

OPEN GOVERNANCE IN GEORGIA - ACHIEVEMENTS AND CHALLENGES

DECEMBER 2012

Open Governance in Georgia - Achievements and Challenges

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December 2012

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Executive Summary

The Open Government Partnership (OGP), a recently launched global platform, is designed to ensure that citizens have extensive information about government activities and are able to participate in these activities. New technologies are seen as a valuable asset to give people easier access to information and better chances to raise issues directly with the government.

Georgia was among the first group of countries to join the OGP and to commit to upholding its core principles of transparency, citizen participation, accountability and technological innovation. In April 2012, the country's government delivered a specific action plan highlighting the main activities to incorporate these principles into the public sector. The adoption of the action plan was preceded by a series of consultations with Civil Society Organizations (CSOs) which played a crucial role in aligning the final document with their needs as well as with OGP's basic requirements.

The key findings of this study are:

- The Georgian government has the political will and the capacity to implement the OGP principles in the country.
- The Ministry of Justice (MoJ), which is the main implementing agency for OGP in Georgia, started public consultations belatedly by holding separate meetings with a few CSOs only. This caused the whole consultation process to be impaired by exclusiveness, inconsistency and fragmentation
- The MoJ's first two drafts of the OGP action plan did not reflect on the CSO's feedback, and were a bare repetition of Georgia's existing reforms to fight corruption, thus falling short of any new commitments as required by the OGP
- The CSOs' efforts to develop joint recommendations on the draft action plan by involving more organizations in the coalition yielded tangible results when the three leading CSOs in the field, Transparency International Georgia (TI Georgia), Institute for Development of Freedom of Information (IDFI), and JumpStart Georgia, took hold of the drafting process.
- The final OGP action plan is largely based on the CSO recommendations and presents a marked improvement from its previous two versions. Besides promoting existing reforms it also mentions a number of new commitments that are in line with OGP's main principles and activities.
- A lack of clear indicators against which to measure the progress in the implementation of Georgia's OGP action plan is the major weakness of the document.
- The NGO forum under the MoJ, which serves as a working group to coordinate the implementation of the Georgian government's OGP commitments, is mostly attended by the same CSOs which played a key role in the consultation process.
- Most of the people and local CSOs in Georgia have little knowledge, proficiency or interest in OGP which makes it a luxury policy of an exclusive club of organizations only.

Introduction

The government should pay particular attention to open and honest communication of its policies to the citizens in order to empower them but also to build their trust and confidence. New technologies and innovations can provide a value added in this respect by giving people easier access to information and with it enhanced opportunities for engaging in decision-making processes. On the other hand, the civil society's knowledge, ideas and ability to provide independent oversight can greatly benefit the government to design needs-based policies with effective monitoring and assessment mechanisms to measure the performance. This in turn improves public accountability and transparency standards in the country, reduces perception of corruption, and helps citizens make well-informed choices over their lives.

The Open Government Partnership (OGP), a global initiative launched on 20 September 2011, aims to achieve the goals mentioned above. The core principles on which the OGP is founded are transparency, citizen participation, accountability and technological innovation. Specifically, by joining the OGP the governments are committing to give citizens more information about their activities, increase civic participation in decision-making, implement high professional and ethical standards in public service, and harness new technologies to spur innovation. The OGP has identified five "grand challenges" for each country on the way to realizing these commitments: improving public services, increasing public integrity, effectively managing public resources, creating safer communities and increasing corporate accountability.¹

As of December 2012, 58 governments from all over the world have endorsed the OGP principles while 47 of them have already delivered country-specific commitments in the form of the action plan.²

Georgia has been participating in the OGP since its very inception and, on 17 April 2012, the country's government presented a relevant action plan at the OGP annual summit held in Brazil.³ Before doing so though the government, under the OGP consultation guidelines, was required to coordinate the action plan development process with a wide group of people, CSOs and businesses across the whole country. This included raising their awareness on OGP principles, engaging them actively in the drafting of the action plan, and incorporating their feedback into the final document. Further, the government was expected to release online the details and timelines of public consultation meetings as well as the comments and opinions generated through these meetings. After adopting the final action plan the government was to establish a regular multi-stakeholder coordination mechanism to work on the implementation.⁴ The Georgian Ministry of Justice (MoJ) and its Analytical Department was assigned the role of the leading agency in charge of coordinating all these processes.

¹ Open Government Partnership, OGP Participation, <http://www.opengovpartnership.org/ogp-participation> (last consulted on 8 December 2012)

² Open Government Partnership, Country Commitments, <http://www.opengovpartnership.org/countries> (last consulted on 8 December 2012)

³ Ministry of Justice of Georgia, Open Government Partnership, http://www.justice.gov.ge/index.php?lang_id=GEO&sec_id=794&lang_id=ENG (last consulted on 8 December 2012)

⁴ Open Government Partnership, Consultation, <http://www.opengovpartnership.org/consultation> (last consulted on 8 December 2012)

Transparency International Georgia (TI Georgia) is well-positioned to write this report on OGP development in Georgia and to provide a broad perspective of the main issues identified in the course of one year's monitoring and advocacy of government's OGP policies. Specifically, TI Georgia was actively involved in the drafting of Georgia's OGP action plan and together with partner Non-Governmental Organizations (NGOs) provided the government with useful feedback and recommendations on its prominent aspects. In addition, TI Georgia initiated the formation of an NGO forum at the MoJ to ensure active civic participation in the OGP implementation process. Through this forum TI Georgia has been in regular communication with MoJ and with other participating organizations, forged close working relationships with them and received up to date information on latest developments.

This study aims to review how the development of the OGP action plan was coordinated between the Georgian government and the local civil society, what the final output looks like and to what extent it is meeting the expectations of the experts actively involved in the process. While analyzing the action plan and its current status TI Georgia is focusing in particular on the relevance of the commitments undertaken, capacity and resources of the government to deliver on these and the role of CSOs and donors in providing their help. The report also discusses what methods would be most appropriate and efficient for evaluating Georgia's progress in the implementation of the OGP action plan. Finally, TI Georgia suggests a number of recommendations to the government, CSOs and donors in order to improve Georgia's overall performance in OGP.

TI Georgia's main findings are first of all based on own experience and knowledge gained through active involvement in the process starting from the launch of the OGP in Georgia up to the current stage of its implementation. This is supported by the findings from the desk research and a series of seven interviews with senior CSO experts and public officials being the main drivers of this process. The interviews were conducted from 8-31 August 2012 in Tbilisi.

Preliminary Consultations

The process of developing OGP commitments in each country allows for a great deal of flexibility with due consideration of national context and local peculiarities. However, the OGP requires the governments to come up with commitments that are specific, time-bound, action-oriented and measurable, in line with the platform's core principles. The main focus should be on explaining the added value of new commitments that need to be implemented in two year's time from the submission of the action plan to the OGP. Further, the government should discuss how these new commitments respond to the public feedback generated through preliminary consultations, which agencies are responsible for the implementation and what concrete benchmarks and timelines are there to measure their performance.⁵ The governments are supposed to report on the progress of the action plan on an annual basis while the independent panel of local experts provides their assessment of the process separately. Both of these OGP implementation reports will be available to the public on the OGP's online portal.⁶

⁵ Open Government Partnership, OGP Action Plan Template: <http://www.opengovpartnership.org/ogp-action-plan-template> (last consulted on 8 December 2012)

⁶ OGP Participation, op cit.

The Georgian government had no specific plan to engage civil society and the private sector in the development of OGP commitments. In fact, the public consultation process started quite spontaneously a good two months after the government had first endorsed the OGP initiative. Specifically, on 14 November 2011, the MoJ and the Ministry of Foreign Affairs (MFA) approached TI Georgia to ask for its feedback on the concept of Georgia's OGP action plan. While being aware of the government's plans to join the OGP TI Georgia was unaware of any concrete commitments undertaken and a call from the two Ministries was a good opportunity to engage in the process. Two days later, TI Georgia met with MoJ and MFA officials, along with a representative from the NGO called Liberty Institute. At the meeting, Otar Kakhidze, the then Head of MoJ's Analytical Department,⁷ and Tamta Kupradze, an official from the MFA, briefed TI Georgia and Liberty Institute on the planned content of the OGP action plan and the timeline for its development.

According to Kakhidze, the government's OGP commitments were to be largely based on Georgia's 2010 Anti-Corruption Action Plan, a 45 page long document serving as a linchpin for the country's anti-corruption reforms.⁸ That document contains a number of provisions to ensure more openness and accountability of the public sector. Based on these provisions Kakhidze presented a preliminary list of information that all public agencies would be under the obligation to release proactively on their respective websites (See Annex I). This included information on the agency's budget, structure, decision-making procedures, and staff responsibilities as well as all legislation, policy documents and activities guiding the agency's work. At the same time, the public agencies would have to proactively publish audit results and court judgments that involved them directly. For any additional inquiries, they should also release contact details of relevant persons in charge of handling Freedom of Information (FoI) requests.

