Administrator hired in Phase Two.

Phase Four: Implement the Database on the Internet (Month 5 for testing the database; months 7-18 for operation)

The contractor will need to test the initial database containing the then current volume of framework documents and codified laws. Once tested, the initial database will be released for access on the website (projected in month 6). For the rest of the contract period, the database will be enlarged by adding all of the retrospective documents in image format, by adding the prospective documents in image format on a timely basis, and by adding completed codified laws as set forth in Phase Three above.

The contractor, working with the coordinator within the Ministry of Justice, will also need to recruit a full-time Web Programmer (beginning in month 4), and a PC/Customer Support Specialist (also beginning in month 4). Given the local personnel recruited and hired in Phases One and Two – the Web Developer, the Network Administrator, and the Database Administrator – it is possible that only one and perhaps even no additional full-time local person will be required for this Phase Four. And it is also possible that whatever additional full-time resources are required, the personnel may already be available within the Ministry of Justice. Nevertheless, for planning purposes, we have

assumed funding by the contractor of a full-time Web Programmer for 15 months, and a full-time PC/Customer Support Specialist for 15 months. See footnotes 19 and 20 for the responsibilities of these two positions.

No additional commodities are required to implement the database on the Internet (the commodities are included in the Phase One commodities). However, commodities are required for the Web Programmer and the PC/Customer Support Specialist. These commodities are estimated at \$18,000 – 2 PC Workstations (\$5,000); 1 Printer (\$500); Programmer software (\$5,000); Database Search and Retrieval Software (\$5,000); and Miscellaneous supplies (\$2,500).

In terms of Level of Effort for, no additional expatriate short-term technical assistance is required (the second trip of the expatriate in Phase One will coordinate this effort, with the Web Developer). Local full-time technical assistance is budgeted at 30 months (15 months each for the Web Programmer and the PC/Customer Support Specialist).

Phase V: Automate the operations in the President's Office for codifying laws, and establish a document transfer capability between the President's Office and the Ministry of Justice (Month 3-5 for research, procurement of commodities, and training; months 6-18 for completing the laws to be codified by the President's Office)

Assuming that the President's Office becomes a counterpart agency for this function, and if so, that non-overlapping priorities can be established for the codification work undertaken by the Ministry of Justice (in Phase Three, above) and by the President's Office, the overall availability of all codified laws on the Ministry of Justice's website should be expedited. The contractor will need to provide the same level of initial training as provided to the Ministry of Justice in Phase Three, above. This training will be conducted by the expatriate technical advisor during the second trip in Phase Three. The Database Administer hired in Phase III will provide ongoing training and support. Also, during the expatriate's second trip in Phase Three, the details for transferring the documents between the two organizations will be worked out. The Head of the President's Information Technology group and the Network Administrator and Web Developer recruited for the Ministry of Justice will be responsible for implementing this capability.

The President's Office will require \$7,000 in commodities – 1 PC Workstation (\$2,500), 1 Printer (\$500), PC software and enabling software to implement transfer capability (\$2,000); and Miscellaneous supplies (\$2,000).

While there will be a Level of Effort to implement Phase Five, no additional resources are required.

Codified Legal Database of Azerbaijan's Legal Framework: Assessment and Program Design under ALPI (USAID/Caucasus/Azerbaijan)

Statement of Work

A. Summary

This statement of work calls for the completion of two inter-connected tasks: 1) an assessment of Azerbaijan's legal framework documents and requirements for successfully carrying-out a (codified) legal database program with the Ministry of Justice (MOJ); and 2) the design of a program for a (codified) legal database program in Azerbaijan, based upon the assessment findings. The assessment portion of the work will be conducted in close collaboration with USAID and the MOJ while the solicitation design work will be completed in close collaboration with USAID. The assessment will be carried out under a Task Order by DCHA/DG's Indefinite Quantity Contract (IQC) for DG Analytical Services (award number: AEP-I-00-99-00040-00 or AEP-I-00-99-00041-00).

Estimated Timeline: June 5–July 10, 2003

B. Background

Since declaring independence in 1991, Azerbaijan has experienced a number of upheavals that have impeded progress toward openness and democracy. The military conflict over the fate of the largely ethnic Armenian enclave of Nagorno-Karabakh has left some 20 percent of Azerbaijan's territory under Armenian control. While a cease-fire has been in place since 1994, the war produced more than 850,000 refugees and internally displaced persons (IDPs), and diverted precious human and material resources needed to accelerate the country's economic and political development. Despite the prospect of windfall revenues from major deposits of oil and gas in and adjacent to the Caspian Sea, Azerbaijan will continue to face an uncertain future in the absence of a comprehensive peace settlement.

The country also has been beset by internal political turbulence. President Heydar Aliyev came to power after the previous government of the democratically elected Azerbaijan Popular Front collapsed. He won 1993 elections that did not conform to internationally recognized standards. This was repeated with similar doubts about fairness in the 1998 Presidential elections, as well as the Parliamentary elections of 2000 and the most recently in the Referendum of August, 2002.

Although the constitution provides for a republican form of government "based on the principles of democracy" and "the division of powers", the political system in Azerbaijan is a highly authoritarian, top-down decision-making regime. With or without the existence of 70 years of Soviet rule, there is little tradition in Azerbaijan for democratic principle, and as a result, few citizens question the current authoritarian system. Feeding into this historical tradition of a centralized top-down decision making authority is a pervasive feeling by the population that little can be done to affect change in Azerbaijan or of little understanding of a system based on rule of law principles.

Complicating the lack of an enabling environment, the legal profession is ill-equipped and poorly organized to play a role in defending the rights of civil society and media organizations. To practice law, lawyers must be members of the Collegium of Advocates, the existing lawyers' association, which is under the control of the Ministry of Justice. Furthermore, there are few trained trial attorneys, little experience in the independence of the bar, in upholding adversarial defense of clients, or in establishing client-attorney privilege safe from state intervention. This cycle does not end as legal curriculum and teaching methods have changed very little since Azerbaijan's Independence from the Soviet Union.

Further, it is often difficult for lawyers to obtain access to the legal codes and other law publications required to represent clients effectively. Laws are not published in a timely manner. Presidential decrees, which may supersede or contradict laws, are not widely disseminated. Regulations are rarely known outside the relevant government agency. Additionally, Azerbaijani lawyers often note that terms and provisions of existing laws are confusing and contradictory in part as a result of the drafting process, in which drafts leading to final statutes have been produced in a variety of languages, including English, Russian and German. As for the population itself, they are in desperate need of information on their specific legal rights in order to be empowered to question government actions and to protest corruption.

As stated by a June 2000 Legal Assessment, "laws, regulations, and decrees are often not available to lawyers and courts...Support for a legal publishing project that would gather decrees and regulations as well as laws, publish them and maintain a data base would be of enormous help to the legal profession, promote transparency, reduce opportunities for corruption and make government more responsive."

Sustainability

Sustainability under this SO can be viewed on two levels. The indigenous institutional capacity to provide the training and support that USAID-funded partners are initiating must be developed, and the rule-of-law and legal framework must be improved. Given the constraints under which this SO is operating, and the modest results being sought, expectations for moving closer to sustainability in both areas are modest.

Within the existing program, USAID already is building the indigenous capacity to support the development of NGOs and are extending to the legal and judiciary systems. These efforts will continue and be strengthened during the years ahead with new initiatives such as a legal database program, legal curriculum reform and public education. The heavy emphasis on training will contribute significantly to sustainability. At the same time, strengthening the constituency building of all types of civil society should lead to the enhancement of certain aspects of the legal framework and advocacy environment that supports an independent civil society. Over time, an improved policy and regulatory climate will augment the sustainability of changes made in civil society organizations.

On-going Activities

Through Strategic Objective 2.1 Civil Society Better Organized and Represented USAID currently promotes the development of civil society through: (i) civic education for selected municipalities and their citizens; (ii) grants, information and organizational training programs for

advocacy-oriented civic and political groups; (iii) professional development for judges, lawyers, election officials, political parties, journalists, municipal leaders; (iii) the promotion of an independent media; and (iv) legislative commentary and drafting assistance. These activities are implemented through a combination of grants, direct training and technical assistance.

Present Rule of Law activities which are set to conclude in September 2003 specifically focuses on increased public knowledge of legal rights, reforms and laws in place, sparked the development of rule of law organizations, provided legal commentary on draft laws/regulations, supported clinical legal education courses and curriculum development at universities, the professional development of judges and lawyers and curriculum support for the MOJ's judicial training center. With the waiver of s907, USAID expanded its umbrella of support to several court systems and other government institutions and introduced a commercial law education series.

C. Legal Restrictions: Section 907

Under Section 907 of the FREEDOM Support Act (FSA), the U.S. Government is prohibited from providing direct financial or technical assistance to the Government of Azerbaijan (GOAj), its organizations, and officials. The FY 2002 Appropriations act contains permanent authority for the President to waive the prohibition of Section 907. On January 17, 2003, the President exercised his authority and waived the Section 907 prohibition. The waiver of Section 907 allows GOAj employees to be sponsored by USAID for training.

