



# **GEORGIAN GOVERNMENT'S STALLED ANTI-CORRUPTION POLICY**

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# Contents

<b>Executive Summary</b>	4
<b>Key Findings</b>	4
Research Aim and Methodology	6
Significance of Anti-Corruption Policy Implementation	7
<b>Georgia in the International Assessments</b>	8
<b>Institutional Infrastructure Required for the Implementation of Anti-Corruption Policy</b>	10
<b>Anti-Corruption Council and Its Secretariat</b>	13
<b>Development, Implementation and Monitoring of Anti-Corruption Policy</b>	17
<b>Corruption Prevention</b>	20
<b>Fulfilment of International Recommendations and Commitments</b>	22
<b>Conclusion and Recommendations</b>	25
Establishment of Independent Anti-Corruption Agency (Service)	25
Resuming Anti-Corruption Council's Work	27
Development, Implementation, Monitoring of Anti-Corruption Policy	30

# Executive Summary

Transparency International Georgia (TI Georgia) analyzed the implementation of the national anti-corruption policy in 2020-2021 and the efficiency of the corresponding institutional model.

## Key Findings

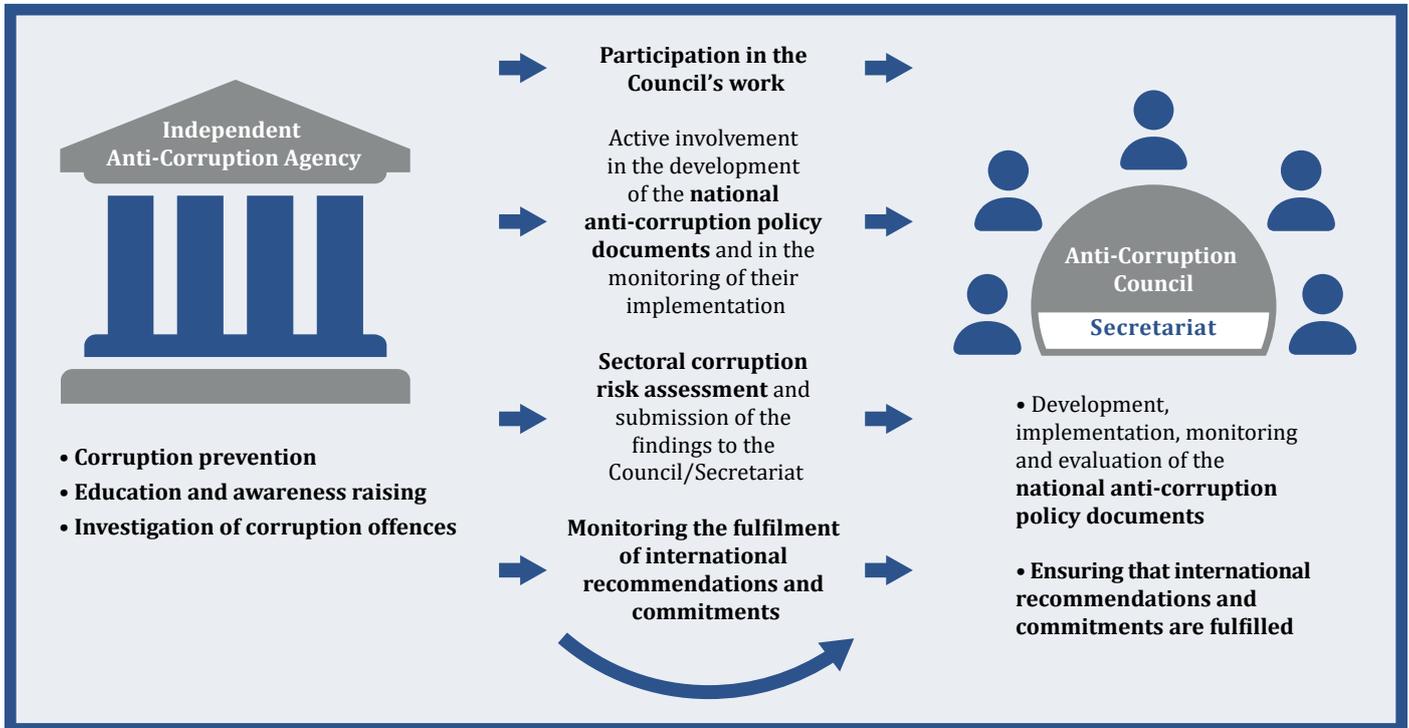
- The current institutional model of combating corruption in Georgia does not include all functions (corruption prevention, investigation, implementation of anti-corruption policy, awareness-raising) necessary to curb corruption. Some roles are either completely absent from the scope of responsibility of any of the institutions or are scattered between several agencies which are unable to properly fulfill them.
- There is no independent anti-corruption service that would effectively investigate corruption cases, improve the practice of enforcement of legislative norms concerning prevention of corruption and conflict of interest in public service, and create an effective system of prevention, detection, and response to the violation of these norms.
- The infrastructure necessary for the implementation of anti-corruption policy – the Anti-Corruption Council and its Secretariat – is not currently operational. The most recent meeting of the Anti-Corruption Council took place in 2019, while the Secretariat does not exist at all.
- No accurate analysis of actual corruption challenges is conducted, which is why none of the documents of the national anti-corruption policy adopted so far address the issue of high-level corruption. No strategy or action plan recognizes the existence of this challenge and, correspondingly, includes concrete activities to address it.
- The activities envisaged by the Anti-Corruption Strategy and Action Plans are not implemented properly (low rate of implementation).
- The mechanism of monitoring and evaluation of the anti-corruption reform implementation is weak.
- The recommendations issued by international organisations and monitoring missions, as well as commitments made by the government at various platforms, including the commitments made under the Association Agreement, are not properly fulfilled.
- Georgia has not had a valid Anti-Corruption Strategy and Action Plan since December 2020.