On 18 December, the MoJ sent the first draft of the OGP action plan (See Annex II) to TI Georgia asking for the latter's feedback in a week's time. TI Georgia forwarded the draft along with other important information and materials from the MoJ meeting to two other NGOs working closely in the field, Institute for Development of Freedom of Information (IDFI) and JumpStart Georgia, who later submitted their separate feedback on the draft to the MoJ.

The first draft was a one-page-long document including a selection of points from the anti-corruption action plan. The points were on improving public services, transparency of public procurement and expenditures as well as the integrity of the private sector. Yet, these were part of the government's already implemented or ongoing reforms to fight corruption, and hence fell short of any new OGP-specific commitments. TI Georgia sent its preliminary comments on the draft (See Annex III) to the MoJ asking the Ministry to remove all items that Georgia has already committed to in other documents and suggesting adding relevant new items instead.

⁷ Rusudan Mikhelidze is the current Head of MoJ's Analytical Department, http://www.justice.gov.ge/index.php?lang_id=GEO&sec_id=644&lang_id=ENG (last consulted on 8 December 2012)

⁸ Georgia's National Action Plan for the Implementation of Anti-Corruption Strategy 2010-2013, http://www.justice.gov.ge/files/Departments/Analytical/Georgia/corruption_docs/legislation/Action_Plan_for_Anti-Corruption_Strategy_of_Georgia.pdf (last consulted on 8 December 2012)

On 27 November, the MoJ provided TI Georgia with the second draft of the OGP action plan (See Annex IV) which was not very different from the first one and, surprisingly enough, had not quite reflected on the feedback provided by TI Georgia, IDFI or JumpStart Georgia. The MoJ just had a few points added to the previous list, including two new sections on improving the administration of justice and the transparency of political party financing. However, the structure of the document was still very similar to its older version, and contained no new commitments on open data and civic participation, which led the NGOs to invigorate their advocacy efforts.

The updated draft was later shared on a specially created OGP section on the MoJ's website together with a brief description of the open government initiative itself. By this time, a number of NGOs who became aware of the OGP development process in Georgia had increased and more and more organizations were expressing their will to join the consultation process.

As a consequence, in December 2011, the OGP issue was raised for the first time at the meeting of the media coalition which unites 13 organizations⁹ advocating for media freedom and accountability in Georgia. According to Tamar Gurchiani, who was very active in promoting OGP discussions within that platform, the main idea was to integrate OGP into the wider media agenda of the coalition and to come up with a list of common issues and recommendations.¹⁰ This however caused problems with planning, organizing and coordinating OGP discussions between a dozen of NGOs that all had their own distinct perspectives. As Eric Barrett, JumpStart Georgia's Executive Director described the process, "everyone was throwing too many things, and it did not break into categories."¹¹ This is why the first draft of coalition's recommendations was a rather long feedback document which the MoJ would not accept until it was pruned. TI Georgia, IDFI and Jumpstart Georgia took the lead in updating the draft recommendations by capitalizing on their knowledge and experience in dealing with OGP issues.¹²

The final text of CSO recommendations which all members of the media coalition agreed to was a six page long document (See Annex V). According to the key findings, the draft OGP action plan was "only an itemized listing" of government's already implemented or planned activities not mentioning what legislative and practical steps would be undertaken to ensure more openness, accountability and civic engagement. In response, the CSOs put forward a list of specific recommendations that the updated OGP action plan should include: making proactive publication of information legally binding upon all government agencies, improving accessibility of public officials' asset declarations, engaging more citizens in law-making, and providing more information about budget planning and judicial processes. To that end, the government was recommended to create online platforms integrating all public data in usable formats but also allowing citizens to express ideas, submit FOI requests, or initiate e-petitions which the authorities would then be under the obligation to consider and react to.¹³

⁹ As of August 2012, the members of the media coalition are: Civic Development Institute, Open Society Georgia Foundation, Transparency International Georgia, Georgian Charter of Journalistic Ethics, Georgian Young Lawyers' Association, Institute for Development of Freedom of Information, Levan Mikeladze Foundation, Georgian Association of Regional Broadcasters, Press Association, Media Club, For Civil Society, Eurasia Partnership Foundation, and Network of Regional Broadcasters

¹⁰ TI Georgia's skype call with Tamar Gurchiani, Lawyer from Media Club, 11 August 2012

¹¹ TI Georgia's interview with Eric Barrett, Executive Director of Jumpstart Georgia, 13 August 2012

¹² Gurchiani, op cit.

¹³ Comments on Georgia's Draft Open Government Partnership Commitments, prepared by Transparency International Georgia, GYLA, IDFI, Jumpstart Georgia and the Media Coalition, 4 February 2012

The MoJ had a positive reaction to the CSO feedback and pledged to incorporate most of the recommendations in the final version of the OGP action plan. At the meeting held on 1 February 2012 between the MoJ, TI Georgia, and Jumpstart Georgia, Otar Kakhidze pointed out that a list of information to be proactively published on government websites had already been approved by the Anti-Corruption Council, thus making it mandatory for all public agencies in Georgia. Kakhidze also mentioned that the MoJ was planning to launch a web portal that would integrate relevant public data sets from different sectors.

In March 2012, the MoJ unveiled a schedule of public consultation meetings to be held from 12-26 March in the six different cities of Georgia, including Telavi, Gori, Akhaltsikhe, Kutaisi, Batumi and Tbilisi (See Annex VI). All these consultation meetings, except the one with Business Association of Georgia, were hosted by universities or schools, and hence mostly attended by students and academic representatives. TI Georgia attended one such meeting held on 16 March at the Free University of Tbilisi. The meeting was led by Andro Gigauri, the then Head of MoJ's Administration¹⁴, and Ketii Abashidze, Legal Adviser of MoJ's Analytical Department, who presented the Georgian government's main priorities in the OGP action plan. The presentation primarily took the form of promoting the government's existing OGP plan rather than soliciting feedback from the students. Of particular interest was whether the MoJ was going to publish citizens' comments on the action plan online in accordance with the OGP consultation guidelines. Gigauri responded that the people could submit all OGP-related comments on the MoJ website but there was no plan to publish these comments online.

Georgia's OGP Action Plan and its Assessment

On 5 April 2012, a few days before submitting it to the OGP, the MoJ posted on its website the final version of the OGP action plan which was a ten-page-long document (See Annex VII). The final action plan indeed reflected most of the feedback provided by CSOs and was a substantial improvement over the previous two versions. Specifically, while still building on the government's existing reform efforts (e.g., introducing jury trials in courts, building modern public service halls, and creating e-procurement, e-auction and e-declaration platforms) it also included a number of new commitments that responded to CSOs' recommendations. In addition, the MoJ was providing short descriptions of each commitment as well as the information about responsible agencies and general timelines for accomplishing concrete tasks.

Georgia's OGP action plan is structured around four grand challenges: improving public services, increasing public integrity, managing public resources more effectively, and creating safer communities. The OGP requires countries to undertake at least one grand challenge of its list of five grand challenges, so by undertaking four Georgia is going beyond this requirement.¹⁵

The action plan presents "everything in one space" as a new flagship concept underpinning the public service reform in Georgia. The government has undertaken to build modern public service halls across the whole country. Through these service halls people are able to receive prompt services ranging from obtaining personal ID documents and notary certificates to enforcing court judgments and registering businesses and ownership titles. Better provision of services to the regions is another major component of

¹⁴ The current Head of the MoJ's Administration is Irakli Mjavanadze.

¹⁵ Open Government Partnership, OGP Participation, <http://www.opengovpartnership.org/ogp-participation>

Georgia's public service reform. To that end, it is planned to integrate local municipalities into the e-governance system, thus giving them direct access to all public databases in the country. In addition, the government is going to build village development centers in remote villages so that locals receive integrated services both from the public and the private sectors.¹⁶

The government is also prioritizing giving citizens more access to public information and more opportunities to engage in decision-making. Under the action plan, all public agencies will be required to proactively publish important data on their budgets, staff, decision-making structures, policies and activities. This information will then be integrated on a single web portal (data.gov.ge) which would sort the data according to thematic sections but also allow people to send FOI requests in case they have any additional questions. Another online portal (ichange.ge) will give people opportunity to express their ideas or submit e-petitions on issues that concern them the most. The relevant authorities will have obligation to react to an e-petition if it reaches a certain threshold of signatures. The citizens will also be able to engage in law-making processes through already existing platform of Georgia's legislative herald (matsne.gov.ge). A new special section on this platform will give people chance to comment on draft laws but also on actual laws and other normative acts. The MoJ has pledged to monitor these comments, systematize most popular topics, and provide Parliament with new legal initiatives if there is an overwhelming public interest.¹⁷

The action plan's another priority is related to crime prevention in the country. Under the new project called Safety in Your Neighborhood the government will set up a system for crime mapping across different regions of Georgia. The relevant data will be provided by citizens themselves who will have an opportunity to contact their local prosecutor's offices online and inform them promptly about specific incidents occurring in their respective neighborhoods.¹⁸

The Georgian government representatives believe the government can deliver on all the commitments mentioned above since their implementation had already been coordinated with the respective agencies in charge. According to Ketil Abashidze, the development of e-services is the area where the government is most likely to succeed given their strong political will to modernize the work of the public sector.¹⁹ The government is also firmly committed to improving citizens' access to public information and there are already some positive signs in that direction. For instance, the public agencies are going to proactively publish relevant information online before the date when this requirement becomes mandatory for them (1 September, 2013).²⁰

On the other hand, however, the government representatives see challenges in engaging a broad spectrum of the population in the implementation of OGP commitments since most of the people in Georgia have little knowledge, proficiency or interest in OGP.²¹

¹⁶ Open Government Partnership, Georgia Action Plan 2012-2013, April 2012, pp.2-4, available here: http://www.opengovpartnership.org/sites/www.opengovpartnership.org/files/country_action_plans/OGP_AP_Final_eng.pdf (last consulted on 8 December 2012)

¹⁷ Ibid, pp.4-7

¹⁸ Ibid, p.9

¹⁹ TI Georgia's interview with Ketil Abashidze, Legal Adviser of Analytical Department at the Ministry of Justice of Georgia, 22 August 2012

²⁰ TI Georgia's email correspondence with Zaur Abashvili, Head of the Local Office of the Department of Legal Drafting at the Ministry of Justice of Georgia, 31 August 2012

²¹ Abashidze, op cit.