The selected implementing partner should be aware that the current waiver is for CY2003. The waiver of Section 907 must be reviewed and renewed on an annual basis for this waiver to remain in affect for subsequent year(s).

D. Proposed Level of Effort

Implementation of this assessment calls for a team of 2 Program Development Specialists: Mid-Level (1 Program Development Specialist must have codification experience).

Program Development Specialist 1	10 days work in country 3 days travel 1 day U.S. preparation 14 days work in the US finalizing the program design documents
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Program Development Specialists 2 (codification experience)	10 days work in country 3 days travel 1 day U.S. preparation 7 days work in the US finalizing the program design documents
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Administrative Support (US-Based)	5 days in the US
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CCN/Logistical Support

Team interpreters/drivers (National): 1 Driver with vehicle	10 days
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1 interpreter/translator	15 days (includes 5 days prior to the Expatriate Team's arrival to arrange for interviews/meetings)
1 interpreter/translator	10 days

Team Member Qualifications and Experience

Program Development Specialist/Team leader 1 (expatriate):

Mid-level planning, design and development specialist with at least six years experience in developing Rule of Law programs is required. Potential candidates should have experience in assessing legal frameworks and employing the assessment findings and information to design successful rule of law programs and activities. Prior experience in a CIS country is critical. Experience in the Caucasus or Central Asia will be preferred. Ability to conduct interviews and discussions in Russian or Azeri language is desired. Ability and willingness to manage logistical arrangements is required. Ability and willingness to travel and work under sometimes-difficult circumstances is necessary. Knowledge of USAID and web-based legal database projects and legal background would be helpful.

Program Development Specialists 2 (expatriate):

Mid-level development specialist with 4 years experience in codifying laws and regulations, rule of law, or related fields or combination of, required. A minimum of 2 year's experience with codifying laws and regulations is critical. Potential candidates should have the ability to assess program requirements and to identify potential implementation barriers using this information to design successful activities. Prior experience in CIS countries is critical, preferably in the Caucasus or Central Asia.. Ability and willingness to manage logistical arrangements is required. Ability and willingness to travel and work under sometimes-difficult circumstances is necessary. Knowledge of USAID projects and legal background is helpful.

E. Period of the Task Order

The work called for in this scope will start o/a June 5, 2003 end o/a July 10, 2003. The team will provide in and out briefings with the Mission. The CTO may approve an extension of the Task Order not to exceed a total of 45 days, provided that it does not increase the ceiling price of the task order or provide for new work.

Proposed Timeline

June 5, 2003	Task Order work begins
June 11, 2003	Interpreter/Translator Begins Organizing Meeting Schedule
June 15, 2003	Assessment/design Team Arrives in Baku
June 16, 2003	In-Brief with Mission; assessment begins
June 24, 2003	Draft design documents submitted to the Mission for review prior to the Out-Brief
June 25, 2003	Out-brief including a review of the draft design with Mission
June 26, 2003	Team Departs
July 3, 2003	Second Draft of Program Design submitted to the Mission (e-mail)
July 10, 2003	Final Program Design submitted to the

F. Special Instructions

1. The reports prepared under this effort belong to USAID, not to the consultants or contractors, and any use of the material in the report shall require the prior written approval of USAID.
2. The Contractor is ineligible to compete for any future work (e.g implementation contracts) related to the codified legal database program developed under this Task Order.
3. The Assessment Team will be authorized a 6-day work week with no premium pay.
4. The team members are requested to bring lap-top computers with them and be prepared to use their hotel or an alternative location as their office rather than Mission space. The Mission cannot provide office space, equipment or logistical support.
5. Payment for any TCN or local hire staff hired for this assessment will be the responsibility of the contractor. All payments must be settled prior to departure of the Assessment Team.

G. Field Work and Deliverables

Field Work: Codified Web-based Database of Azerbaijan's Legal Framework
 The USAID Mission seeks to design a program that will collect, compile and develop a single official codified legal database of Azerbaijani laws, regulations, decrees, and bi-lateral agreements and support mechanisms whereby legal professionals and the general populace have access to such information. It is expected that the Ministry of Justice will be the final depositor of the database and as such will likely require technical assistance, training, materials and equipment in order to establish, update and maintain the database. USAID envisions that the codified **web-based** database, once established will:

1. Provide easy access and use of legal framework documents;
2. Identify conflicts and inconsistencies in the legal framework;
3. Eliminate the need to refer to many separate documents where amendments or updates have been made to a legal framework document;
4. Provide an efficient tool for the MOJ, other government agencies and the general populace to download and receive the most accurate, up-to-date and official versions of Azerbaijan's legal framework;
5. Provide a clear view of the existing situation allowing for easy determination of the impact of future changes and amendments to the legal framework; and
6. Promote consistent and transparent enforcement of the legal framework by the courts, police and other enforcement officials.

To promote access to the database by potential users in Azerbaijan's regions (out side Baku) USAID anticipates supporting 7-10 remote access points as part of the planned activity. USAID sees Remote Access points as existing facilities where the database's information may be retrieved by legal professionals and/or civil society e.g. NGO or Information Centers, Court Facilities, Libraries, etc. Support for these centers will likely entail funding for internet fees and for certain centers computer equipment as well.

*For notational purposes USAID means the following by a website configured database:

Website configured database is a database which can be accessed/managed through a web browser such as Netscape, Internet Explorer and so on. It is very convenient for accessing a database from a remote connection where a high performance link cannot be provided. It consists of two parts: a Client side and a Server side.

The Server side requirements are usually a high performance and high capacity network computer which will be used for storing database and processing all the commands received from the client computers (e.g. update, delete, retrieving data). The server will require software installed such as a Network Operating System (e.g. Windows 2000 Server, Solaris, Linux...), a database system (e.g. Oracle, SQL, Informix, Sybase, Paradox...), and a Web Server with server side scripting enabled to access data in the database (e.g. Internet Information Server with Java Script or Visual Basic, Apache Web Server with Perl or PHP). The connection between web server and the database should be properly configured (e.g. ODBC, Borland Database Engine - BDE). Networking is not a consideration for this program.

The requirements for the client side is a desktop computer with a web browser installed (IE, Netscape) and the active connection to the server. It is not considered necessary to establish a LAN, as the database may be reached through a regular a dial up connection as the web browsers do not consume much traffic. **FOR THE PURPOSES OF THIS PROGRAM, USAID DOES NOT ANTICIPATE PROVIDING CLIENT SIDE REQUIREMENTS, EXCEPT WHERE THEY MAY BE NECESSARY FOR THE SELECTED REMOTE ACCESS POINTS.**

Concerns/Questions Regarding a Codified Database Program

While the above represents a basic outline of the envisioned program many questions remain unanswered about the feasibility of codifying Azerbaijan's legal framework documents, the continued and long-term civil society access to the database's information, and the ability to collaboratively work with the Ministry of Justice, a would be first-time partner of USAID. While not considered all inclusive, USAID expects the following questions to be answered as part of the assessment and incorporated into the eventual design of a program for establishing a Codified Legal Data Base.

1. Is it feasible to codify Azerbaijan's laws, regulations, bi-lateral agreements, and decrees or some combination of these legal framework documents? Would the task be too cumbersome or fall outside of USAID's Rule of Law programs in Azerbaijan? Is there sufficient clarity in the legal framework for codification to be designed and be effective at this time?
2. What are the cost implications of codifying the legal framework documents?
3. Which legal framework documents (noted in item 1 above) and how many must be codified?
4. How much time will be necessary to complete identified codification requirements? How many of the legal framework documents are available in Azerbaijani, Russian and English, respectively? (MOJ Records)
5. Is it feasible to have the legal framework documents codified and available in three languages - Azerbaijani, Russian and English?
6. Does the MOJ have staff that could translate future documents? Is it necessary to translate future documents into Russian and English? What are the cost implications?
7. Are the legal framework documents available at the MOJ or will the documents have to be obtained from other government departments, ministries or agencies?
8. Is there political will at the MOJ to implement such a project and to allow continued civil society access to these materials?

9. Are there any known or cited legal framework documents that the MOJ would likely not be interested in being made part of this database?
10. Does the MOJ have information system administrator(s) and codification specialists who could maintain the database in the long-term? If such capacity exists, what kind of additional training or skills development will be required? What will be the cost implications?
11. Does the MOJ have sufficient space, equipment, software or hardware to develop and maintain the database? If not, what inputs would they require? What are the cost implications?
12. How much time is required for site preparation, installation and testing for the database activity?
13. How much time is needed to collect, compile and translate the legal framework documents? What are the budgetary and staffing requirements (at MOJ) needed to accomplish and sustain this effort? What are the related cost implications?
14. Are qualified legal translators available in Azerbaijan for this project? Have their skills been tested?
15. What inputs and how much time will it take to produce operational and maintenance manuals for the codified database? Will manuals aid MOJ staff in maintaining and repairing the database?
16. Identify a potential list of remote access points and illustrative inputs? What are the cost implications of remote access points?
17. What assurances and commitments should be obtained from the MOJ and the Presidential Administration prior to solicitation of a legal database program? Provide recommendations for the elements to be included in any potential MOU signed with the GOAJ for this project?
18. How long would the entire codified legal database program take to complete? Could it be completed within 15 to 18 months?
19. What would be an estimated cost/ budgetary requirements for any designed codified legal database program? Could the program be completed within a budget of \$1.2 million?
20. If the legal framework documents were not codified how long would it take to complete the basic legal database program components and what are the budgetary requirements?
21. What are the staffing requirements for any designed codified legal database program? Would an expatriate codification specialist be required for this program?
22. Is the MOJ the appropriate partner for housing and/or completing a codified legal database? If not, who are the other potential partners?