In order for the country to implement a result-oriented anti-corruption policy, effectively combat high-level corruption and ensure the introduction of the principles of integrity in the public sector, the **current anti-corruption model needs to be updated:**

1. **Creation of an Independent Anti-corruption Agency (service)** which would unite and be responsible for fulfilling three out of four key anti-corruption functions: corruption prevention, awareness raising and investigation of corruption crimes; also, it would be involved in the development of the National Anti-Corruption Strategy documents, in monitoring the implementation of the Strategy and in the work of the Inter-Agency Council.

2. **Resumption and remodeling of the operation of the Inter-Agency Coordination Council and its Secretariat** in order to ensure the proper fulfilment of the fourth key anti-corruption function – the elaboration, implementation and monitoring of anti-corruption policy.

In addition, the latest National Integrity System Assessment<sup>1</sup> clearly demonstrated the need for strengthening the capacities of oversight bodies – the Parliament of Georgia, the judiciary and the State Audit Office, as well as the need for equipping them with a high degree of independence.



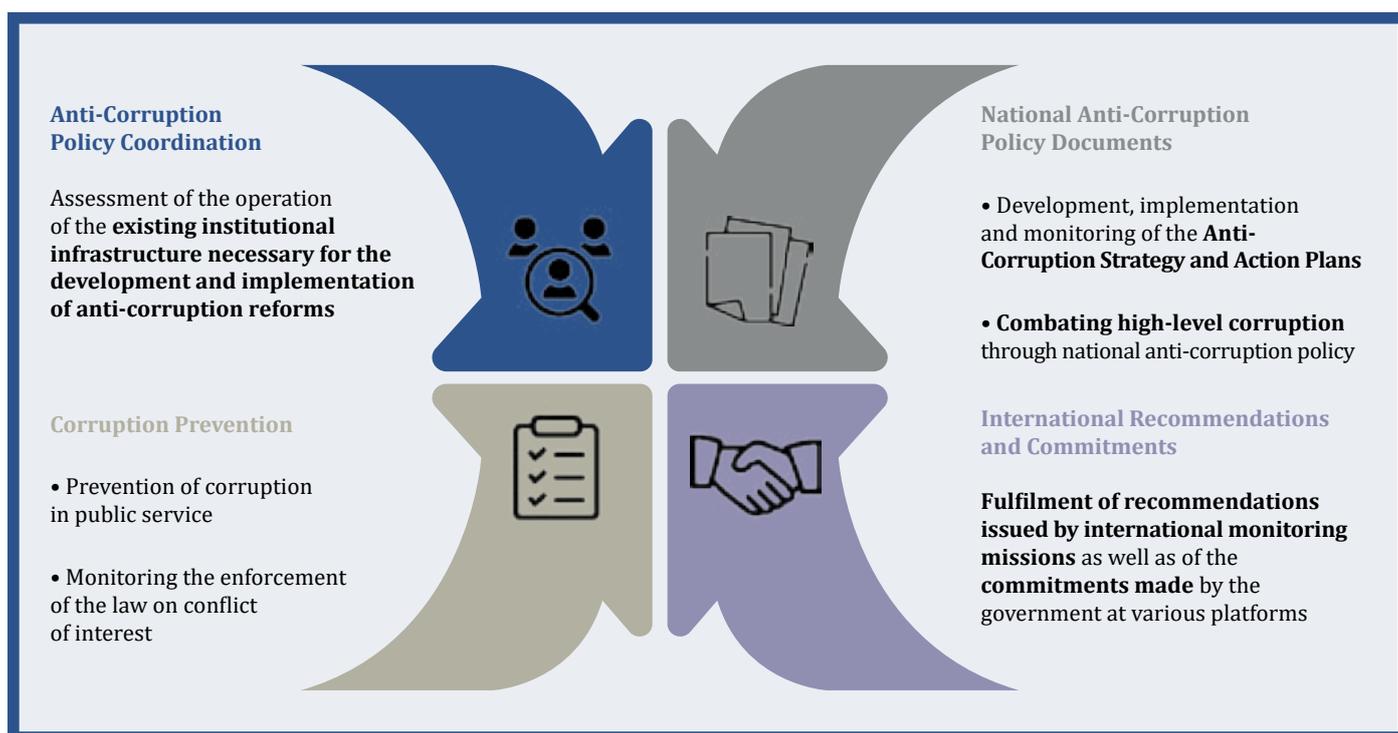
1 Transparency International Georgia, *Georgia National Integrity System Assessment 2020*, 26 June 2020, available [here](#).