The local CSOs' general assessment of Georgia's OGP action plan is positive in that the final document is largely adequate to their recommendations. They think the action plan contains quite realistic commitments the implementation of which is a question of the government's political will rather than a question of its resources and capacity.²² Yet, the respondents of this study had higher expectations of the inclusiveness of preliminary consultations as well as of the novelty, measurability and legislative entrenchment of the commitments undertaken.

The CSOs are concerned that the action plan is not reflecting on a diverse array of feedback that could have been generated from different businesses, sector-specific NGOs or individual citizens. According to Eric Barrett, there should have been a wide awareness campaign on OGP including the President promoting the platform to the citizens across the whole country. That would give a lot of mandate to the MoJ to push forward activities and goals of the OGP action plan.²³

Tamar Gurchiani thinks that the Georgian government had a narrow understanding of the concept of public consultations which caused the whole process to be impaired by exclusiveness, spontaneity and fragmentation. According to her, it was MoJ's mistake to engage separately with only a handful of NGOs considered by the government to be the frontrunners in OGP area.²⁴ Such approach was also contrary to the spirit of OGP consultation guidelines which are explicit in requiring countries to "consult widely with the national community, including civil society and the private sector; seek out a diverse range of views and; make a summary of the public consultation and all individual written comment submissions available online."²⁵ The MoJ began holding meetings with students, academia and the Business Association of Georgia only at the last stages of the consultation process when the OGP action plan had been basically finished, and the Ministry was just presenting the finished plan rather asking for feedback. Instead, prior to launching public consultations on OGP the government should have conducted a study on people's needs and concerns over open governance in Georgia and define the action plan priorities based on the findings of this study.²⁶ The next step would be the creation of a specific coordination structure facilitating discussions between the government and the civil society. Setting up an online group, for instance, would allow everyone involved in the preliminary consultations to save time, discuss most problematic issues in the first place, and contribute more productively to the drafting of the action plan.²⁷

On the other hand, the action plan commitments fall short of identifying new ways to ensure more openness and to give citizens more choices about what data and services they want from the government, and which agencies can provide these.

The government has in fact committed to what they had already planned before and most of these commitments relate to good governance, digitization and better service provision but less so to open governance as such, thinks Eric Barrett.²⁸ Openness in the OGP context means publishing online "an extensive set of information, [...] in significant detail and in original form". This also presumes that the data is published "in open, user-friendly,

²² TI Georgia's interview with Derek Dohler, Project Manager of TI Georgia, 8 August 2012

²³ Barrett, op cit.

²⁴ Gurchiani, op cit.

²⁵ Open Government Partnership, Consultation, <http://www.opengovpartnership.org/consultation>

²⁶ Gurchiani, op cit.

²⁷ Barrett, op cit.

²⁸ Ibid.

[and] machine-readable formats.”²⁹ The OGP goals are seen twofold by Barrett: people’s right to information and the country’s prospects for economic development. According to him, the Georgian government sees e-governance through the same lenses as open governance and hence is more focused on digitizing already existing data rather than building and releasing new data sets in usable formats.³⁰ For instance, there are important types of data that are kept out of the public domain in Georgia (e.g., new addressing data, geographic data of public registry, raw statistics of tourism, environmental data, topographic data, and geological data). Releasing this data is not seen by the government as a public good and therefore not considered to be part of Georgia’s OGP commitments. This however could be in detriment to the country’s economic development prospects since not only the general public but also the key groups like businessmen, investors, tourists, and scientists would greatly benefit from having a wide array of sector-specific data on Georgia.³¹

On a similar note, IDFI’s Director Giorgi Kldiashvili reckons that the government could have taken more new responsibilities within the OGP and focus on their implementation rather on improving the existing efforts.³² For instance, Georgia’s action plan could have made it clear that OGP’s core principles have specific reference in domestic legislation and that the government has or will develop the institutional capacity to implement these in practice. Kldiashvili is also concerned that the action plan is not discussing the issue of increasing corporate accountability in the country. He believes that relations between the government and the businesses should be transparent presupposing in the first place that the corporate ownership data, including full data on beneficial owners of off-shore companies, is publicly available so that people know who owns and finances big businesses in Georgia.³³

Derek Dohler, a Project Manager from TI Georgia, thinks that the government could be more concrete on dates and indicators to measure success or failure in the implementation of the action plan. Without clear benchmarks the CSOs would find it difficult to draw any conclusions on the impact of government’s OGP policies and activities.³⁴ This in fact can be seen as a major weakness of Georgia’s action plan which was also noted by Global Integrity, a non-profit organization tracking government openness and accountability standards around the world.³⁵ Dohler reckons that one viable option for CSOs in this case would be to compare Georgia’s efforts with best international practices (e.g., data.gov, data.gov.uk). However, such measurement method could also have major flaws since Georgia’s resources and local context may be very different from those of other countries, and there may be some elements in Georgia’s action plan that may have no direct parallels elsewhere. Given these caveats, it would make more sense to identify areas where Georgia needs improvement or where it seems to be ahead of other countries.³⁶

²⁹ Open Government Partnership, OGP Disclosure Policy, <http://www.opengovpartnership.org/ogp-disclosure-policy> (last consulted on 8 December 2012)

³⁰ Barrett, op cit.

³¹ Ibid.

³² TI Georgia’s interview with Giorgi Kldiashvili, Director of IDFI, 17 August 2012

³³ Ibid.

³⁴ Dohler, op cit.

³⁵ Global Integrity, Assessing OGP Action Plans, 21 June 2012, <http://www.globalintegrity.org/blog/ogp-action-plan-assessments> (last consulted on 8 December 2012)

³⁶ Dohler, op cit.

Current Implementation and Related Challenges

In April 2012, soon after the adoption of the OGP action plan, the MoJ, with TI Georgia's initiative, formed an NGO forum as a regular coordination mechanism to work on the implementation. The current members of this forum are:

- TI Georgia
- IDFI
- Georgian Young Lawyers' Association
- Media Coalition
- Coalition for European Georgia
- New Vision Georgia
- JumpStart Georgia
- US Agency for International Development (USAID)³⁷

The NGO forum is a very informal structure open to any interested organization, both local and international. For instance, the two organizations, Open Society Georgia Foundation (OSGF) and Management Systems International (MSI), joined the meetings for the first time in July of 2012. The forum meets once a month and its agenda is determined by the MoJ's Analytical Department. The meetings normally last for one hour during which the MoJ representatives update the forum members on past developments while the latter raise questions, present their own initiatives and stimulate discussions.

The MoJ sees great value in building on the expertise of NGOs and having more new ideas coming from them on OGP's different aspects. For instance, the Ministry is going to involve NGOs in developing guidelines for FOI officers and complementing data.gov.ge (launched in November of 2012) with new data sets. Therefore, the MoJ has high expectations of the NGO forum members being more active and creative in proposing new initiatives.³⁸

For their part, the CSOs interviewed for this study consider the NGO forum as a vital information-sharing mechanism enabling them to engage regularly and directly with the government and to stay updated on main developments in OGP area. At the same time though they see a room for improvement to make this mechanism work better. Firstly, the MoJ needs to make it a regular practice to circulate the agenda and any documents that need to be reviewed and considered by the forum members at least a week before the meetings. Secondly, the Ministry should designate a person in charge of drafting the meeting notes and sharing them with the group list so that everyone is on the same page and know what is happening in OGP. A related suggestion would be to post a status update on the specific point of the action plan each month on the MoJ's website. Thirdly, the MoJ needs to pay more attention to involving businesses and other NGOs from different sectors in the implementation of OGP commitments and in the work of the NGO forum in particular.