H. Deliverables

1. **Assessment Report:** The Contractor shall submit an Assessment Report based on an inventory of Azerbaijan's legal framework documents (laws, regulations, codes, procedures, bi-lateral agreements and where possible, decrees) and requirements for successfully carrying-out a (codified) legal database program with the Ministry of Justice (MOJ). The assessment will also answer questions listed above, among other issues the team may identify.
2. **Program Description/Statement of Work (SOW):** The Contractor shall prepare and provide USAID with all the required program design and solicitation materials for a codified legal database program including technical design, an illustrative budget, timeline, expected results and indicators. The program description (design document) will also include the following:
 - a) The Contractor shall provide USAID with a staffing pattern required for the designed program.

- b) The Contractor shall provide USAID with a cost/time differentiation for a designed database program including codification components and without codification components.
 - c) The Contractor shall provide a detail list or inventory of existing documents to be included in the database and their translation requirements.
 - d) The Contractor shall provide a list of potential remote access points.
3. The Contractor shall provide the Mission with in/out briefs. The out-brief at the conclusion of the in-country field work will include a review of the assessment and a preliminary draft of program design.
 4. The Contractor shall provide the Mission with a preliminary DRAFT program design and solicitation materials for a codified legal database program including technical design, an illustrative budget, timeline, expected results and indicators one full-day prior to the Mission out-brief.
 5. The Contractor shall submit within 7 days after departure/out-brief a second draft of program design for a (codified) legal database program based on the out-brief discussions and review of the first draft. Mission will provide written comments within five days after receipt of the second draft. The final design document will be submitted to the Mission 7 days following the Mission comments.

A. Evaluation Criteria

The following criteria will be employed in evaluating Task Order proposals for the assessment:

1: Past Performance – 40 Points: Experience in successfully managing similar programs in the CIS but in the Caucasus or Central Asia is preferred.

2: Proposed Personnel and their availability – 60 Points: Major emphasis will be on the qualifications of the proposed candidates and how they meet the requirements outlined in section E of this document. However, higher weightage will be given to candidates with prior experience in the CIS or Caucasus and with experience in designing and/or implementing codification projects.

SKR Feb. 17, 03

Answers to Questions Raised in the Scope of Work Statement

The Scope of Work Statement (see Appendix A) contained twenty-two specific sets of questions. In this Appendix, we set forth these questions, and provide in succinct form our answers (in italics). The details supporting our answers are contained in the body of the Assessment report.

Questions and answers:

1. Is it feasible to codify Azerbaijan's laws, regulations, bi-lateral agreements, and decrees or some combination of these legal framework documents? *Yes, but the codification process applies only to those framework documents that are subject to amendment and repeal – primarily the legislative enactments passed by Parliament and signed by the President. All codified documents will be in full-text format. All framework documents, including those comprising the codified laws, will be included in the database in image format. All documents in the database need to be classified. Would the task be too cumbersome or fall outside of USAID's Rule of Law programs in Azerbaijan? No. Is there sufficient clarity in the legal framework for codification to be designed and be effective at this time? Yes, assuming that the difference between codification and classification is understood.*
2. What are the cost implications of codifying the legal framework documents? *If limited to only the codification process, see Phases Three and Five in our recommended Implementation Plan, and their cost implications in the Illustrative Budget in Appendix F. If the question is meant to include the entire recommended program, see the bottom line figure in the Illustrative Budget in Appendix F.*
3. Which legal framework documents (noted in item 1 above) and how many must be codified? *There are approximately 4500 retrospective framework documents, of which more than 1000 are subject to being codified, most of which are amendment or repeals of previous laws. On a prospective basis, approximately 800 framework documents are issued each year, with approximately 150 being subject to codification.*
4. How much time will be necessary to complete identified codification requirements? *We interpret this question to refer to all framework documents, and not to those that are subject to codification (a lesser number). The identification time should be minimal (less than 3 months), as the MoJ is currently the de facto repository of all framework documents. However, at this time, it is not possible to determine precisely the required time to identify the complete codification requirements for those framework documents subject to codification due to the need for verifying the accuracy level of the on-going codification*

- process. As an outside limit, we would suggest five months. How many of the legal framework documents are available in Azerbaijani, Russian and English, respectively? (MOJ Records) With the exception of a handful of framework documents, all are available in Azeri, the official language. Some documents have been translated into Russian and English by the private vendors. These translations are helpful, but not a must requirement. In addition, the MoJ, without substantial additional resources, is not equipped to do any translations.*
5. Is it feasible to have the legal framework documents codified and available in three languages - Azerbaijani, Russian and English? *Yes. However, the translations to Russian and English are best left to the private database vendors, and not MoJ.*
 6. Does the MOJ have staff that could translate future documents? *No. Is it necessary to translate future documents into Russian and English? No. However, translations to Russian and English are desirable, but best done by the private database vendors. What are the cost implications? Zero, if done by private database vendors, and not MoJ.*
 7. Are the legal framework documents available at the MOJ or will the documents have to be obtained from other government departments, ministries or agencies? *All of the key framework documents, plus other framework and non-framework documents, are available at the MoJ.*
 8. Is there political will at the MOJ to implement such a project and to allow continued civil society access to these materials? *The relevant departments at MoJ appear ready, willing and able to implement our proposed recommended program. The question of whether the Minister of Justice will support such an effort is outside the scope of this Report. Nor is it possible to determine at this time whether the President's office will object to the MoJ undertaking this effort. As stated in the body of the Report, our recommended program is designed, among other things, to mitigate any possible objections by the Minister of Justice or the President's Office. The Cabinet of Ministers has no objection. Nor do the principals responsible for implementing the EU/TACIS project.*
 9. Are there any known or sited legal framework documents that the MOJ would likely not be interested in being made part of this database? *No. Indeed, to the contrary, the MoJ would like to be responsible for registering, processing and recording all regulations that are normative acts issued by the various Ministries, as opposed to the present situation in which some Ministries are not complying with the requirements for registration.*
 10. Does the MOJ have information system administrator(s) and codification specialists who could maintain the database in the long-term? *Yes, as to the codification specialists. Did not spend sufficient time with system administrators to make a judgment, but based on the quality of the existing technical operations*

within the MoJ, it appears that there is adequate technical skills. If such capacity exists, what kind of additional training or skills development will be required? For the codification specialists, see Phase Three in our recommended Implementation Plan. For system administrators, see Phases Two and Four in our recommended Implementation Plan. What will be the cost implications? See the Illustrative Budget in Appendix F; the phases assume for budgeting purposes that it will be necessary to hire five full-time local personnel, and that the contractor will need to fund these positions for the duration of the contract. This, obviously, is a worst case scenario.

11. Does the MOJ have sufficient space, equipment, software or hardware to develop and maintain the database? If not, what inputs would they require? What are the cost implications? *Will treat these three questions as one. Yes, as to space. The estimates for commodities and Level of Effort to support, maintain and distribute the database are set forth in the Illustrative Budget in Appendix F. Again, this is a worst case scenario in that it assumes that all required commodities will need to be purchased by the Contractor, that five full-time local hires are required, and that all local hires will be funded by the contractor.*
12. How much time is required for site preparation, installation and testing for the database activity? *Estimated at 6 months before can go live on the website, with a maximum of 18 months for the complete database to be fully operational with all documents in image format, and all laws codified.*
13. How much time is needed to collect, compile and translate the legal framework documents? *Up to 18 months to complete our recommended program – that is, the complete database is operational at the end of this period (see the answer to question 12). This excludes any need to have the Ministry of Justice or the President’s Office do any translations – not a must requirement, and inadequate government resources to do the translations. The recommended program provides for going live on the Internet at month 7 with only a partial database – mainly, the current official framework documents in image format (perhaps the last six months), and some of the highest priority laws to be codified in full-text format (see Appendix D for a list of these laws). The additional time is required (1) to continue the codification process and add each one in full-text format as it becomes available, (2) add all the retrospective framework documents in image format, and (3) keep current by adding all prospective framework documents in image format within 2 working days after receipt by the Ministry of Justice. All framework documents, including the laws, are currently being collected, registered, recorded, classified and archived manually by the Ministry of Justice. The laws are currently being codified manually by the Ministry of Justice and the President’s Office. What are the budgetary and staffing requirements (at MOJ) needed to accomplish and sustain this effort? What are the related cost implications? Will treat these two questions as one. See our recommended Implementation Plan for staffing requirements, and the Illustrative Budget in Appendix F, which includes all commodities that need to be procured and the*

Level of Effort of expatriate and local hires. Based on the discussion in the Report, the Illustrative Budget should be a worst case scenario.

