

United Nations Development Programme
Country: Turkmenistan
Project Document

Project Title	Parliamentary Development Support Programme
UNDAF Outcome(s):	By 2015, rights and freedoms in Turkmenistan are respected and guaranteed in accordance with international human rights standards as well as principles of democracy and the rule of law
Expected CP Outcome(s):	The Government integrates principles of good governance and rule of law into national policies, legislation and decision-making
Expected Output(s):	Enhanced parliamentary processes/procedures to improve the quality of legislation; Enhanced individual capacities of MPs and professional staff to effectively fulfil their functions;
Executing Entity:	Mejlis (Parliament) of Turkmenistan
Implementing Agencies:	Mejlis (Parliament) of Turkmenistan

Brief Description

The project will initiate technical support to development of the Mejlis and will be organized around the following components: a) enhancing parliamentary processes/procedures to improve the quality of legislation; and b) improvement of individual capacities of MPs and professional staff to effectively fulfil their functions. The project will serve as a basis for design of longer term assistance strategy, which will be done as part of the project.

Programme Period:	<u>2010-2015</u>
Key Result Area (Strategic Plan)	Strengthening responsive governing institutions
Atlas Award ID:	_____
Start date:	<u>01/03/2010</u>
End Date	<u>28/02/2011</u>
PAC Meeting Date	_____

Total resources required	\$ 128,000
Total allocated resources:	\$ 128,000
• Regular	\$ 28,000
• Other:	
o DGTF	\$ 100,000
o Donor	_____
o Donor	_____
o Government	_____
Unfunded budget:	_____
In-kind Contributions	_____

Agreed by:

Mejlis of Turkmenistan:



S. Gypöel

Date: 7/04/10

UNDP



Date: 22/03/10

I. Situation Analysis

Background

Turkmenistan has witnessed numerous profound changes since early 2007, with the announcement by new President Gurbanguly Berdimukhamedov of a striking economic and social reform agenda known as the New Revival. He has pledged to build “a harmonious, inspired, humane and developed society” in Turkmenistan and to strengthen national capacity to cope with a fast-changing global environment, resulting in tangible improvements to people’s lives.

The new President swiftly began moderate reforms in education, pension payments, and freedom of movement within the country as well as established a supreme regulatory chamber to oversee public-sector finances and curb corruption. Likewise, he has adopted a far more open foreign policy, while particularly underscoring the need to invest in rural development and the social sectors to raise the living standards of Turkmenistan’s people to the level of developed countries. The Government has pledged more than US\$4 billion toward this latter significant shift in priorities.

Statements by the President since he came to power also have hinted at broader and gradual reforms in the areas of democratization, human rights, rule of law and sensitive civil liberties, although many of these are yet to be realized. In December 2008 the president of Turkmenistan lauded the elections of the parliament as a departure from the past and for the first time ever invited international observers to the country as it strives to make a transition to a more open political system which in turn will have broader implications for democratic governance and processes in both short and long term.

In a pragmatic recognition of the need for change, the current government has declared its will to commit to significant reforms, and the steps that it has initiated, including the revised Constitution, amended electoral law and opening up of a country to greater interaction with the outside world are the first of yet many steps that will be undertaken along the road to systematic reform, and these changes should be seen as opportunities to develop a political culture that certainly will take time to evolve.

Institutional and legal framework

The Constitution defines the National Parliament – Mejlis of Turkmenistan - as the supreme legislative authority, providing it with wide-ranging powers to enact and amend laws and to determine the basis for domestic and foreign policies. The exercise of the legislative functions authorizes President, Parliament, Cabinet of Ministers, and the Supreme Court to initiate, approve and promulgate legislation in different aspects of the law-making process. The Constitution also provides exclusive legislative competencies for the Parliament in socio-economic policies, implementation and approval of the state budget, and amendment of administrative and territorial divisions. Additional powers are also granted to the National Parliament to authorize the government to propose laws covering a wide range of policy areas, including fiscal and monetary policy.

The Constitution of Turkmenistan provides for a system of government with three branches: a) executive branch represented by the Cabinet of Ministers and headed by the President, b) a unicameral Parliament; c) and a judiciary headed by the Supreme Court. The Constitution provides for a clear separation of powers among these state organs, while also including mechanisms to ensure collaboration among them in various essential processes of political decision-making.