Derek Dohler thinks that CSOs should be more proactive in pushing for all these points mentioned above but also for new proposals that are likely to kindle strong interest in the

³⁷ Ministry of Justice of Georgia, Open Government Partnership Implementation, http://www.justice.gov.ge/index.php?lang_id=ENG&sec_id=828 (last consulted on 8 December 2012)

³⁸ Abashidze, op cit.

government. “OGP is really very much what CSOs make it, so they should put their ideas proactively and constructively”, says Dohler.³⁹

Apart from CSOs the donors could also play a significant role in helping the government to implement the OGP commitments better. The Georgian government tends to be more sensitive to the scrutiny from international donor organizations rather than from local NGOs. Therefore, big donors like the World Bank and USAID could provide the government with useful guidance on open data standards by using their own data disclosure policies as examples of best practices. Such recommendations from the donors should be a public document to shed spotlight on OGP goals and activities.⁴⁰

In addition, the donors could improve the capacity of the government to create comprehensive and easily accessible data sets that are automated and up to date. Irakli Gvenetadze, Head of Data Exchange Agency in charge of developing e-governance system in Georgia, pointed out that the main challenge facing public agencies in Georgia is to build actual data sets since they do not have enough human resources to perform this task.⁴¹ Then there is also an issue with designing government websites so that they look more accessible and engaging for citizens. Recognizing the importance of this issue, the Georgian government has partnered with a well-known US-based web design firm called Cleverbirds to begin an overhaul of many government websites. One of the first results of this cooperation is a new website of Tbilisi Mayor’s Office called ChemiTbilisi.com (My Tbilisi) through which the citizens can submit e-petitions to the city authorities. TI Georgia found the website “impressively well designed and easy to use,” which shows that the government’s commitment to improving public websites through cooperation with leading firms is yielding positive results.⁴²

Another important focus of donors operating in Georgia should be on assisting local NGOs in their monitoring activities and on building their technological capacity. The OGP often involves very specific technical issues related to data disclosure, web-site development or informational security standards, for instance, which require high level of knowledge and expertise in the field. In Georgia, there are only a handful of NGOs that are technically proficient and have adequate know-how and experience in dealing with OGP’s technological aspects. This in turn may put other interested but less able NGOs in the inferior position excluding them from the NGO forum meetings. These NGOs may feel discouraged to participate in OGP discussions out of the fear that they would not understand a specific technical issue under consideration. It is quite telling that of all NGO forum members only TI Georgia, IDFI and Jumpstart Georgia are regularly attending the meetings with MoJ and providing feedback on the Ministry’s new initiatives. For instance, the OGP has ceased to be a relevant topic of discussion for the media coalition after the government adopted the final action plan. The focus of the coalition has since switched to more specific media issues that have dominated the political discourse in Georgia in the run up to the parliamentary elections held on 1 October 2012.

At the same time, other non-forum member NGOs have expressed no particular interest in joining the forum or contributing to its work in any other way. The CSOs in Georgia might

³⁹ Dohler, op cit.

⁴⁰ Barrett, op cit.

⁴¹ TI Georgia’s interview with Irakli Gvenetadze, Head of Data Exchange Agency, 16 August 2012

⁴² Derek Dohler, “Tbilisi’s new petition website a positive step”, 6 July 2012, <http://transparency.ge/en/blog/tbilisi-s-new-petition-website-positive-step> (last consulted on 8 December 2012)

often find it onerous to provide constructive feedback on government policies and to consistently engage in advocacy and consultations with other stakeholders. That said, the donors need to empower local NGOs to meaningfully contribute to and engage in the development of OGP standards in the country. If empowered, the NGOs could serve as conduits for communicating the government's new OGP policies to the general public and the media but also be the first to identify any unforeseen drawbacks in those policies.

Conclusions and Recommendations

Open governance is something that many people can benefit from in the modern era of increased communications and technological progress. With governments harnessing new technologies to open up to their citizens and citizens contributing to making government policies better tailored to their needs there is a great value added to improving living standards in each country. This was the driving force for establishing the Open Government Partnership (OGP) promoting transparency, citizen participation, accountability and technological innovation on a global scale.

The Georgian government was quick to endorse the OGP principles, which indeed is a commendable undertaking, and later presented a relevant action plan to the OGP as part of the necessary requirements. Prior to that, the government was expected to engage in a broad range of consultations with domestic civil society, private sector and individual citizens whose feedback should have been summarized and published online. Yet, the Ministry of Justice (MoJ), main responsible agency for implementing the OGP in Georgia, fell short of fulfilling these guidelines. It started public consultations belatedly and with a handful of CSOs only causing the whole process to be characterized with a degree of exclusiveness, spontaneity and fragmentation. The Ministry's meetings with students, academia and the Business Association of Georgia at the very last stages of the consultation process was more seen as an afterthought on the already adopted action plan rather than as a tool to enrich the plan with people's broader perspectives. Furthermore, the MoJ did not publish a summary of the public comments as required by the OGP, nor did it discuss how the action plan's specific commitments respond to these comments.

TI Georgia along with the two other partner NGOs, IDFI and Jumpstart Georgia, has been quite proactive in working with MoJ on the development of Georgia's OGP action plan. The first two drafts of the action plan shared by the Ministry were far from meeting the OGP standards. They presented a bare repetition of the government's already implemented or ongoing reforms from the 2010 Anti-Corruption Action Plan, and lacked any new commitments to openness and civic engagement.

By expanding their advocacy efforts to include the media coalition in OGP consultations the CSOs elaborated a set of joint recommendations for the government to make the draft action plan more in line with OGP's basic requirements. The MoJ took on the CSO recommendations and the final document, adopted in April 2012, turned out to be a marked improvement from its older versions.

Both the representatives of the government and the CSOs interviewed for this study think that the government has a strong political will and is capable of living up to the commitments set forth in the action plan. Currently, the implementation of these commitments is coordinated within the NGO forum consisting of eight different organizations who meet with MoJ once a month.

While the CSO's overall assessments of the OGP action plan and the work of the NGO forum are positive they contemplate that some things could be done better.

After the parliamentary elections held on 1 October 2012 Georgia has a new government with new Minister of Justice and new Head of Analytical Department in charge of OGP. TI Georgia finds it important that new authorities make a high level announcement of support for the OGP, including the commitment to fully and effectively implementing Georgia's existing OGP Action Plan.

The summary recommendations below present the key elements that the new government, CSOs and donors need to take in due consideration in order to improve the implementation and coordination of open governance principles in Georgia.

- The government should raise public awareness of Georgia's participation in the OGP and of the actions being carried out under the OGP Action Plan by using the media as an effective channel of communication to the wide audiences across the country.
- The government should consider publishing more information as a public good. Specifically, it needs to proactively disclose more sector-specific data sets in significant detail and in easily usable formats. This should also include providing contextual information on what the purpose of this raw data is and how citizens can benefit from using it.
- The donors need to do more to help the government raise its standards of data disclosure by suggesting the latter to use the best practices of their own disclosure policies. In addition, the donors could provide the government with necessary expertise and assistance to develop more accessible websites and to build digital databases that are automated, comprehensive, up to date, and easy to use.
- The government should increase corporate accountability standards in Georgia. Those companies that are holding high market shares in the country's major sectors and performing essential public functions should ensure that citizens are provided with more choice and information about their activities.
- The MoJ should actively engage businesses and NGOs from different sectors in the work of the NGO forum. The latter would enrich the agenda of the forum meetings but also would benefit from having easier access to more public data and services to help the country's economy.
- The agenda of the NGO forum meetings should be shared at least a week prior to these meetings taking place. In addition, the MoJ should post the summary of the meeting notes together with a status update on the specific OGP commitments each month on its website. This would keep the public regularly informed about main developments in OGP and attract more organizations to join the NGO forum.
- The CSOs in the NGO forum should be more proactive in generating new interesting ideas on OGP's particular topics and presenting them constructively to the MoJ. For their part, the non-forum member organizations should have a stronger will to join the forum meetings and to share their knowledge and experience with other stakeholders.
- The donors should focus more on building the OGP expertise of local NGOs that are not specifically working in the field to help them better monitor how the government is complying with the standards of openness and technological innovation.

- The government in close collaboration with CSOs needs to elaborate a set of clear benchmarks against which to measure the progress in the implementation of the OGP commitments.

TI Georgia will continue to be actively involved in the implementation of OGP goals and activities in Georgia, including helping the NGO forum to become more effective mechanism of coordination and a valuable source of innovative ideas on open governance.

Annex I: Publishing Information Proactively⁴³

List of information that has to be proactively published on government websites

1. Procedural rules, structure, job description of the employees, rules of allocation and decision-making in public entities.
2. Every piece of administrative legislation: in case of law-enforcing authorities only normative acts, whereas in case of the rest of the ministries both individual and normative (concerning the individual acts, in case it contains limited use information, then minimal information about this act) (date of receipt, reasons for secrecy, date when it was put into secrecy and the identity of a person responsible for secrecy)
3. Public policy documents: activity of public entities, main principles and focus of their activity.
4. Results of December 10th research (Administration of the President and the Parliament of Georgia)
5. The following information: identity and work address of those public servants who hold positions in public entities or are responsible for keeping public information in secret, or are responsible for public relations and providing information to citizens, including those employees who ensure the access on public information, their identity, address and contact information.
6. Results of revision and conclusions of auditory inspection about the activities of public entities. Also, court judgments about cases involving public entity as a party.
7. Budget of public entities.