14. Are qualified legal translators available in Azerbaijan for this project? Have their skills been tested? *A qualified yes, as we cannot determine the accuracy of the existing translations that exist on the private vendor services. However, we do not recommend that the translations be undertaken by MoJ, as translations are not must requirements and there are not adequate government resources to do such translations. Instead, to the extent that translations are desirable, we recommend that they be done by the private database vendors.*

15. What inputs and how much time will it take to produce operational and maintenance manuals for the codified database? *We again interpret this question to refer to the complete database, to include the codified framework documents as well as those framework documents not subject to codification. The creation, maintenance and operation of the database by various MoJ department personnel should be relatively straight-forward. The inputs and manuals for all affected personnel, including the Network Administrator, should all be completed during the technical assistance training periods set forth in Phases Two and Three of our recommended Implementation Plan. Will manuals aid MOJ staff in maintaining and repairing the database? Yes.*

16. Identify a potential list of remote access points and illustrative inputs? What are the cost implications of remote access points? *In discussions with a UNDP representative, we learned of the potential funding of 10 potential remote sites. Time did not permit visits to potential remote access points. There is also the possibility of remote sites in regional court houses, and if and when implemented, legal aid centers. In the short-term, connectivity between the remote sites and the Baku based MoJ website will pose a potential problem, particularly as it may relate to distributing documents in image format for some of the lengthy legislative enactments. Fortunately, the remaining documents are relatively small (half page to perhaps 4 pages), and the legislative enactments once codified will be in full-text format. In addition, as the price performance of connectivity and bandwidth continue their downward trend, it should make distribution over the Internet to outlying locations economically feasible in the not-too-distant future. The contractor will need to inventory the potential remote sites, and make a recommendation as to whether they are candidates for access to the database over the Internet. If they are not, the solution is to have the MoJ distribute the database to these sites on CD-ROMs. It is relatively straight-forward and well-known process to create and distribute CDs containing a database. The costs for creation and distribution should be less than \$2 per CD. All modern workstations have CD-ROM players to support access to any CD distributed to a remote site. Unless there is an unusual situation at the remote site, any problems associated with installing the CD containing the database and accessing it could be handled by a telephone call between the site and personnel at MoJ responsible for*

customer support (see Phase Four in our recommended Implementation Plan for the required customer support personnel).

17. What assurances and commitments should be obtained from the MOJ and the Presidential Administration prior to solicitation of a legal database program? Provide recommendations for the elements to be included in any potential MOU signed with the GOAJ for this project? *Agreement to support the project; agreement to operate and maintain the MoJ website; and agreement to automate the existing operations for registering, recording, classifying, codifying and archiving framework documents. If possible, it would also be ideal to have agreement by whatever document is required (e.g., a Presidential decree) to make the MoJ database prima facie evidence of the “official” framework documents, but this will probably require a “wait and see” attitude regarding the quality of the database. See Appendix C for a draft MOU.*
18. How long would the entire codified legal database program take to complete? Could it be completed within 15 to 18 months? *Will treat these two questions together. Including all retrospective documents in image format and all laws codified, no more than 18 months.*
19. What would be an estimated cost/ budgetary requirements for any designed codified legal database program? Could the program be completed within a budget of \$1.2 million? *Will treat these two questions together. The cost will be less than \$1.2 million. Ssee Appendix F for the Illustrative Budget, which again is a worst case scenario to implement the recommended program.*
20. If the legal framework documents were not codified how long would it take to complete the basic legal database program components and what are the budgetary requirements? *Given the recommended Implementation Plan, codification of legislative enactments, although the most difficult phase to implement is an integral part of our recommendation. Eliminating this component, however, would save some resources (see Phases Three and Five in the Implementation Plan), and would result in having a complete database (without any laws being codified) available perhaps within one year. However, for the reasons stated in the body of this Report, we do not recommend eliminating the codification of those framework document laws subject to amendment and repeal.*
21. What are the staffing requirements for any designed codified legal database program? *See our recommended Implementation Plan. At most, five full-time local hires are required. The Illustrative Budget in Appendix F assumes that these five positions will be funded by the contractor for the duration of the contract, and then absorbed into the MoJ. The MOU in Appendix C proposes that the local staff be hired by the MoJ, with reporting responsibility to the contractor’s Chief of Party full-time expatriate advisor. Thus, the Illustrative Budget is a worst case scenario. Would an expatriate codification specialist be*

required for this program? *Yes, to provide technical assistance in training the existing staffs at MoJ and the President's Office doing this function manually in the use of automation, and to develop quality control procedures to verify accuracy. This expatriate would need to be fluent in either Azeri or Russian, or if not, have the assistance of a translator. See Phase Three of our recommended Implementation Plan for the required Level of Effort, and the Illustrative Budget in Appendix F for the cost implications..*

22. Is the MOJ the appropriate partner for housing and/or completing a codified legal database? *Yes. If not, who are the other potential partners? MoJ is the only government organization in a position to implement the complete database. Assistance in codification is recommended for the President's Office. However, if the MoJ is not willing to be the counterpart agency, we recommend that USAID not go forward with the recommended program, leaving the development and distribution of a database to the private vendors. If MoJ is the principal counterpart agency its database will be viewed as the "official", and it will be both a wholesaler to the private vendors for framework documents, as well as a retailer for the complete body of framework documents..*

MEMORANDUM of UNDERSTANDING (DRAFT)
Regarding
Codified Legal Database of Azerbaijan’s Legal Framework

Governance under the “Rule of Law” requires transparency – that is, timely access by both those governing and those being governed to the text of the controlling framework legal documents of the Government of Azerbaijan (“GOAZ”). To meet this objective, United States Agency for International Development (“USAID”) proposes to assist the GOAZ by developing a timely, accurate and complete database containing the “official” text of the governing framework legal documents of GOAZ (the “Database”), and by making this database readily available and easily accessible to the GOAZ and the public at large through electronic distribution, such as over the Internet (the “Project”). USAID anticipates that the Project will last one year. At the conclusion of the contract, ownership of all commodities will be transferred to the GOAZ.

This Memorandum of Understanding sets forth the roles and responsibilities of USAID, the Ministry of Justice (MOJ), and the President’s Office (PO), to develop and distribute the Database.

USAID will issue a timely public tender under which the contractor (“Contractor”) will:

- Provide the required commodities and technical assistance to create an MOJ website
- Provide the required commodities and technical assistance to automate the current procedures of MOJ for registering, recording, classifying, and archiving the framework legal documents
- Provide the required commodities and technical assistance to automate the current procedures of MOJ and PO for codifying those framework documents that are subject to amendment and repeal
- Provide the required technical assistance to enable MOJ and PO to transfer their respective codified documents for comparison, and as appropriate, correction
- Provide the required commodities and technical assistance to enable MOJ to create, maintain and update the Database
- Provide the required commodities and technical assistance to enable MOJ to implement the Database on its website
- Provide the required commodities and technical assistance to enable MOJ to have the capability for distributing the Database on CD-ROMs in the event that users in remote locations do not have access to the Internet

MOJ will:

- Name a senior official to be responsible for coordinating the Project and the activities of the Contractor

- Provide office space, with furnishings and supplies (desks, telephones, etc.), to house Contractor’s personnel providing both short-term and long-term technical assistance (one large room, with up to 7 desks should be adequate)
- Subject to the approval of the Contractor, nominate full-time Information and Communications Technology (ICT) personnel currently working at MOJ to work on the Project under the direction of the Contractor (the USAID tender projects a maximum need for five full-time ICT personnel, all of whom should be housed together in the MOJ provided office space)
- If existing ICT personnel at MOJ do not meet the qualifications for the positions necessary to implement the Project, as determined by the Contractor, assist the Contractor in recruiting and hiring the necessary personnel
- Assist the Contractor in implementing a training program in the use of automation for existing MOJ personnel responsible for registering, recording, classifying, archiving and codifying framework documents
- Assist the Contractor in implementing that part of the Project involving the transfer of codified documents between the MOJ and the PO
- Assist the Contractor in engaging in a public awareness program, to support the benefits of the Project

The PO will:

- Assist the Contractor in implementing a training program in the use of automation for existing PO personnel responsible for codifying framework documents
- Assist the Contractor in implementing that part of the Project involving the transfer of codified documents between the PO and the MOJ
- Assist the Contractor in engaging in a public awareness program, to support the benefits of the Project

If this Memorandum of Understanding is acceptable, please execute this document in the appropriate space below.