# Introduction

## Research Aim and Methodology

The aim of this research is to assess the implementation of the Georgian National Anti-Corruption Strategy in 2020-2021 and the functioning of the corresponding institutional model.

Within the framework of this research, the **implementation of the national anti-corruption policy** in Georgia is evaluated based on the key components envisaged by the **United Nations Convention Against Corruption (UNCAC)**<sup>2</sup> and the roles necessary for the implementation of the anti-corruption policy defined by the **Organisation for Economic Co-operation and Development (OECD)**<sup>3</sup>, in the four following directions:



Based on the assessment of the four directions shown in the diagram above, this study identifies the key challenges facing the existing anti-corruption model and offers recommendations on the ways of addressing them to the Government of Georgia (GoG).

The paper also analyses the place of an independent anti-corruption agency within the component of anti-corruption policy implementation and corruption prevention. It offers recommendations concerning the integration of the agency's key roles and objectives into the country's anti-corruption infrastructure.

This research is based on the analysis of the Georgian legislation and practice, reports published by local non-governmental organisations, studies conducted by reputable international anti-corruption organisations, and international good practice.

2 United Nations Convention Against Corruption (UNCAC), United Nations Office on Drugs and Crime, United Nations, New York, 2004, available [here](#).

3 Specialised Anti-Corruption Institutions: Review of Models: Second Edition, Organisation for Economic Co-operation and Development (OECD), Paris, 2013, available [here](#).

## ■ Significance of Anti-Corruption Policy Implementation

Corruption undermines democracy and the rule of law, violates human rights, gradually worsens the living standards, facilitates organized crime, terrorism, and other security challenges. Furthermore, corruption is the key obstacle to development and poverty eradication.

According to the Freedom House report, the process of decline in democracy accelerated further in 2020, and “fewer than a fifth of the world’s people now live in fully Free countries”.<sup>4</sup>

In June 2021, US President Joe Biden declared the fight against corruption as a core national security interest,<sup>5</sup> while on December 6, 2021, the Biden-Harris Administration presented the first-ever United States Strategy on Countering Corruption.<sup>6</sup> The document identifies five key directions and 19 strategic objectives for combating corruption. According to the Strategy, the fight against corruption will play a leading role in defining foreign aid, multilateral diplomacy, security partnerships, and bilateral relations.<sup>7</sup>

The implementation of anti-corruption reforms is a cornerstone of democratic governance, combating corruption, and establishing integrity standards is important for fulfilling Georgia’s European and Euro-Atlantic aspirations.

The Association Agreement between Georgia and the European Union directly points to Georgia’s commitment “on continuing effective fight against corruption”<sup>8</sup> and ensuring the establishment of good governance principles.

The communiqué issued by the North Atlantic Treaty Organization (NATO) at the Brussels Summit in 2021 emphasized that “Corruption and poor governance undermine democracy, the rule of law, and economic development, thus constituting challenges to our security. Implementing measures to improve integrity building, to fight against corruption, and to foster good governance is of continued importance for NATO, Allies, and partners alike.”<sup>9</sup>

Correspondingly, stalling the implementation of anti-corruption reforms by the GoG undermines the country’s democratic development and hinders the process of integration with the European and Euro-Atlantic institutions. In addition, corruption prevents citizens from having equal access to critical services, quality healthcare, public security and the right to education. Corruption damages the business environment, undermines economic development, exacerbates inequality, and is conducive to human rights violations.<sup>10</sup>

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4 New Report: The global decline in democracy has accelerated, Press Release, Freedom House, March 3, 2021, available [here](#).