The Standing Orders, or rules and regulations of the Parliament, provide detailed and concrete procedures for all aspects of parliamentary operations, defining the rights, duties, and decorum of Deputies, along with operationalizing their roles and responsibilities as representatives of the people and in respect of their duties in parliament. They also

establish five Permanent Committees, including: i) Human rights and freedoms; ii) Science, education and culture; iii) Economy and social policy; iv) International and inter-parliamentary relations; v) Local representative bodies and self-governments.

The legislative work of Parliament is composed of several interrelated and mutually agreed stages: i) preliminary, which implies legislative initiative and belongs to President of Turkmenistan, Mejlis, the Cabinet of Ministers, and the Supreme Court; ii) preparatory – discussion of proposals made to Parliament on the need and rationale of the development of a specific bill and making a decision on the establishment of a working group; iii) elaboration of the text of the bill; iv) debate of a draft of the bill, consideration of the comments made by the ministries and agencies, modification and finalization of the draft of the bill, v) final stage –adoption of the bill at a session of the Mejlis.

Most of the work on the preparation of bills is done in committees of Parliament and its working groups specifically created for drafting a specific law. Along with the deputies of the Mejlis, the working group includes scientists, experts, and representatives of public associations. At the final stage of the legislative process, the Committees prepare the opinions on the bill and report at the session of the Mejlis. The final bill is adopted at the sessions of the Mejlis by a simple majority of the MPs.

The 2008 December parliamentary elections resulted in the increased number of MPs from 65 to 125, the majority of which are elected for the first time. The new parliament is represented by 17% of women, including the speaker of the Parliament and the chairpersons of two committees. The Parliament is dominated by economists (30 MPs), education specialists (30 MPs), and healthcare, sport, culture professionals (10 MPs). There are 7 lawyers among MPs. Alongside with deputies, there is permanent professional staff represented by an Expert group consisting of 10 economists and lawyers as well specialists working in relevant committees.

The commitment of the state to ensure a strong legislature is reiterated in the message of the President of Turkmenistan to the newly elected Parliament on 9 January 2009. Mejlis has been encouraged to revise the legal framework of political, economic, social and cultural development, properly identify priorities in legislative reform, improve policy analysis and research capacity, study the norms of international law and align the legislation with international standards, enhance effectiveness and efficiency of the parliamentary process and relations between Parliament and executive as well as Parliament and citizens. In this regard, there is an increasing need for improvement, streamlining and strengthening the legislative procedures and process, development of individual capacities of deputies and enhancing the public engagement in legislative process.

Institutional Constraints

The Parliament requires significant support to effectively conduct its legislative, oversight and representative mandate.

The need to rapidly reform the country's legal framework will continue to place a heavy burden on the capacity of the Parliament to manage and facilitate the legislative process for some time. Most members were elected to a legislative body for the first time in December 2008, and quite naturally, they are therefore inexperienced in parliamentary procedures and processes. While the Parliament has exclusive competence to make laws, deputies are not trained in legislative drafting, and only few of them have experience in carrying out comprehensive analyses of draft laws. There is currently insufficient in-house capacity for the provision of research and analytical support, inadequate amount of diversified information resources on legislation. In that regard, the creation and development of an appropriate information infrastructure of the Parliament, as well as use, creation and accumulation of information in electronic form would greatly improve the Parliament's productivity. Technical assistance is needed to increase MPs' and staff capacity for legal analysis and drafting. Moreover, provisions in both the Constitution and the Standing Orders for channels of communication for public debate need to be translated into active mechanisms that can result in effective and responsive public engagement. There is also a need to increase public understanding and knowledge about the role, functions, and responsibilities of the Parliament and their elected representatives.

Beneficiaries and Target Groups

First and foremost, the primary beneficiaries of the project will be deputies and staff who will have opportunities to develop their professional capacities to more effectively perform their functions and responsibilities. The indirect beneficiaries of the project will be the people of Turkmenistan, who will benefit from the better quality of legislation developed by Mejlis, have greater understanding of the mandate and work of the Parliament and more confidence in their elected representatives and their ability to conduct their legislative, oversight and representation functions.

II. Strategy

Support for strengthening the legislative branch is one of the key elements of UNDP's corporate governance strategy, particularly for countries undergoing democratic transition. For Turkmenistan to successfully implement many of the priority elements of its economic and social agenda, it requires a Parliament capable of critically reviewing, supporting, and overseeing its national development objectives. The Parliament is thus a critical actor in the development of a sound governance framework for Turkmenistan and requires significant technical assistance to fulfil its role.