For USAID

Name:

Title:

Date:

For MOJ

Name:

Title:

Date:

For PO

Name:

Title:

The 14 Laws Having the Highest Codification Priority

- Election Code of the Republic of Azerbaijan
- Code of Criminal Procedure of the Republic of Azerbaijan
- Misdemeanor Code of the Republic of Azerbaijan
- Tax Code of the Republic of Azerbaijan
- Criminal Code of the Republic of Azerbaijan
- Family Code of the Republic of Azerbaijan
- Civil Code of the Republic of Azerbaijan
- Code of Civil Procedure of the Republic of Azerbaijan
- Land Code of the Republic of Azerbaijan
- Labor Code of the Republic of Azerbaijan
- Timber Code of the Republic of Azerbaijan
- Water Code of the Republic of Azerbaijan
- Customs Code of the Republic of Azerbaijan
- Air Code of the Republic of Azerbaijan

Program Description/Statement of Work (DRAFT)

SECTION C - DESCRIPTION/SPECIFICATIONS/STATEMENT OF WORK

C.1 BACKGROUND

Country Context

Since declaring independence in 1991, Azerbaijan has experienced a number of upheavals that have impeded progress toward openness and democracy. The military conflict over the fate of the largely ethnic Armenian enclave of Nagorno-Karabakh has left some 20 percent of Azerbaijan's territory under Armenian control. While a cease-fire has been in place since 1994, the war produced more than 850,000 refugees and internally displaced persons (IDPs), and diverted precious human and material resources needed to accelerate the country's economic and political development. Despite the prospect of windfall revenues from major deposits of oil and gas in and adjacent to the Caspian Sea, Azerbaijan will continue to face an uncertain future in the absence of a comprehensive peace settlement.

The country also has been beset by internal political turbulence. President Heydar Aliyev came to power after the previous government of the democratically elected Azerbaijan Popular Front collapsed. He won 1993 elections that did not conform to internationally recognized standards. This was repeated with similar doubts about fairness in the 1998 Presidential elections, as well as the Parliamentary elections of 2000 and the most recently in the Referendum of August 2002.

Although the constitution provides for a republican form of government "based on the principles of democracy" and "the division of powers", the political system in Azerbaijan is a highly authoritarian, top-down decision-making regime. With or without the existence of 70 years of Soviet rule, there is little tradition in Azerbaijan for democratic principle, and as a result, few citizens question the current authoritarian system. Feeding into this historical tradition of a centralized top-down decision making authority is a pervasive feeling by the population that little can be done to effect change in Azerbaijan or of little understanding of a system based on rule of law principles.

Complicating the lack of an enabling environment, the legal profession is ill-equipped and poorly organized to play a role in defending the rights of civil society and media organizations. To practice law, lawyers must be members of the Collegium of Advocates, the existing lawyers' association, which is under the control of the Ministry of Justice. Furthermore, there are few trained trial attorneys, little experience in the independence of the bar, in upholding adversarial defense of clients, or in establishing

client-attorney privilege safe from state intervention. This cycle does not end as legal curriculum and teaching methods have changed very little since Azerbaijan's independence from the Soviet Union.

Further, it is often difficult for lawyers to obtain access to the legal codes and other law publications required to represent clients effectively. Laws are not published in a timely manner. Regulations are rarely known outside the relevant government agency. In addition, Azerbaijani lawyers often note that terms and provisions of existing laws are confusing and contradictory in part as a result of the drafting process, in which drafts leading to final statutes have been produced in a variety of languages, including English, Russian and German. As for the population itself, they are in desperate need of information on their specific legal rights in order to be empowered to question government actions and to protest corruption.

As stated by a June 2000 Legal Assessment, "laws, regulations, and decrees are often not available to lawyers and courts...Support for a legal publishing project that would gather decrees and regulations as well as laws, publish them and maintain a data base would be of enormous help to the legal profession, promote transparency, reduce opportunities for corruption and make government more responsive." As a result of this assessment, a project design team visited Azerbaijan in June 2003 to identify specific opportunities for providing assistance.

In the course of the design, discussions were held with all of the significant actors in processing legal information in the Azerbaijani legal government. The design team met with representatives from the President's Office, the Cabinet of Ministers, various ministries including the Ministry of Justice, and the Milli Majlis. The design team also held discussions with NGOs, representatives of assistance providers and other donors who are providing assistance for legal reform in Azerbaijan or who otherwise were knowledgeable about developments in the legal sector there. As a result of the visit, the design team formulated specific recommendations on developing a codified legal database of Azerbaijan's legal framework. This contract reflects these findings, as well as the team's findings that important legal reform efforts depend significantly on the availability of timely, accurate and complete legal information.

Collection and Processing of Legal Information in Azerbaijan

Article 148 of the Constitution of the Republic of Azerbaijan, adopted in November 1995 (as amended), identifies the country's "normative legal acts" (those of general applicability) that comprise the country's legislation, and creates a hierarchy under which certain types of such acts take precedence over others. The legal documents in this system of legislation are referred to in this Statement of Work as the "framework documents" to be included in the database. Legal documents that are not legislative in nature, such as the decisions of the Supreme Court, or that are legislative in nature but not normative, are not part of the framework documents.

The framework documents, and their hierarchy are: the Constitution; international treaties, including agreements within the Commonwealth of Independent States, to which Azerbaijan is a party²³; acts adopted by referendum; laws passed by the Milli Majlis, the country's Parliament, and signed by the President²⁴; decrees issued by the President; resolutions issued by the Cabinet of Ministers; and the normative acts of central bodies of executive authority (that is, the central Ministries or State Committees— hereafter, Ministry, Ministries, or Ministerial as appropriate). Under Article 148, the laws of the Autonomous Republic of Nakhichevan and resolutions adopted by the Cabinet of Minister of Nakhichevan are binding in Nakhichevan, but they are not included in the framework legal documents of the country. Other potential framework documents include acts of a normative nature adopted by local executive authority, acts issued by the Central Elections Commission, acts issued by the National Bank, and the decisions of the Constitutional Court.

From this list of the framework documents, the key ones are: the laws, the Presidential decrees, the Cabinet of Ministers' resolutions, and the Ministerial regulations that are considered normative acts. All of these documents need to be included in the database. The database also needs to include the Constitution (one document), the acts adopted by referendum, the international treaties (perhaps 250), and those agreements to which Azerbaijan has acceded in the framework of the Commonwealth of Independent States (approximately 220). The remaining potential documents of a normative character, with the possible exception of those Constitutional Court decisions that are normative in nature, are of limited value, and should only be included in the initial database if their source documents are readily available.

Under the law on normative acts (no. 761-IQ, 26 November 1999), the framework documents signed by the President (legislative enactments and Presidential decrees) and by the Cabinet of Ministers (resolutions) become effective only after publication, unless otherwise provided; and the framework documents issued by the Ministries become effective only after state registration and publication, unless otherwise provided.

Proposed legislative acts in Azerbaijan are considered by one of 11 committees in the Milli Majlis. These acts generally undergo three "readings" or hearings in Parliament. Once passed by a majority of votes, the Milli Majlis sends a draft of the enactment to the President, who has 56 days either to sign the act into effect or to return it to the Milli Majlis.

Once the President signs a law passed by the Milli Majlis, the Protocol Department in the President's Office promptly distributes (usually within a day) official copies of the signed law to designated recipients, including the Cabinet of Ministers, the Milli Majlis, the Ministry of Justice, and the official newspaper *Azerbaijan*. The law is eventually published in *Topplusu*, the official compilation of laws, Presidential decrees and orders, and Cabinet of Ministers resolutions. *Topplusu* is published monthly, but usually runs

²³ Technically, international treaties are not normative legal acts, although they are part of Azerbaijan's system of legislation

²⁴ Under the Constitution it is possible for laws to enter into force without the President's signature

several months behind the effective date of the laws, decrees, orders and resolutions that are contained in the publication. Both the newspaper *Azerbaijan* and *Toplusu* are published out of the President's Office.

The Milli Majlis passes about 100 to 150 laws per year. Since 1991, it has passed 16 major codes (2 of which have since been repealed), including the tax code, the criminal code, the family code and the code of criminal procedure. The majority of the current laws are actually amendments to previously passed laws. Some laws may be extremely lengthy, running more than 30 pages of text. Others may be only a few pages in length. The total number of laws passed since independence is in excess of 1000. In 2002, *Toplusu* contained a total of about 2300 pages for all documents published.

From the above, it should be noted that there are three "official" versions of the signed law – the stamped hard-copy that is distributed by the Protocol Department, the version that appears in the newspaper *Azerbaijan*, and the version that appears in *Toplusu*. At times, there are minor discrepancies between these three versions. There are several possible reasons for these discrepancies. The Milli Majlis is still transmitting the laws in hard-copy form and only sometimes with an electronic version. When the official versions are prepared for the newspaper *Azerbaijan* and for *Toplusu*, they have to be retyped. The typist may make a mistake, causing the discrepancy. An editor may attempt to correct an error in syntax or grammar. Finally, the President's office may make a substantive change under the guise of correcting an error.

When there is a discrepancy, it is not clear as to which "official" version is considered the governing version. From a technical standpoint, however, the stamped hard-copy should be considered as the "official" version, since it is an exact replication of the original documents signed by the appropriate government official.