⁴³ This translation was performed by TI Georgia staff and is not official.

Annex II: Ministry of Justice's First Draft of Georgia's OGP Action Plan

Georgia's Open Government Partnership Commitments

Transparency, accountability and effectiveness of public service

- Implement the concept of "Public Service Halls" uniting different services in one place.
- Implement and monitor electronic asset declaration system.
- Elaborate and implement electronic system of HR management.
- Elaborate the list of information to be published on the web sites of ministries and other public agencies.

Transparency of state procurement system

- Manage tenders through e-system.
- Elaborate and implement electronic system for submission of public procurement annual plans and reports on exercised public procurement.
- Implement e-commerce (e-catalogue, e-ordering and e-invoicing systems).

Transparency of public finances

- Elaborate mechanism for electronic filing of tax declarations.
- Implement program budgeting.
- Elaborate mechanism for electronic management of tax invoices.
- Elaborate electronic program for budgeting.

Transparent and corruption-free private sector

- Transition to e-auction system.
- Create E-base of privatized objects and authorize representatives of private sector to update databases.

Annex III: TI Georgia's Comments on Georgia's Draft OGP Action Plan

Georgia's Open Government Partnership Commitments

Transparency, accountability and effectiveness of public service

- Implement the concept of "Public Service Halls" uniting different services in one place.
 - Because this project is already at an advanced stage, we suggest removing this item.
- Implement and monitor electronic asset declaration system.
 - Because implementation of this project has already been completed, we suggest changing this to "Create a permanent system for monitoring electronic asset declarations."
- Elaborate and implement electronic system of HR management.
 - Because this system is at an advanced stage of planning and is likely to be implemented, we suggested removing this item.
- Elaborate the list of information to be published on the web sites of ministries and other public agencies
 - We have attached a draft of the current list to this document.
 - We suggest requiring all ministries and other public agencies to identify and make available within three months one high value data set in their possession that they are not otherwise required to proactively publish and which is not already available online. Within six months, two additional such data sets should be made available.
 - To the draft list of proactively published information, we suggest adding: each quarter, a list of all information that has been designated "not public," including a list of all Freedom-Of-Information requests that were denied, the grounds for their denial, and a list of all information that has been requested to be designated a "commercial secret".
 - To the draft list of proactively published information, we suggest adding: each quarter, an inventory of all data sets (such as computer databases, paper-based files, etc.) that an agency holds but which are not proactively disclosed and an assessment of the feasibility of proactively disclosing these data sets.
 - To the draft list of proactively published information, we suggest adding: each year, an action plan for increasing the amount of information that the agency proactively discloses during the coming year.
 - We suggest clarifying the 7th item on the draft list of proactively published information to be clear that it encompasses all budgeting information relating to an agency, that is, both the agency's planned budget, and reports on its implementation, in addition to the results of audit reports required in item 6.
 - To the draft list of proactively published information, we suggest adding: An email address to which Freedom-Of-Information requests may be sent.
 - We suggest that a standardized organizational system for making information proactively available be created, and that agencies be required to follow this system when posting information proactively, so that proactively disclosed information can be found in a consistent manner across all agency websites. This system should apply to information beyond that defined in this list, so that agencies wishing to be more

transparent than required by Georgia's OGP commitments still have a system to follow.

- We suggest adding the following items:
 - Implement electronic system for directly submitting freedom of information requests to all public agencies and receiving direct responses from them in a timely manner, according to the Georgian legislation.
 - All public agencies must accept freedom of information requests via email, and provide users with an automatic reply containing a document tracking number, basic information on the timeframe they should expect for processing their request, and instructions on whom to contact to follow up about their request.
 - Elaborate job descriptions and accountability standards for all public servants (qualification requirements, trial period, in-depth recommendations)
 - Define all members of local self-governing bodies as Public Officials and require them to submit public asset declarations.
 - Improve legislation and intra-agency guiding principles on the protection of whistleblowers
 - Create permanent monitoring of service standards and studies on customer satisfaction with agency service, and make the results of these studies and monitoring public.
 - Establish a functioning rapid reaction mechanism for comments and suggestions from customers for all agencies (hot line).
 - Update all existing data portals (e.g. asset declarations, procurement) to provide data in machine readable formats such as JSON or XML, and raw data formats where applicable.
 - Commit to including requirements for machine-readability and raw data into all future e-government, digitalization, and open data projects.
 - In the case of government-held information that could be designated a "commercial secret," end the practice of giving corporations the opportunity to designate information as a commercial secret in response to a FOI request. In other words, commit to providing all information that is not designated a commercial secret at the time a FOI request for that information is received.
 - Commit to creating an online, machine-readable database of all Legal Entities of Public Law, their functions, and their budgets.

Transparency of state procurement system

- Improve Georgia's existing e-procurement system
 - We suggest committing to reduce the number of exceptions to the requirements for conducting procurement through the e-procurement system. The President's Reserve Fund, the Government's Reserve Fund, and the Tbilisi Mayor's Reserve Fund should all be required to conduct procurement through the e-procurement system.
 - We suggest that in the case of the Ministry of Internal Affairs and the Ministry of Defense, all procurement that these Ministries carry out be conducted through the e-procurement system, unless public disclosure of a particular tender would be harmful to the public interest. A formal procedure by which tenders from these agencies may be deemed secret should be established and made public, and the total money value of all secret tenders should be published quarterly.

- Elaborate and implement electronic system for submission of public procurement annual plans and reports on exercised public procurement.
- Implement e-commerce (e-catalogue, e-ordering and e-invoicing systems).
 - We suggest adding the following to this item: “and ensure that raw data and machine-readable data such as XML and JSON from these systems is automatically published online.”
- We suggest adding the following items:
 - Implement information system on tax disputes within the dispute settlement council at the Ministry of Finance
 - Increase the independence and transparency of the work of tax ombudsman (make publicly available his annual reports to the Parliament)
 - Reduce obstacles to communicating with the Tax and Business Ombudsman by Implementing an electronic platform through which businesses can communicate directly with the ombudsman.

Transparency of public finances

- Elaborate mechanism for electronic filing of tax declarations.
- Implement program budgeting.
 - Because program budgeting has been implemented for the 2012 budget, we suggest removing this item.
 - Elaborate mechanism for electronic management of tax invoices.
- Elaborate electronic program for budgeting.
- We suggest the addition of the following items:
 - Proactively print copies of the budget and all related documents, such as audit reports and implementation reports, and make them available in all public libraries.
 - Ensure that all important state budget documents, including In-Year Reports and Year-End Reports, are consistently and timely made available online.
 - Produce and distribute widely a Citizen’s Budget in both online and paper formats, and make paper copies available in all public libraries (or ensure that libraries have access to the online versions).
 - Produce and keep updated an online platform where citizens can view past budgets, make changes to the proposed budget and view the projected effect of their changes. Submit the average budget chosen by citizens to Parliament as a supplement to the Executive’s Budget Proposal.

Transparent and corruption-free private sector

- Transition to e-auction system.
- Create E-base of privatized objects and authorize representatives of private sector to update databases.
 - Because this website already exists, we suggest changing this item to “Authorize representatives of the private sector to update databases.” We believe that the types of modifications that the private sector will be authorized to make should be explained further.
- We suggest adding: Commit to making auction announcements public sufficiently far in advance and providing sufficient detail in auction announcements (including assets and liabilities of companies to be privatized) so that all potential bidders have the time and information necessary to conduct thorough evaluations of the auction, prior to the auction date.

We suggest adding the following sections:

Transparent legislation

- Commit to making the text of all legislative initiatives available online for at least 72 hours before they are voted upon, including initiatives of local self-governing bodies and the Autonomous Republic of Adjara. In the Parliament, make sure that plenary hearings of initiatives are no less than 72 hours apart, and that any changes to initiatives are posted online 72 hours prior to that initiative's next plenary hearing. Make sure that all legislative initiatives are posted online in human-readable as well as machine-readable formats (e.g. PDF and XML / JSON).
- Commit to ensuring that all government-run public libraries in Georgia contain printed copies of compiled Georgian legislation, updated least once per year, but more often if possible, or to ensuring that they have internet access and full subscriptions to matsne.gov.ge , so that the text of Georgian laws is available to everyone.
- The Agenda section of the Parliament's website should be updated more extensively to allow citizens' participation at the level of committee hearings. The legislation mentioned in the agenda for a committee hearing should be linked to the actual document of the bill; this will ensure more accessibility to bills by ordinary citizens.
- We suggest committing to comply with Article 48.5 of the Rules of Procedure of the Parliament, which requires that information about committee agendas be posted two days before the committee hearing. Currently, this rule is rarely followed.

Transparent judiciary

- Commit to making all judicial decisions available automatically in machine-readable and human-readable formats.
- Commit to making transcripts or audio/video recordings of all court sessions public automatically unless the judge orders the proceedings to be closed on the initiative of one of the parties to the matter.
- Commit to making all plea bargains and the amount of any money received through fines public automatically.
- Commit to making case scheduling information from all courts available automatically online in machine-readable and human-readable formats, as well as sending scheduling reminders directly to parties via email and text message. Commit to creating an automated voice hotline that parties can check to determine their next hearing date.
- Commit to creating unified procedures for handling FOI requests sent to the courts, and provide training to all court staff members in these procedures so that FOI requests are handled consistently throughout the judicial system.