5 Memorandum on Establishing the Fight Against Corruption as a Core United States National Security Interest, The White House, June 3, 2021, available [here](#).

6 United States Strategy on Countering Corruption, The White House, December 6, 2021, available [here](#).

7 Ibidem.

8 Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, 27 June 2014, available [here](#).

9 Brussels Summit Communiqué, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Brussels 14 June 2021, June 14, 2021, available [here](#).

10 United States Strategy on Countering Corruption, The White House, December 6, 2021, available [here](#).

# Georgia in the International Assessments

The gradual stalling of the ambitious anti-corruption reforms by the GoG has had a significant impact on Georgia's standing in international ratings and assessments.



In Transparency International's (TI) **Corruption Perceptions Index (CPI) 2020**, Georgia scored 56 and ranked 45<sup>th</sup>.<sup>11</sup>

Georgia's average score, **which has not changed significantly in the course of nine years**, indicates that, despite a decrease in petty corruption, the **problems involving high-level corruption remain unresolved**.<sup>12</sup> The fact that the anti-corruption policy developed by the GoG did not involve any effective systemic steps and was not designed to address genuine problems has been clearly demonstrated by CPI and other assessments cited below.

According to the public opinion poll conducted by the International Republican Institute (IRI),<sup>13</sup> 44% of respondents thought that there had been a backslide with regard to combating corruption, while only 8% thought that there had been progress in this direction.

According to the public opinion poll commissioned by TI Georgia and conducted by the Caucasus Research Resource Centre (CRRRC) in 2021,<sup>14</sup> 56% of respondents thought that abuse of power by public officials was common or very common. In addition, 46% of respondents thought that corruption cases are not properly investigated when they involve high-ranking officials or influential people connected to the ruling party.

According to the *Democracy Index 2020*,<sup>15</sup> Georgia was placed among the countries with a hybrid regime, ranking 91<sup>st</sup> among 167 countries. According to the methodology of the study: "Elections have substantial irregularities that often prevent them from being both free and fair. Government pressure

11 The score of 100 indicates the lowest level of perceived corruption, while the score of 0 – the highest level.

12 Transparency International Georgia, *Corruption Perceptions Index 2020: Main Problems of Georgia's Anti-Corruption Policy Remain Unresolved*, 28 January, 2021, available [here](#).

13 Public Opinion Survey: Residents of Georgia February 2021, available [here](#).

14 Transparency International Georgia, *Majority of public believes high-level corruption is common in Georgia*, 7 September 2021, available [here](#).

15 Economist: *Democracy Index 2020*, available [here](#).

on opposition parties and candidates may be common. Serious weaknesses are more prevalent than in flawed democracies—in political culture, functioning of government and political participation. Corruption tends to be widespread and the rule of law is weak. Typically, there is harassment of and pressure on journalists, and the judiciary is not independent.”

According to Freedom House’s *Nations in Transit* report published in 2021,<sup>16</sup> Georgia is in the category of “transit or hybrid regimes”. Georgia has experienced a backslide in the components of media freedom and electoral processes. “Georgia’s democracy score is now close to where it was a decade ago,” the report states.

As for Freedom House’s *Freedom in the World 2021* report,<sup>17</sup> which assesses the state of affairs in terms of political rights and civil liberties, Georgia remains a partly free country scoring 60 out of 100. The country’s ranking has been worsening in recent years.

The gradual stagnation and the current stalling of anti-corruption reforms have resulted in a weakened democracy, tarnished international image, and a slowed-down process of European and Euro-Atlantic integration.

A European Parliament resolution passed in 2020, with the aim of intensifying integration between Georgia and the EU, directly called on the government to strengthen the rule of law, continue judicial reform, and fight against corruption and state capture.<sup>18</sup>

The Country Report on Human Rights Practices for 2020<sup>19</sup> of the United States Department of State underscores the challenges that Georgia is facing in terms of democratic development, the need for the implementation of bold anti-corruption reforms, including within the judicial and prosecution systems.

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16 Freedom House: Nations in Transit 2021, available [here](#).