The current project has been initiated in response to the first ever request of the Government of Turkmenistan to UNDP for policy advice and technical assistance in parliamentary development. UNDP is in a position to assist the Parliament to strengthen its legislative, oversight and representative functions. An ongoing cooperation within UNDP projects in other democratic governance related areas such as human rights, local self-governance, and electoral support has accumulated knowledge and experience in working with the Parliament, representing an essential value in realization of the present project. UNDP will also bring its wider experience from the numerous parliamentary projects it supported in the CIS countries and other regions, as well as its access to expertise available in its 166 country offices.

The regular discussions with Parliament and initial needs assessment among deputies of Mejlis have served as a basis for the project design and formulation of specific activities. A one-year preparatory project will initiate technical support to development of the Mejlis and will provide a framework for design of a longer term assistance strategy, which will be done as part of this project.

The project will be implemented within the context of the new United Nations Development Assistance Framework (UNDAF) for the period of 2010-2015, and contribute towards achievement of UNDAF Outcome 1.2: "By 2015, rights and freedoms in Turkmenistan are respected and guaranteed in accordance with international human rights standards as well as principles of democracy and the rule of law". With its focus on strengthening responsive governance in the parliamentary domain, the project will directly contribute to key results areas of UNDP's Strategic Plan 2008-2010 - 2.1 "Fostering inclusive participation" and 2.2 "Strengthening responsive governing institutions". Additionally, the project contributes to key result of the UNDP Country Programme Action Plan for 2010-2015 Output 1.2.1 "All levels of governance formulate legislative and institutional frameworks and have enhanced capacities for more effective public services delivery".

The project will be organized around the following components: a) enhancing parliamentary processes/procedures to improve the quality of legislation; b) enhancing individual capacities of MPs and professional staff to effectively fulfil their functions. The project will be coordinated by the Committee on Science, Education and Culture.

Within the project, round tables and study tour will be organized to expose Turkmen parliamentarians and staff to international experience of legislative process. In all aspects of the technical support provided to the Parliament, the project will seek any opportunity to enhance national ownership as well as regional cooperation, drawing as much as possible on regional resources, and critically involving skilful technical experts from the region. Such an engagement will not only enhance the Mejlis internal capacity but will help build a sustainable and cost-effective national and regional network to further cooperate on learning exercises and exchanges of information.

Specific considerations will be given to gender issues, which will be mainstreamed into the project activities by raising awareness of parliamentarians and staff on gender sensitive policies and laws and addressing specific needs of women parliamentarians (societal, cultural, traditional issues). In particular, the major gender inputs will result in keeping gender-balance in all project activities and integrating gender issues in training programme aimed at both men and women MPs and staff.

Project Output 1: Enhanced parliamentary processes/procedures to improve the quality of legislation.

UNDP Turkmenistan will facilitate exposure to the relevant international expertise and advice on both general and specific issues and problems relating to the processing of legislation and facilitate introducing the Turkmen Parliament to the structures, practices and dynamics of the parliamentary process in other parliaments. Specific support will be provided in the systematization and enhancing the existing practices of the legislative process. Support in provision of the parliamentary library with updated parliamentary work related literature will be envisaged.

Planned activities:

1. Comparative analysis of the existing national practices of the legislative process and best international practices for further improvement of the legislative process.
2. Conference on international experience and norms and standards in preparation of laws.
3. Provision of the parliamentary library with more recent and diverse materials related to parliament work available in Russian and Turkmen.
4. Study tour/fellowship to learn international experience in the field of lawmaking and a round table afterwards.

Project Output 2: Improved individual capacities of MPs and professional staff to effectively fulfil their functions.

During the regular meeting and consultations with the Parliament the possibility of establishment of a learning centre has been discussed and the request to UNDP to support this initiative has been made. As a first step, training of deputies and professional staff will be initiated and for this purpose, training modules will be designed and delivered.

Planned activities:

1. Design of the gender-sensitive training programme on parliamentary functions tailored to the needs of MPs. The initial assessment has identified the priority areas: functions of parliament, parliamentary practices and etiquette, constitutionalism and constitutional provisions; provisions of international law, administrative law, municipal law, and civil law. Two one-day training modules will be developed: 1 – on parliamentary functions, 2 – on provisions of main laws.
2. Delivery of training to MPs and professional staff.