Transparent political party finances and elections

- Create an electronic platform for political parties to report on their incomes, expenditures, and donors, and require political parties to submit updated information on a regular basis. All information submitted to the electronic platform should be automatically published in machine-readable and human-readable formats, as well as automatically sent to the Central Electoral Commission and Chamber of Control.
- Make data about the number of voters registered in each precinct available online, with both an intuitive web interface and in a machine-readable format. In the

machine-readable version, numbers of registered voters should be listed for each address.

Finally, if there are any items included to which Georgia has already committed in other documents, and which are implemented, nearly implemented, or in an advanced stage of planning and seem likely to be successfully completed, we suggest removing those items from this document, as they would not satisfy the expectation that OGP commitments “stretch” Georgia beyond its current practice. We have identified items that we believe should be removed, but we may not have complete information regarding the status of all of Georgia’s current commitments, and therefore we make this general recommendation to remove all commitments that are likely to be successfully implemented under other documents.

Annex IV: Ministry of Justice's Second Draft of Georgia's OGP Action Plan

Transparency, accountability and effectiveness of public service

- Implement the concept of "Public Service Halls" uniting different services in one place.
- Implement and monitor electronic asset declaration system.
- Elaborate and implement electronic system of HR management.
- Elaborate the list of information to be published on the web sites of ministries and other public agencies.
- Elaborate and implement special teaching program for public service employees – "Ethics in Public Service".

Transparency of state procurement system

- Manage tenders through e-system.
- Elaborate and implement electronic system for submission of public procurement annual plans and reports on exercised public procurement.
- Implement e-commerce (e-catalogue, e-ordering and e-invoicing systems).

Transparency of public finances

- Elaborate mechanism for electronic filing of tax declarations.
- Implement program budgeting.
- Elaborate mechanism for electronic management of tax invoices.
- Elaborate electronic program for budgeting.
- Elaborate and implement guidelines for financial and compliance audit of foreign aid allocated to Georgia.
- Elaborate and implement guidelines for effective audit of foreign aid to Georgia.

Transparent and corruption-free private sector

- Transition to e-auction system.
- Create E-base of privatized objects and authorize representatives of private sector to update databases.
- Implement legislation that brings greater transparency to the ownership and finances of broadcast media
- Elaborate revised rules on "transparency of financial condition of the Commercial Bank" in order to ensure the transparency of commercial banks' financial conditions.
- Approve rules on publication of financial reports of insurance companies in accordance with international standards.

Administration of justice

- Expansion of the scope of jury trials (expansion based on the type of crime and territory).
- Introduction of lifetime appointment of judges.
- Inclusion of courts in the unified computer system.
- Creation and implementation of electronic case management program.

Transparency of political party financing

- Define Chamber of Control as a monitoring body of the funding of political parties and provided it with the mandate, the authority, as well as adequate resources to effectively supervise the funding of political parties.

- Elaborate standardized format for financial declaration of political parties;
- define auditing standard of financing of political parties;
- Publish financial declaration of political parties and auditing reports;
- establish limits on donations to political parties
- ensure transparency of donations to political parties and avoid secret donations
- Impose prohibition of donations from legal persons to political parties

Annex V: CSO Comments on Georgia's Draft OGP Action Plan

04.02.2012

Comments on Georgia's Draft Open Government Partnership Commitments

Prepared by Transparency International Georgia, GYLA, IDFI, Jumpstart and the
Media Coalition

I. Georgian Government initiatives concerning - Open Government Partnership - assessment

While assessing the Open Government action plan prepared by the Georgian Justice Ministry, it is important to underscore the following facts:

- The plan is not in line with a conceptual document. It is only an itemized listing of implemented and planned activities; it does not include the list of legislative and practical steps for implementing the planned activities.
- A considerable part of the items in the plan have actually already been implemented by the Georgian Government and encompass, for the most part, the issues discussed in the Georgian National Anticorruption Strategy action plan.
- The majority of the steps in the document pertain rather to the field of Good Governance, putting a weak emphasis on the issues of Open Governance, notably, on setting up a system of transparent and participation-oriented state governance.

Due to the above, we believe that considerable changes should be made to the Georgian action plan.

II. Civil Society recommendations

The action plan prepared by the Georgian government should necessarily encompass the following aspects:

1. Improve/set up relevant legislative framework to ensure open governance and proactive publication of information
2. Compile a list of measures necessary for setting up a transparent public service including the establishment of an effective system for the availability of public officials' asset declarations.
3. Develop a transparent lawmaking and ensure the best possible involvement and awareness of citizens in this process; enhance the accountability of the legislative body to the maximum extent possible.
4. Ensure the transparency of public finances including the elaboration of an effective system for keeping the public informed of the budget planning and expenditure.
5. Establish a transparent and accountable judiciary; create an effective system ensuring the accessibility of the public domain information.
6. Set up a public information space that will facilitate the government, on the one hand, to have proactive public information provided and the greater public, on the other hand, to have an access to relevant data.
7. Create web pages/improve the existing web pages of state institutions that will enable citizens to obtain and analyze public domain information in a data-light format.
8. Develop effective mechanisms for public participation.

III. Developing legal framework

To ensure Open Governance and proactive information release, it is necessary for Georgia to further improve the existing legal framework and in some cases even generate a new one. This will, on the one hand, allow interested individuals to easily obtain public information while, on the other hand, oblige relevant public services to provide pertinent information in an unrestricted manner. To this end, the following should be done:

1. Enter relevant amendments to the General Administrative Code of Georgia that will:

- Introduce a simplified method for online request, issue, and receipt of public information from public institutions.
- Commission public services to ensure proactive publication of information based on certain guidelines.
- Explain specifically what parameters should a public institution official web site, public information electronic database, public information electronic public registry, etc. satisfy
- Define specific penalties for failure of an administrative agency or a person in charge to release public information.
- Require that all administrative bodies have an official web site; define the accessibility and basic principles of accessibility to the information on the administrative agency's official web site; define general rules for proactive publication of information (frequency of posting and renewal of information, renewal periodicity).

2. Have a strictly spelled out rule for the administrative bodies to grant information a status (confidential, public).

IV. Transparent public service

To set up a transparent public service, it is necessary to:

- Improve the legislation on the protection of whistleblowers as well as corresponding internal guidelines for administrative agencies.
- Create an effective mechanism for keeping the public informed of the decrees and decisions taken by the government.
- Provide information on public officials' asset declarations on the web portal in a format suitable for sorting and analysis; the data should be available in digitally readable format.
- Supplement the list of persons whose asset declarations are liable to publicity in the declaration search engine www.declaration.ge (heads of legal entities of public law, all members of local self- government bodies).
- Create a surprise/unannounced audit system for asset declarations. Ensure in advance publication of the number of officials subject to auditing. The identity as well as the information on the audit outcomes for the selected officials should become public.
- Create an effective and transparent system for public sector employment and promotion that shall not be limited solely to announcing vacancies in the internet. Establish effective mechanisms for patronage prevention.

V. Develop transparent lawmaking/ enhance accountability of legislative bodies

Enhancing transparency and accountability of legislative bodies is of extreme importance. Notably:

- All texts recounting legislative initiatives of Georgian Parliament, local self-government bodies as well as Adjara autonomous republic should be accessible online in digitally readable formats no later than 72 hours prior to voting.

- Hearings of one and the same draft law on one and the same day should be prohibited under Parliament regulations to ensure that the interested groups have the best possible opportunity to participate in and oversee the lawmaking process.
- The accessibility to the texts of Georgian laws should be enhanced. Laws and amendments to them should be available through an official web site.
- Effective mechanisms ensuring the best possible participation of general public as well as specific interested groups in parliamentary hearings of draft laws through proactive information sharing should be worked out.
- Better mechanisms for supplying the stakeholders with the information regarding parliament committee hearings should be developed (e.g. posting hearing agendas on the parliament web site) to ensure that citizens have the opportunity to participate in the committee hearings.
- Agendas of the parliament committee hearings should be made public on the Georgian Parliament official web site 2 days before the hearings.
- Local self-government bodies should work out a strategy in order to enhance public awareness on their activities; to this end, they should use as many different communication channels as possible (internet, print media, social media etc.)