The President issues both decrees and orders. The difference between the two is that decrees are legal acts having general applicability, while orders are non-general in nature. Technically, only the decrees issued by the President constitute "normative acts", and hence are framework documents. But since both the Presidential decrees and orders are published in *Toplusu*, we will treat both as framework documents for inclusion in database.

Presidential decrees generally are used to assign tasks to the Cabinet Minister or to identify which executive body (that is, which Ministry) will be charged with the responsibility for implementation of the legislation. Most laws refer to a "corresponding body of executive authority", and the President then chooses which body (or Ministry) this is. Since independence, the number of decrees issued by President is approximately 1100. The number per year, however, is increasing. In 2002, the President issued around 250 decrees. The decree itself is a relatively short document, running in length on average 2 pages. Many of the decrees include an attached document, such as the text of a law. For the most part, these attached documents will be included in the database in their appropriate place. Any attached document that is not included elsewhere as a framework document will be included in the database with the covering Presidential decree.

There are perhaps an equal number of orders issued by the President each year, but these average less than a page each. Thus, the President is currently issuing approximately 500 total decrees and orders each year, with the average length being around 1.5 pages. Accordingly, *Toplusu* contains approximately 750 total pages of Presidential decrees and orders.

The distribution and publication of the Presidential decrees and orders is identical to that described above for laws. That is, official copies are distributed immediately after signing (usually within a day) by the Protocol Department to designated recipients, including the Cabinet of Ministers, the Milli Majlis, the Ministry of Justice, and to the unit in the President's Office responsible for publishing the newspaper *Azerbaijan*. Publication in the newspaper usually occurs within a day or two after receipt. Publication in *Toplusu*, as previously noted, happens two to three months later.

There appears not to be any divergence between the text of the decrees and orders signed by the president and the text appearing either in the newspaper *Azerbaijan* or in *Toplusu*. This 100% accuracy in the two publications is attributable to the fact that the hard-copy document that was signed by the President was created using word processing technology, and the file containing the word processing version is then used to provide the input for the two publications.

The Cabinet of Ministers issues both resolutions and orders. The difference between the two is that the resolutions are of general applicability, while the orders are of a non-general nature. Technically, similar to Presidential decrees, only the resolutions issued by the Cabinet of Ministers constitute "normative acts", and hence, are framework documents. Since only the resolutions and not the orders issued by the Cabinet of Ministers are published in *Toplusu*, we include only the resolutions as framework documents for inclusion in the database.

Most Cabinet of Ministers' resolutions endeavor to respond to the instructions of the President as embodied in Presidential decrees. They usually include a preface stating, "to fulfill the Presidential decree". The Cabinet of Ministers issues approximately 100-150 resolutions per year, with an average length of 4 pages each.

Official copies of the Cabinet of Ministers' resolutions are distributed after signing to designated recipients, including the President's office, the Milli Majlis, the Ministry of Justice, and the affected Ministries. There is a difference of views as to how quickly the approved resolutions are issued after they have been signed, ranging from within one day to as much as three weeks. The text of the resolutions should be included in the Cabinet of Ministers' official newspaper, *Respublika*, but by all accounts, only summaries of some resolutions are printed in *Respublika*. The resolutions are eventually compiled and published in the official series *Toplusu*. The average number of pages published each year in *Toplusu* representing Cabinet of Ministers' resolutions is around 500.

The Cabinet of Ministers currently has a very poorly maintained electronic database containing a portion of the total number of resolutions. Even though there is a Local

Area Network at the Cabinet of Ministers building, there are differing versions of the database, and by all accounts, there are at least 500 resolutions that have not been entered. In addition, there is a serious question about whether the text of the resolutions in the database corresponds to the official resolution. The European Union, through its TACIS project, is currently working with the Cabinet of Ministers to upgrade the Cabinet's technical infrastructure.

The last set of key framework documents is the regulations promulgated by the Ministries. There are currently 17 Ministries. The President has issued a decree requiring registration of all ministerial regulations through the Ministry of Justice (Presidential Decree, No. 410, 21 October 2000, as amended No. 758, 24 August 2002, approving the Bylaws on the Procedure for State Recordation and Registration of Normative Legal Acts and Normative Acts in the Republic of Azerbaijan). The Ministry of Justice interprets this decree literally, contending that all normative acts issued by the various Ministries must be registered and recorded by the Ministry of Justice. Not all Ministries, however, are complying with the President's decree. As a result, not all Ministerial regulations are currently being registered and processed by the Ministry of Justice.

Since 2000, the Ministry of Justice has registered over 2900 normative acts. However, in one year, 2000, there were nearly 2500 normative acts issued by local executive authorities. Hence, the number of Ministerial regulations registered by the Ministry of Justice since 2000 is slightly more than 400. Consequently, the current workload of the Ministry of Justice for registering and recording Ministerial regulations is currently around 225 documents a year. This number should increase as more Ministries comply with the President's decree for registering their normative acts with the Ministry of Justice.

In general, the Ministry of Justice is responsible for registering all normative acts issued by the various central Ministries and by the State Committees and other central bodies of executive authority, unless the act filed with it contradicts the Constitution, a decree or order of the President, or a resolution or order of the Cabinet of Ministers.²⁵ Once approved by the Ministry of Justice, the act is promptly published in the Ministry of Justice's official monthly *Bulletini*.

There are three private vendors distributing legal databases containing the framework documents, as well as other legal documents, of Azerbaijan. These vendors add about 100 new documents to their respective databases per month. One of the vendors has about 7000 documents in Azeri, the vast majority of which are from post-independence enactments. This number compares to the approximate 4500 documents contained in *Toplusu* and perhaps another 1000 documents contained in *Bulletini*. The additional 1500 or so documents resident on this vendor's database represent orders of the Cabinet of Ministers, decisions of the Constitutional Court, resolutions of the Milli Majlis,

²⁵ In accordance with the order of state recordation and registration of normative legal acts and normative acts in the Republic of Azerbaijan, approved by Presidential Decree 21 October 2000 (No. 410), as amended 24 August 2002 (No. 758) ("Statute on Recordation and Registration")

regulations of the Securities Commission, and acts of different Ministries that are not registered by these Ministries with the Ministry of Justice.

In addition, these private vendors have also translated selected documents into Russian and English. The leading vendor has translated approximately 70% of its 7000 document Azeri language database into Russian, and 30% into English. None of the documents available on these private databases, in any language, are considered “official.” However, having the documents available in Russian is highly desirable. There is, at present, limited demand, for English translations.

The purpose of this Contract is to develop a timely, accurate and complete database containing the official text of the governing framework legal documents, and to make this database readily available and easily accessible over the Internet, and as necessary, on CD-ROMs for access at locations that do not have access to the Internet. The principal counterpart agency is the Ministry of Justice, which at present is the *de facto* central repository of all framework documents. A secondary counterpart agency is the President’s Office. Both the Ministry of Justice and the President’s Office are currently using manual techniques to codify those framework legal documents that are subject to amendment and repeal. The database will need to contain the codified framework documents, as well as all other framework documents that are not subject to being codified. To achieve this purpose, the Contract calls for upgrading the technical infrastructure of the Ministry of Justice, and to a lesser degree, the President’s Office. .

C.2 MISSION STRATEGIC OBJECTIVES

This activity falls under Strategic Objective 2.1 Civil Society Better Organized and Represented. This activity also supports Strategic Objective 2.2, Legal Systems that Better Support Implementation of Democratic Processes and Market Reforms. USAID currently advances the goals embodied in SO 2.1 by promoting the development of civil society through: (i) civic education for selected municipalities and their citizens; (ii) grants, information and organizational training programs for advocacy-oriented civic and political groups; (iii) professional development for judges, lawyers, election officials, political parties, journalists, municipal leaders; (iii) the promotion of an independent media; and (iv) legislative commentary and drafting assistance. These activities are implemented through a combination of grants, direct training and technical assistance.

Present Rule of Law activities which are set to conclude in September 2003 specifically focus on increased public knowledge of legal rights, reforms and laws in place, sparked the development of rule of law organizations, provided legal commentary on draft laws/regulations, supported clinical legal education courses and curriculum development at universities, the professional development of judges and lawyers and curriculum support for the MOJ’s judicial training center. With the waiver of s907, USAID expanded its umbrella of support to several court systems and other government institutions and introduced a commercial law education series.

Within the existing program, USAID already is building the indigenous capacity to support the development of NGOs and are extending to the legal and judiciary systems. These efforts will continue and be strengthened during the years ahead with new initiatives such as a legal database program, legal curriculum reform and public education. The heavy emphasis on training will contribute significantly to sustainability. At the same time, strengthening the constituency building of all types of civil society should lead to the enhancement of certain aspects of the legal framework and advocacy environment that supports an independent civil society. Over time, an improved policy and regulatory climate will augment the sustainability of changes made in civil society organizations.

C.3 STATEMENT OF WORK

I. OBJECTIVE

The overall objective of this Contract is to further the development of rule of law in Azerbaijan by 1) promoting more effective, transparent, and fair public legal sector institutions; 2) encouraging public legal sector institutions to function in a more transparent, open, responsive and accountable manner; 3) promoting more policies, laws, and regulations promoting democratic processes and a market-based economy; and 4) empowering citizens through public awareness of their legal rights and supporting legal access mechanisms to pursue these rights.