I. RESULTS AND RESOURCES FRAMEWORK

<p>Intended Outcome as stated in the Country Programme Results and Resource Framework: 1.2 -The Government integrates principles of good governance and rule of law into national policies, legislation and decision-making</p> <p>Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets: Indicator: Principles of good governance and rule of law are being practiced by key institutions; Baseline: Amendments in the Constitution; Limited capacity of government institutions for quality policy making; Limited participation of citizens in governance; Target: Enabling environment and capable institutions for introducing principles of good governance and rule of law created.</p> <p>Applicable Key Result Area (from 2008-11 Strategic Plan): Strengthening responsive governing institutions</p> <p>Partnership Strategy: Parliament of Turkmenistan</p>			
<p>Project title and ID (ATLAS Award ID): Parliamentary Development Support Programme</p>			
INTENDED OUTPUTS	OUTPUT TARGETS FOR 2010	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES
<p>Output 1 Enhanced parliamentary processes/procedures to improve the quality of legislation.</p> <p>Baseline: Standard processes in place, however need to streamline legislative procedures and processes</p> <p>Indicators: Rules revised allow for a more efficient management of parliamentary processes</p>	<p>Revision of legislative procedures and processes initiated.</p>	<p>1. Comparative analysis of the existing national practices of the legislative process and best international practices for further improvement of the legislative process.</p> <ul style="list-style-type: none"> - Design of ToR for international and national consultants; - Recruitment of relevant national and international consultants. <p>2. Conference on international experience and norms and standards in preparation of laws:</p> <ul style="list-style-type: none"> - Design of the agenda; - Identifying relevant national and international speakers. <p>3. Provision of the parliamentary library with</p>	<p>Parliament of Turkmenistan UNDP</p> <p><i>National consultants International consultants Members of Parliaments from abroad</i></p>

<p>Output 2 Enhanced individual capacities of MPs and professional staff to effectively fulfil their functions</p> <p>Baseline: Initial needs assessment identified limited capacity of MPs in parliamentary procedures and processes.</p>	<p>Basic training developed and delivered.</p>	<p>more recent and diverse materials related to parliamentary work available in Russian and Turkmen:</p> <ul style="list-style-type: none"> - Identify the relevant materials; - Translate into Russian and Turkmen, if needed; - Printing. <p>4. Study tour to learn international experience in the field of lawmaking.</p> <ul style="list-style-type: none"> - Design of ToR and agree with partners; - Identify relevant Parliament and undertake exposure visits to observe, understand and learn legislative processes; - Document lessons learned - Conduct in-country round table to share and disseminate knowledge and skills. 	<p>Parliament of Turkmenistan UNDP</p>	<p>National consultants International consultants Members of Parliaments</p>
		<p>1. Design of 2 training modules tailored to the needs of MPs.</p> <ul style="list-style-type: none"> - Deploy the range of training programmes/modules, available from UNDP sources; - Adapt to the local context and needs. <p>2. Delivery of trainings to MPs and</p>		

<p>Indicators: Number of MPs and staff trained % of MPs and staff increased their knowledge in parliamentary functions and provisions of main laws Number of training programmes</p>		<p>professional staff.</p> <ul style="list-style-type: none"> - Design of training schedule and obtaining its approval; - Preparation of training kits; - Identifying appropriate trainers, speakers. 		
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II. ANNUAL WORK PLAN

Year: 2010

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME				RESPONSIBLE PARTY	PLANNED BUDGET		
		Q1	Q2	Q3	Q4		Funding Source	Budget Description	Amount \$
<p>Output 1 Enhanced parliamentary processes/procedures to improve the quality of legislation</p> <p>Baseline: Standard processes in place, however need to streamline legislative procedures and processes</p> <p>Indicators: Number of rules revised allow for a more efficient management of parliamentary processes</p> <p>Targets: To initiate revision of legislative procedures and processes</p> <p>Related CP outcome: The Government integrates principles of good governance and rule of law into national policies, legislation and decision-making;</p>	<p>1.1. Comparative analysis of the existing national practices of the legislative process and international practices for further improvement of the legislative process</p> <p>- Design of ToR for national and international consultants;</p> <p>- Recruitment of relevant national and international consultants.</p>		*			Parliament of Turkmenistan UNDP	20005	71200 71300 71600	19,000
	<p>1.2. Conference on international experience and norms and standards in preparation of laws</p> <p>- Design of the agenda;</p> <p>- Identifying relevant national and international speakers.</p>			*	*	Parliament of Turkmenistan UNDP	20005	71300 71600 72500 74500	20,000
	<p>1.3. Provision of the parliamentary library with more recent and diverse materials related to parliamentary work available in Russian and Turkmen</p> <p>- Identify the relevant materials;</p> <p>- Translate into Russian and Turkmen, if needed;</p> <p>- Printing.</p>		*	*	*	Parliament of Turkmenistan UNDP	20005	71300 74200	6,000