VI. Transparent management of public finances and assets

Georgian Government should pay a special attention to how transparent the state budget planning and expenditure is. Notably it should secure that:

- Awareness of the public and interested groups is guaranteed to the maximum extent possible when drafting the budget, through substantive public hearings inclusively.
- Information disclosure to the public regarding the audit outcomes is ensured by the end of the year (by way of posting them on the web site), the Chamber of Control assessment of the implementation of the scheduled budget goals inclusively.
- Reports on the Government and Presidential Reserve Fund expenditures are made transparent, especially in cases when the procurements are not made through an online procurement system.
- All significant national budget documents as well as the current and annual final reports are made available online in a timely and methodical manner.
- Citizens' Budget is prepared and circulated both online and through print media.
- Information on auctions be available to public in a timely manner and with account taken of essential details (e.g. information on the assets and liabilities of an enterprise subject to privatization) to ensure that potential buyers, including international buyers, have enough time and information to carry out substantial assessment of the auction before it is actually held.
- The Ministry of Economic Development does its best to ensure the proactive publication of information on big investment projects and investors, as well as the information on the fulfillment by the investors of the responsibilities under the investment contract

VII. Transparent Judiciary

The judiciary merits special attention. Notably:

- The database of common courts' decisions should be available by analogy with the database system introduced by the Supreme Court - <http://prg.supremecourt.ge/>.
- Information on the schedules of all court hearings should become automatically available online in a format that can be easily read both by men and digitally. The parties should

be sent relevant notifications via emails and SMS messages. A computerized audio hotline should be created enabling all parties involved to verify and ascertain the date for the successive hearing.

- Court decisions should be automatically published in an online format readable both by men and digitally.
- All Court session protocols and audio/video material should automatically be rendered publicly available except the cases when the judge decides on an in camera hearing based on a motion of a litigant.
- A procedure should be worked out for release of court documents, including the methodology for section darkening.
- Information on sums collected through plea bargaining and fines should be published proactively.
- The High Council of Justice should prepare a resolution project for proactive release of information on the web sites of courts and determine the minimum range of the information publishable on the courts' web sites.

VIII. Reforming public electronic space:

- Drafting a decree by the Prime Minister of Georgia (or President of Georgia) determining the list and technical standards for proactive release of public information on the official web sites of state institutions;
- Sequential proactive publication of public information on the official web sites of administrative agencies and stage-by-stage introduction of technical standards for the web site publication.

IX. Creating web sites/ improving the existing web sites

- ☐ Within the activities and competence of administrative bodies, develop and introduce a unified electronic database concept - www.data.gov.ge to ensure accessibility to different data of public importance. Data on administrative bodies (including legal entity of public law) as well as their functions and budget should be freely available on an on-line engine.
- ☐ In terms of the accessibility and openness of public information, develop and introduce the concept of electronic resource - www.foia.gov.ge that will contain statistical data related to public information release, as well as guidebooks and other information.
- ☐ Develop a new module for the Georgian Statistics Department web site; in order to enhance the accessibility of the statistical data posted on it, publish an easily comprehensible statistical and research component;
- ☐ Introduce an electronic platform for petitions - www.petitions.gov.ge. This resource will allow any interested person to initiate an electronic petition.
- ☐ Introduce the concept for archiving the existing electronic public information and develop relevant legislative framework.
- ☐ To ensure the openness of the unified electronic system of state procurements, plans and accounts posted by procurer organizations - www.tenders.procurement.gov.ge should be accessible to an unregistered user;
- ☐ Instances of procurements bypassing the electronic procurement system should be reduced. The presidential, government and municipal reserve funds should be required to carry out procurements through the electronic procurement system.
- ☐ An electronic platform should be created for political parties, on which they can post information regarding their incomes, spending and financing.
- ☐ Information on the number of registered electorate per precinct should be available online.

X. Civic participation

Unfortunately, the Georgian action plan project almost left out such important component of Open Government as public involvement in public politics and decision making. We think that the Government to Citizen is very important as the use of modern technologies allows governments to replace the authority- oriented approach by the public-oriented approach, and create an environment in which citizens are involved in government activities and are entitled to vote during decision making. Therefore, we consider it important that a number of initiatives be actively introduced in order to improve civic participation. It is also important that citizens be given an opportunity, through administrative agencies' web sites, to make their ideas on specific issues heard by public institutions.

Annex VI: Schedule of OGP Public Consultations Meetings in Georgia



ღია
მმართველობის
პარტნიორობა
საქართველო



As of March 7, 2012

თარიღი	აქტივობა	პასუხისმგებელი პირი -ქეთი აბაშიძე; -ანა სუბელიანი; -ოთარ კახიძე; -ანდრო გიგაური.	მძღოლი და სასტუმრო
12/03/12 11:00 ორშაბათი	შეხვედრა ბიზნეს ასოციაციასთან	ყველა	ნინო ფანჯიკიძე დააორგანიზებს
19/03/12 ორშაბათი 15:30 – 16:30 17:00 – 18:00	-თელავის იაკობ გოგებაშვილის სახელობის სახელმწიფო უნივერსიტეტი + არასამთავრობოები	ქეთი აბაშიძე ანდრო გიგაური	მძღოლი
20/03/12 სამშაბათი	- გორის სასწავლო უნივერსიტეტი არასამთავრობოები	ანა სუბელიანი ოთარ კახიძე	მძღოლი
21/03/2012 ოთხშაბათი 11:30 – 12:30 14:00 – 15:00	- ახალციხის სასწავლო უნივერსიტეტი + არასამთავრობოები	ქეთი აბაშიძე ანდრო გიგაური	მძღოლი
22/03/2012 ხუთშაბათი 14:00 – 15:00 16:30 – 17:30	-ქუთაისის ჟვანიას სკოლა -არასამთავრობოები	ქეთი აბაშიძე ოთარ კახიძე	ოთოს მანქანა
23/03/2012 პარასკევი 12:00 – 13:00 14:30 – 15:30	-ბათუმის უნივერსიტეტი - დემოკრატიის ინსტიტუტი	ქეთი აბაშიძე ოთარ კახიძე	ოთოს მანქანა

Annex VII: Georgia's Final OGP Action Plan



GEORGIA

ACTION PLAN

2012-2013

Introduction

Georgia welcomes the launching of the Open Government Partnership and joins the aspirations of participating countries in making their governments more transparent, accountable, innovative and open to citizen participation.

The cornerstone principles of the Partnership have been on the agenda of the Georgian government long before the OGP. Since the Rose Revolution of 2003 all-embracing and successful measures were implemented to fight corruption, completely alter the mindset for the public service delivery and increase the professional integrity among civil servants. From being one of the most corrupt countries in Eastern Europe by 2003, now Georgia has 4% corruption perception among its citizens, only 2% have experienced bribery and 77% of Georgians are satisfied with government's actions towards fighting corruption.¹

Georgia's existing political system is based on openness, citizen involvement, transparency and cooperation with civil society. Most advanced and sophisticated technologies and innovative tools are used in all fields of governmental activities.

¹ *Life in Transition Survey*, EBRD, 2011; Transparency International's *Global Corruption Barometer 2010*.

The OGP is an excellent opportunity for Georgia to move beyond current achievements, undertake new commitments and share experience with the partner countries.

The Georgian Action Plan is the result of thorough consultation process with local and international NGOs, students and academia throughout the country.

The Georgian Government commits itself to take action within the framework of four “grand challenges”:

Improving Public Services

Increasing Public Integrity

More Effectively Managing Public Resources

Creating Safer Communities

1. Public Service of the Future

According to 2012 World Bank case study, prior to 2003 public services in Georgia were dysfunctional, corrupt and full of bureaucratic barriers. Systems of public registries, would it be registration of birth or a new business, were chaotic and corrupt. Inaccurate information was stored in Soviet-era archives. Registration of property involved visits to various offices for stamps and signatures and notarizations. Responses often took up to two months. “To obtain a passport, citizens had to go to one public office, only to be sent to another to get proof of residency before returning to the first office to stand in line for hours and to bribe some official just to do his or her job”.²

Chaos was over after the Rose Revolution in 2003, when the attitude towards public service delivery changed altogether: corruption was eradicated, transparent and business-type registries were introduced with new, qualified and well-earning staff. Time for service delivery was significantly cut. Sophisticated information technologies were implemented.³

² Paragraph is taken from the World Bank case study: “Fighting Corruption in Public Services: Chronicling Georgia’s Reforms”, 31 January 2012: <http://documents.worldbank.org/curated/en/2012/01/15647088/fighting-corruption-public-services-chronicling-georgias-reforms>

³ Ibid.

The consequences were there to follow and according to EBRD 2011 *Life in Transition Survey*, 92% of Georgian citizens are satisfied with the quality of official document issuance and Georgia holds respective first place among surveyed countries.

Though the results of the reforms were quite impressive, it was felt that there was a room for further improvement:

A. Public Service Hall - Hub of Public Services

In 2011, the Ministry of Justice started to implement a new concept of Public Service Hall (www.house.gov.ge), which is based on the idea of “everything in one space”: though new and reformed agencies were operating under one-stop shop principle, there were still several of them. Several one-stop shops actually meant many stops and a wasted time for an individual. From now on there will be only one stop: the Public Service Hall.

Architects of this model heavily utilised various business approaches that are essential to ensure fast, efficient and comfortable service delivery. 215 individual service attributes and procedures were analysed, described in detail, upgraded and interconnected where possible.

Georgian Government believes that – as a matter of principle - public service should not be different from the private service and should equally focus on the easiness, speed and quality. Public Service Hall will allow individuals (both Georgian nationals and foreigners) to receive any service from the state under the single roof: including personal documents (ID, birth certificate and passport), business or property registration, notary services, enforcement of court judgments. Driver’s license, vehicle registration and the services from the municipality and Georgian Revenue Service will also be available at Public Service Halls.