[NOTE: The next paragraph may need to be modified based on the agreed-to terms and conditions in the Memorandum of Understanding with the Ministry of Justice and the President's Office]

The Contractor will further the attainment of the above objectives by assisting primarily the Ministry of Justice and secondarily the President's office, 1) to automate the recordation, registration, classification and archiving of legislation, and to codify that portion of the legislation that are the laws (that is, the legislative enactments passed by Milli Majlis), 2) to develop a web site in which all normative acts are accessible not only to government bodies, but also to anyone with an Internet connection, 3) to assure that CD-ROMs containing a full and accurate database of legislation are available at centers throughout the country that do not have access to the Internet, and (4) to provide training in automation to Ministry personnel and personnel at the President's office.

II. TASKS TO BE UNDERTAKEN BY THE CONTRACTOR

[NOTE: The paragraphs in this section may need to be modified based on the agreed-to terms and conditions in the Memorandum of Understanding with the Ministry of Justice and the President's Office; for example, if the President's Office is not a counterpart agency, then there will be only four phases, not five.]

To achieve the objectives laid out in section I of this Statement of Work, the Contractor will be responsible for implementing an 18-month technical assistance program that will include five overlapping phases. These are: (1) create a Ministry of Justice generic web site on the Internet; (2) automate the Ministry of Justice's existing operations for registering, recording, classifying and archiving the framework documents (to include capturing the source documents in image format); (3) automate the Ministry of Justice's existing operations for codifying those laws that are subject to amendment and repeal; (4) implement the database on the Internet; and (5) automate the operations in the President's Office for codifying laws, and establish a document transfer capability between the President's Office and the Ministry of Justice. These five phases, with their respective timelines, are set forth below.

Phase One: Create a Ministry of Justice Generic Website on the Internet (Months 1-4 for creation; months 4-18 for operation)

The Contractor shall design and implement a passive Ministry of Justice website in accordance with the June 2003 government Information and Communications Technology Plan. The site would be informational and contain content of a general nature, such as location, purpose, staff, organization, etc. Once operational, projected in month 5, the web site would not be interactive – that is, it would not be searchable for framework documents. Framework documents shall be searchable on the Web Site no later than month 7 (see Phase Four, below).

At the outset of this Phase One, the Contractor shall complete an overall “Work Plan” for the entire program, followed by a technical-economic feasibility study regarding the alternatives for creating and maintaining the website, with recommendations. Whatever decision is made regarding the chosen alternative, the Contractor shall recruit and train a full-time local Web Developer to perform all duties to support the website, beginning in month 2. The position of Web Developer may be filled by existing personnel within the Ministry of Justice, if he/she has the requisite qualifications for this position.

In addition to recruiting a Web Developer, the Contractor during Phase One shall also need to recruit and train local personnel to perform the duties of a Database Administrator, a Network Administrator, a Web Programmer, and a PC/Customer Support Specialist. The basic responsibilities for these four functions are set forth below in Phases Two and Four. Again, the personnel required to fulfill these functions may already exist within the Ministry of Justice. The Memorandum of Understanding between USAID and the Ministry of Justice provides ... (to be filled in my USAID once the MOU is signed).

As part of the Work Plan, the Contractor shall identify the required commodities to implement the entire program. Phase One commodities will depend in large measure on the alternative chosen for implementing the website. For purposes of budgeting, the Contractor shall include the purchase of the following equipment: Web server; Development PC; Printer; Server software; PC software; and related miscellaneous

supplies. The Contractor shall also include monthly charges from the vendor hosting the website and telecommunications charges to support user access. These add-on charges would not begin until month 5, when the website is projected to go live. In addition, in the event that the Web Developer is not directly funded by the Ministry of Justice, the Contractor shall budget for a full-time local hire Web Developer, beginning in month 2 [NOTE: only need this last sentence if the MOU provides for the Contractor to fund the Web Developer position].

Phase Two: Automate the Ministry of Justice’s Existing Operations for Registering, Recording, Classifying and Archiving the Framework Documents (Months 1-2 for research, procurement of commodities, and training; months 4-6 for completion of this portion of the initial database; months 7-18 for implementation of the complete database)

The Contractor shall automate the existing operations, mirroring to the extent possible the current workflows in the various departments responsible for these functions. Scanning each framework document into image format on a timely basis will be critical. Applying the approved classification system to each document will also be critical, as well as adopting quality control procedures for all activities. The Contractor shall also need to inter-connect the various workstations being used for this effort through a Local Area Network. For purposes of budgeting, the Contractor shall include the following commodities: LAN server and connections, Backup device; 4 PC Workstations; 4 Scanners; 2 Printers; LAN server software; PC Workstation software; Backup software; and related miscellaneous supplies.

For this Phase, there needs to be a resident full-time local Network Administrator to operated and maintain the network, beginning in month 3, and a resident full-time local Database Administrator, beginning in month 4, to provide ongoing technical support and training involved in data entry. The personnel required to fulfill these two functions will be selected in Phase One. In this Phase Two, the Contractor shall train the Network Administrator and the Database Administrator. Given the relatively small size of the required network configuration, and assuming that the design for the database will be completed by expatriates and that the initial training will be conducted by expatriates, it may be possible that only one additional full-time person will be required for this Phase. Whether one or two recruits are required to undertake the functions of the Network Administrator and the Database Administrator, the Contractor shall budget for a full-time Network Administrator, beginning in month 3, and a full-time Database Administrator, beginning in month 4. [NOTE: only need this last sentence if the MOU provides for the Contractor to fund the two positions].

Phase Three: Automate the Ministry of Justice’s Existing Operations for Codifying those Laws that are Subject to Amendment and Repeal (Months 1-2 for research, procurement of commodities, and training; months 3-6 for completion of some of the laws with the highest priority for codification; months 7-18 for completing the

remaining laws requiring codification (adding them to the database as they become available), plus keeping all laws that have been codified current)

The Contractor shall automate the existing operations, mirroring to the extent possible the current workflows in the department responsible for this function. The only documents that will be codified are the laws. The codified laws will contain hypertext links to the image-formatted framework documents comprising the codified version, to enable retrieval of them if necessary to authenticate the codification process. It is also desirable that each codified law contains a section that references “related documents” (such as Presidential decrees, Ministerial regulations), with hypertext links to their image-formatted document. Once the codified version is available in the database with its hypertext links, the image-formatted laws that comprise the codified version should no longer be accessible from the finding tools (access to them will only be from the hypertext links in the codified full-text law), and the same consideration should be given to the related documents. The Contractor shall create codified versions of all codes currently in effect, other laws in effect (estimated to be about 1000 to 1200 laws and amendments), starting first with the most recent and working backwards to pre-independence. The Contractor shall develop a plan to assure the integrity and completeness of the database.

The additional workstations required for this phase will be connected to the Local Area Network installed in Phase Two. For purposes of budgeting, the Contractor shall include the following commodities: 2 PC Workstations; 1 Printer; PC Workstation software; and miscellaneous supplies. The Contractor shall also provide a training program, including a curriculum and materials for Ministry of Justice personnel involved in recordation, registration, codifying, classifying, archiving, and inputting legislation. The Contractor shall provide a training manual that can be used in the future for training Ministry of Justice personnel.

Phase Four: Implement the Database on the Internet (Month 5 for testing the database; months 7-18 for operation)

The Contractor shall test the initial database containing the then current volume of framework documents and codified laws. Once tested, the initial database will be released for access on the website (projected in month 7). For the rest of the contract period, the database will be enlarged by adding all of the retrospective documents in image format, by adding the prospective documents in image format within 2 working days after receipt by the Ministry of Justice, and by adding completed codified laws as set forth in Phase Three above. During this phase, the Contractor shall assure that all international agreements to which Azerbaijan is a party (roughly estimated to be about 500 documents) shall be included on the website. To the extent that there is no official Azeri version, the Contractor shall work with the Ministry of Justice to have the documents translated into Azeri.

For this Phase, there needs to be a resident full-time local Web Programmer, beginning in month 4, to design, develop and maintain the required scripts for the World Wide Web,

and a resident full-time local PC/Customer Support Specialist, beginning in month 4, to assist end-users of the database, either remotely or in person, with personal computer maintenance, training, troubleshooting, and management. The personnel required to fulfill these two functions will be selected in Phase One. In this Phase Four, the Contractor shall train the Web Programmer and the PC/Customer Support Specialist. It may be possible that only one additional full-time person will be required for this Phase. Whether one or two recruits are required to undertake these two functions, the Contractor shall budget for a full-time Web Programmer, beginning in month 4, and a full-time PC/Customer Support Specialist, beginning in month 4. [NOTE: only need this last sentence if the MOU provides for the Contractor to fund the two positions]. The Contractor shall also budget for commodities to be used by the Web Programmer and the PC/Customer Support Specialist, assuming two separate positions. These shall include 2 PC Workstations; 1 Printer; Programmer software; Database Search and Retrieval Software; and miscellaneous supplies.