<p>1.4. Study tour/fellowship to share international experience in the field of lawmaking</p> <ul style="list-style-type: none"> - Design of ToR and agree with partners; - Identify relevant Parliament and undertake exposure visits to observe, understand and learn legislative processes; - Document lessons learned and conduct in-country seminar to share and disseminate knowledge and skills. 	<p>*</p>	<p>Parliament of Turkmenistan UNDP</p>	<p>20005</p>	<p>71600 72500 74500</p> <p>25,000</p>
<p>1.5. Parliamentary development consultant</p>	<p>*</p>	<p>UNDP</p>	<p>20005 04000</p>	<p>71200 71600</p> <p>19,000</p>
<p>Output 2 Enhanced individual capacities of MPs and professional staff to effectively fulfil their functions</p> <p>Baseline: Expansion of members of parliament from 65 to 125 and limited individual capacities of newly elected members of parliament</p>	<p>*</p>	<p>Parliament of Turkmenistan UNDP</p>	<p>20005</p>	<p>71300 2 Local consultants, 1 month</p> <p>2,000</p>

<p>Indicators: Number of MPs and staff trained % of MPs and staff increased their knowledge in parliamentary procedures and processes Number of training programmes</p> <p>Targets: Basic training developed and delivered Related CP outcome: The Government integrates principles of good governance and rule of law into national policies, legislation and decision-making;</p>	<p>2.2. Delivery of 2 one-day training to MPs and professional staff: - Design of training schedule and obtaining its approval; - Preparation of training kits; -Recruitment of appropriate trainers, speakers.</p>	*	*	*	*	Parliament of Turkmenistan UNDP	20005	71300 72500 74500 40 participants for 2 trainings 1- day each	10,000
<p>Project Management</p>	3.1 Project staff	*	*	*	*	UNDP	04000	71400	17,000
	3.2 Project evaluation					UNDP	20005	71200	5,000
	3.3 Operational expenses	*	*	*	*	Parliament of Turkmenistan UNDP	04000	72400 73500 74500	5,000
TOTAL									128,000

III. Management Arrangements

The project will be implemented by the Parliament of Turkmenistan, which is the main Implementing Partner for this project. The Implementing Partner will be responsible and accountable for managing a project, including the monitoring and evaluation of project interventions, achieving project outputs, and for the effective use of UNDP resources. Since project implementation will employ the national execution modality, the Implementing Partner will provide office premises for Project staff.

In accordance with UNDP procedures, appropriate management arrangements and oversight of project activities will be established, such as the Project Board - the group responsible for making management decisions on a consensus basis for a project when guidance is required by the Project Manager, including approval of project revisions. Final decision making on project activities and accountability rests with UNDP in accordance with its applicable regulations, rules, policies and procedures.

Project Assurance is the responsibility of each Project Board member. The Project Assurance role supports the Project Board by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed.

The Project Manager has the authority to run the project on a day-to-day basis on behalf of the Project Board within the constraints laid down by the Project Board. The Project Manager is responsible for day-to-day management and decision-making for the project. The Project Manager's prime responsibility is to ensure that the project produces the results specified in the project document, to the required standard of quality and within the specified constraints of time and cost.

IV. Monitoring Framework And Evaluation

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

Within the annual cycle

On a quarterly basis, a quality assessment shall, using the standard FACE form, record progress towards the completion of key results, based on quality criteria and methods captured in the Quality Management table below.

An Issue Log shall be activated in Atlas and updated by the Project Manager to facilitate tracking and resolution of potential problems or requests for change.

Based on the initial risk analysis submitted (see annex 1), a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.

Based on the above information recorded in Atlas, a Quarterly Progress Reports (QPR) shall be submitted by the Project Manager to the Project Board through Project Assurance, using the standard report format available in the Executive Snapshot.

a project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project

a Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events

Annually

Annual Review Report. An Annual Review Report shall be prepared by the Project Manager and shared with the Project Board and the Outcome Board. As minimum requirement, the Annual Review Report shall consist of the Atlas standard format for the QPR covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level.

Annual Project Review. Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

Evaluation. The project shall be evaluated both mid-term and at the end to enable corrective actions and record experience as it is first of its kind implemented with the new parliament. The exact time and schedule of evaluation shall be drawn up by the Project Management through consultative process and submitted to PSC for approval and execution.