Two new ideas that are currently being elaborated, serve as interesting illustrations of the government’s attitude towards simplicity in public service delivery: these are the projects of *Just Drive* and *Just Café*. From September 2012 the clients of Tbilisi Public Service Hall

will be able to receive a document or service without leaving their car or while helping themselves with refreshments in the café.

Timeline: Currently Public Service Halls are operating in four cities. Eight more will be opened in 2012 (including the capital) and the remaining four will follow by 2013. In total this makes 16 Public Service Halls covering all major cities in the country.

Responsible Agency: Ministry of Justice

B. E-Governance in Local Governments

It's believed, that Georgian Citizens should have access to innovative public services not only on central level or in the big cities but even small rural areas, therefore the Government of Georgia takes following commitments:

- a) Georgia's municipalities will gradually be integrated into the e-governance system. Municipal institutions will improve their management and services by optimized and simplified procedures. Besides, they will be provided with all necessary information via direct access to various databases;
- b) Village Development Centres (VDC) will be built in remote villages with relatively big population. This is a totally innovative concept bringing a large number of services locally to the rural population. Specifically, VDCs will offer all services of Local Government, top services of Central Government and many critical services that are provided by the private sector.

Timeline: Implementation started in 2012 and will continue throughout next two years.

Responsible Agency: Civil Registry Agency

C. Citizens' Portal

Public service will also be available online. Citizens will be able to use their electronic ID Cards to access citizenportal.ge, where individuals will have their own e-space that they can manage online and receive services.

Timeline: Portal will start functioning by 2013.

Responsible Agency: Data Exchange Agency

2. Easily Accessible and Better Healthcare

The Georgian Government is working on the overhaul of the entire healthcare system and the complete refurbishment of its infrastructure.

Instead of existing state-owned 600 hospitals that are mainly dysfunctional, 150 new and well-equipped hospitals will be built by 2014, which will fully correspond to international standards.

Unified online healthcare database is being created: <http://ehealth.moh.gov.ge> that will provide individuals with exhaustive information about available services in various healthcare institutions.

Timeline: Implementation is ongoing and will continue throughout next two years.

Responsible Agency: Ministry of Health

3. Be informed and advance your country

This part of the Georgian Action Plan owes most ideas entrenched in it to non-governmental organisations. Georgian government is open towards cooperation with the civil society and citizen engagement in decision-making. Our freedom of information legislation is very liberal and sets the high standard for the accountability of administrative agencies. The law allows for the maximum time limit of ten days for providing an individual with the requested public information - which is one of the shortest time frames in the world for the obligation to deliver public information.⁴

Georgia scored second after New Zealand in a global survey analyzing public access to government information, out-ranking almost all developed states. In a study conducted by the *Center for Law and Democracy*, Georgian government officials were positive, compliant, and thorough when responding to the Center's requests for budgetary information.⁵

⁴ General Administrative Code of Georgia.

⁵ <http://www.law-democracy.org/wp-content/uploads/2011/10/6QC-Report-Publication-version-September-2011.pdf>

Georgia will create breakthrough possibilities for the public participation in legislative, executive and judiciary branches of the government by creating new platforms for direct citizen engagement.

A. Ichange.ge

A well-informed citizen is one of the major forces behind the development of a state. Therefore, it is planned to publish information of high public interest pro-actively on the web-site of each administrative agency.

A unified public information database will be created: data.gov.ge, where citizens can easily access public information which is sorted under thematic sections. The same web-site will allow visitors to request public information online. The rationale behind this project is to simplify the task of locating information among numerous entities for individuals. Everything will be available on the same web-site.

It is highly expected that the information that will be available online will boost further discussions and help to identify the need for introducing changes wherever necessary. For this reason the government will launch ichange.ge - a platform where citizens will be able to express their opinions, criticism or ideas. A project team will work on this web-site to tackle the most discussed topics, identify major concerns and inform responsible authorities.

Ichange.ge will also give the possibility to create and submit e-petitions. When an e-petition reaches a certain number of signatories (depending on the scale of the issue under question) authorities will be under the obligation to react.

Timeline: Proactive disclosure will be started in 2012 by several agencies and will cover all of them by 2014.

Data.gov.ge and ichange.ge will be launched in 2013.

Responsible Agency: Ministry of Justice

B. Platform for participating in legislative process

A direct dialogue between legislators and an individual will be enhanced: the web-site of the Legislative Herald (www.matsne.gov.ge) will have a special module allowing everyone to comment on any article of draft or enacted laws and bylaws and provide their opinions. Understanding laws will become easier as it is planned to link landmark court judgments to the respective articles within the legislative acts on the mentioned website.

A team of legislation drafters in the Ministry of Justice will closely monitor the developments, will identify most discussed legal issues raising concerns and if needed, will prepare legal drafts for the parliament.

Timeline: Will be implemented in 2012.

Responsible Agency: Legislative Herald

C. Citizens and Justice

In 2011, Georgian citizens were granted with a much-needed opportunity to take part in the administration of justice through fulfilment of their jury duties. Currently jury trials are being conducted solely in the capital and covering only one type of a crime. Georgia plans to expand jury trials both geographically and according to the scope of their application.

Timeline: Implementation is ongoing and will continue throughout next two years.

Responsible Agency: Ministry of Justice, Supreme Court.

D. Transparent Party Financing

In 2011 Georgia adopted completely new framework for political party financing that was endorsed by the Venice Commission.⁶ The new framework allows citizens to observe where the finances of political parties come from.

The System will ensure transparency of party financing. Financial declarations of political parties and the information about contributors will be open to public.

⁶ http://www.venice.coe.int/site/dynamics/N_Country_ef.asp?C=40&L=E

Timeline: Implementation will be started in 2012 and will continue throughout next two years.

Responsible Agency: Chamber of Audit.

4. Innovation for efficient spending

A. Home-grown concept of e-procurement

Before 2003 public procurement was the safe haven of corrupt agreements in Georgia. This system was abandoned and a new platform for public procurement was introduced: www.procurement.gov.ge. Public procurement can be conducted exclusively online. There is zero possibility of corruption as the bidding process is being carried out online on the web-site and any interested party can follow it. The competitiveness is fully guaranteed.

In order to maximise transparency, a Dispute Resolution Board was created with civil society being equally represented together with public officials.

This innovative approach gave the State the possibility to save 202 million GEL of public money that amounts to 14% of the procurement budget.

It is planned to further fine-tune the system and find new ways of balancing criteria of price and quality and improve the analytical module of the system.

The Georgian Government uses an online platform and online bidding for auctions as well: www.eauction.ge. The principles are the same: full transparency, accessibility and equal competition. It is envisaged to make the e-auction system more user-friendly.

Timeline: Implementation is on-going and will continue throughout next two years.

Responsible Agency: Competition and State Procurement Agency

B. E-declarations

Civil servants are under the obligation to submit their financial declarations on the web-site www.declaration.ge where they are available to the public. The Georgian Government will improve the existing system and introduce new monitoring mechanism.

Timeline: Implementation is on-going and will continue throughout next two years.

Responsible Agency: Civil Service Bureau

5. Technology cares for safety: ICCMS, Crime Mapping and Safety in Your Neighbourhood

Safety of the citizens is one of the top priorities for Georgia. Considerable work was done in this direction. According to 2011 EU Crime and Security Survey, 70% of Georgian citizens feel safe and 95% are not worried about crimes.

In 2011, a dedicated team developed an Integrated Criminal Case Management System – ICCMS, which made criminal procedure paper-free. Investigation and prosecution stages are integrated into an electronic case management system. Pieces of evidence are also electronic. The e-statistics of crimes will be built on the basis of ICCMS, ensuring that the data is fully concise and comprehensive. Significant efforts must be undertaken to improve the system. Introducing Business Intelligence solutions for better analysis of the rich statistical and criminological database is among the identified goals.

Georgia will set up the system for crime mapping, which gives the police an efficient tool to monitor the geographic distribution of crimes and undertake tailored preventive measures targeting specific areas.

The Government aims at implementing the “Safety in Your Neighbourhood” project. Individuals will be able to communicate with their local prosecutors’ offices online and inform them about general or specific problems in their neighbourhood.

Timeline: Implementation of the ICCMS is on-going and will continue throughout next two years. Implementation of crime mapping project and “Safety in Your Neighbourhood” will be started in 2012.

Responsible Agency: Ministries of Justice and Internal Affairs, Supreme Court.

1. NGO Forum

As it was mentioned above, the Georgian Government gives utmost importance and attention to the cooperation with the civil society. Leading national and international NGOs are members of Inter-Agency Coordination Council on Anti-Corruption and Good Governance. Additionally, within the framework of the OGP initiative, the Government will work closely with the non-governmental organisations: NGO Forum will be created to support and monitor the implementation of Georgia's commitments delivered in this Action Plan.

Timeline: Meetings of NGO Forum members will be held once in a month.

Responsible Agency: Analytical Department of the Ministry of Justice.