Phase V: Automate the operations in the President's Office for codifying laws, and establish a document transfer capability between the President's Office and the Ministry of Justice (Month 3-5 for research, procurement of commodities, and training; months 6-18 for completing the laws to be codified by the President's Office)

[NOTE: This phase is only included if agreed to by the President's Office in the Memorandum of Understanding]

Similar to the work to be done in Phase Three, above, the Contractor shall automate the current manual operations for codifying laws in the President's Office. The Contractor shall work with both the Ministry of Justice and the President's Office to establish different codification priorities within each agency. Having two offices codify different laws should reduce the requirement on Ministry of Justice personnel for inputting all codified laws, and thereby accelerate the availability of the complete codified database. In addition, through an error detection and correction process to cross check each office's work product, the final document included in the database should be more accurate than it would otherwise be if only one office did the codification.

To implement this capability, the Contractor shall provide the same level of training to codification personnel in the President's Office as provided to the Ministry of Justice codification personnel in Phase Three. The Contractor shall also develop a procedure for the electronic exchange of documents between the President's Office and the Ministry of Justice. It is anticipated that the Head of the President's Information Technology group and the Network Administrator and Web Developer at the Ministry of Justice will be responsible for implementing this capability. For purposes of budgeting, the Contractor shall include the following commodities for the President's office: 1 PC Workstation; 1 Printer; PC software and enabling software to implement the document transfer capability; and miscellaneous supplies.

[NOTE: One or more additional paragraphs may need to be added if the Memorandum of Understanding with the President's Office requires the Contractor to undertake additional activities, such as providing technical assistance to the President's Office to accelerate the time liness for the print publication of *Toplusu*.]

III. SPECIAL CONSIDERATIONS

A. Gender

All project activities must seek to incorporate gender considerations. Cultural biases continue to exist in Azerbaijani political and professional life that negatively impact women. Contractor's proposal must assure that gender equality is a priority in all aspects of implementation, including development of programs that have the potential to benefit women and men equally.

B. Local Capacity Building.

The Contractor shall to the maximum extent possible use Azerbaijani staff, technical experts and institutions in carrying out this contract. It is expected that skill development and capacity building of local experts will be a key outcome of this program. The Contractor will use every opportunity to utilize local expertise both to validate the Contractor's approach and to develop a pool of experts within the country to continue to address legal reform needs beyond this contract.

C. Cooperation with Key Counterparts and Partner Groups

1. Azerbaijani Counterparts

The main counterpart at the central government level will be the Ministry of Justice. The Contractor shall also provide advice and assistance to other ministries and government bodies as appropriate or requested by USAID to further the objectives of this program. In addition, the Contractor will work with a number of non-governmental organizations.

2. Other Donors

The Contractor shall coordinate efforts to the maximum extent possible with other international donors working in the areas related to legal reform in Azerbaijan. In particular, the Contractor shall seek to coordinate efforts with the European Union assistance program and the UNDP assistance program.

3. Other USAID Implementers

To the greatest extent possible the Contractor shall closely coordinate activities with other USAID implementers. In particular, the Contractor shall be expected to seek synergies with, but not limited to American Bar Association's Central and East European Law Initiative (ABA/CEELI) which has been supporting the development of rule of law

in Azerbaijan in recent years. USAID will advise the Contractor of other USAID activities that begin during this contract's performance period.

D. Guiding Principles.

The Contactor's services shall be guided by the following principles:

- Promote transparency: the paramount consideration in designing the Program is to promote transparency. As indicated above, there are several critical points, where publication of legislation is delayed; or legislation may be changed or altered in its final printed version. The Program should be designed to minimize these eventualities.
- Support sustainability: the Program should be designed to support sustainability. There should be a mechanism built into the Program to allow the implementers not only to carry out the initial work, but to continue to carry out the work after the Program ends.
- Establish procedures within current framework: to the extent possible, the current legal framework should allow what is contemplated in the Program. There should be no or few changes to the existing legislation to allow what is contemplated to be carried out.
- Automate current activities: as with the introduction of any new technology, the transition should allow workers to carry out their current positions in a way as close as possible to what they are currently doing, except with the assistance of technology. Workflows and responsibilities should continue as they currently are.

C.4. Benchmarks and Tangible Results [NOTE: Assumes that the President's Office is a counterpart agency for codification of laws]

The Contractor understands and agrees that achievement of tangible results is the essence of the contract and that USAID will judge the contractor's success in the contract based upon whether or not the tangible results are achieved.

By the end of Quarter 1,

- Within 30 days of signing the contract, the Contractor will submit a work plan covering the entire Contract period. The work plan is subject to Cognizant Technical Officer (CTO) approval prior to implementation.
- The Contractor's full-time Chief of Party must be in place within 30 days of the effective date of the contract.
- The Contractor shall begin to implement the tasks in the work plan immediately upon CTO approval of the work plan.
- Within 30 days of CTO approval of the work plan, the Contractor shall submit a feasibility study for the creation and maintenance of a Ministry of Justice website; the study shall include recommendations for implementation

- Within 30 days of CTO approval, the Contractor shall have identified and recruited all required local hires, and shall have trained the person designated as the Web Developer (the recruitment and training by the Contractor of the remaining local hires to perform the functions of a Network Administrator, a Database Administrator, A Web Programmer, and a PC/Customer Support) shall occur in accordance with the timeline set forth in the tasks to be undertaken by the Contractor in Section II, above, modified as necessary by the CTO's approval of the work plan)
- The Contractor shall purchase the commodities for the Contract and install the equipment at the Ministry of Justice, and at the President's Office, as soon as there are personnel trained at these locations to operate the equipment
- The Contractor shall have developed an inventory of potential remote sites
- The Contractor shall develop procedures for automating the work of the Ministry of Justice and the President's Office
- The Contractor shall develop a training manual for Ministry of Justice personnel on registering, recording, classifying, and archiving legal documents in electronic format
- The Contractor shall provide training to Ministry of Justice personnel on automation of workflows

By the end of Quarter 2,

- The Contractor shall develop the Ministry of Justice website in a beta version (will not include the searchable database)
- The Contractor shall work with the Ministry of Justice to implement the automation procedures
- The Contractor shall develop a list of all laws to be codified by the Ministry of Justice and by the President's Office
- The Contractor shall develop procedures to implement the codification plan
- To the extent that Ministry of Justice and President Office personnel are not sufficient for the initial codification, the Contractor shall hire and train short-term personnel
- The Contractor shall implement the automation procedures for the Ministry of Justice and the President's Office
- The Contractor shall commence the codification of the first priority of laws (codes)
- The Contractor shall update the inventory of potential remote sites, and determine for each one whether it has adequate access to the Internet

By the end of Quarter 3,

- The Contractor shall complete the codification of the first priority of laws
- The Contractor shall commence codifying the remaining laws
- The Contractor shall develop a list of all international agreements and conventions that will be available on the website, and will include an official Azeri translation of these document if available
- The Contractor shall continue training of Ministry of Justice personnel, with more training responsibility given to local personnel
- The website of the Ministry of Justice shall become interactive
- The first CD-ROMs shall be distributed to designated remote sites throughout the country, if access to the Internet is not available at these sites

- The Contractor shall develop procedures for the electronic transfer of documents between the President's office and the Ministry of Justice
- The Contractor shall provide training to the Ministry of Justice and the President's office on electronic exchange of documents

By the end of Quarter 4,

- The Contractor shall work with the Ministry of Justice to obtain official translations of all international agreements to which Azerbaijan is a party, to the extent that such official translations are not currently available
- The Contractor shall complete the database with respect to all retrospective documents in image format, shall continue to keep the database current by adding prospective documents within 2 days of receipt by the Ministry of Justice, and shall continue to add codified laws in full-text format as they become available
- The Contractor shall assure that CD-ROM versions of the database are distributed throughout the court system and at sites throughout the country where access to the website is not available
- The Contractor shall develop a public awareness campaign about the existence of the database and provide support for seminars throughout the country at both government and non-governmental bodies about the use of the database

By the end of Quarter 5,

- The Contractor shall continue to keep the database current by adding prospective documents within 2 days of receipt by the Ministry of Justice, and shall continue to add codified laws in full-text format as they become available
- The Contractor shall assure that CD-ROM versions of the database are distributed throughout the court system and at sites throughout the country where access to the website is not available
- The Contractor shall continue to participate in public awareness programs regarding the benefits of the database

By the end of Quarter 6,

- The Contractor shall continue to keep the database current by adding prospective documents within 2 days of receipt by the Ministry of Justice
- The Contractor shall complete the database with respect to all codified laws
- The Contractor shall continue to participate in public awareness programs regarding the benefits of the database
- The Contractor shall develop procedures to assure an orderly transition, to enable the Ministry of Justice to continue to maintain and update the database, operate the website, and distribute CD-ROM versions of the database
- The Contractor shall develop procedure to assure an orderly transition, to enable the President's Office to continue to codify laws
- The Contractor shall submit its final report

**Illustrative Budget
(Excel file attached)**