17 Freedom House: Freedom in the World 2021 - Georgia, available [here](#).

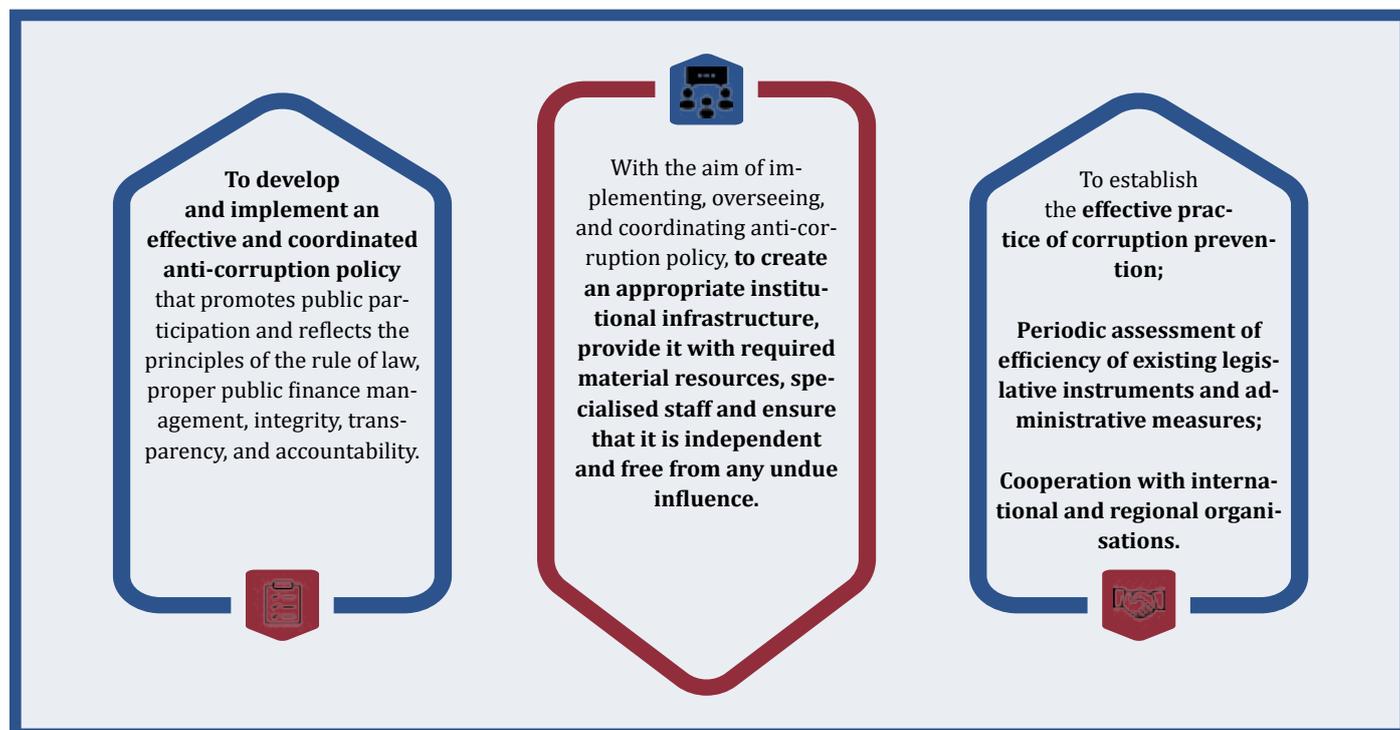
18 Implementation of the EU Association Agreement with Georgia, European Parliament resolution of 16 September 2020 on the implementation of the EU Association Agreement with Georgia (2019/2200(INI)), P9\_TA(2020)0221, September 16, 2020, available [here](#).

19 2020 Country Reports on Human Rights Practices: Georgia, available [here](#).

# Institutional Infrastructure Required for the Implementation of Anti-Corruption Policy

The GoG committed to develop and implement an effective, coordinated policy to prevent and combat corruption when it joined the United Nations Convention against Corruption (UNCAC)<sup>20</sup> in 2008.<sup>21</sup> The Convention is the only universal anti-corruption instrument which is legally binding.

■ The obligations of countries under the United Nations Convention against Corruption are:<sup>22</sup>



UNCAC envisages **two types of anti-corruption instruments: corruption prevention** on the one hand and, on the other, **combating corruption through law enforcement**.<sup>23</sup> However, the Convention does not determine a place of these legally binding components within an anti-corruption institutional infrastructure (a concrete model) and, correspondingly, in practice they differ from country to country.

Corruption prevention as well as combating corruption through law enforcement include many important roles. According to the OECD assessment, when building an anti-corruption institutional infrastructure, countries need to consider a full range of anti-corruption roles, including:

1. **Development, coordination, monitoring and researching anti-corruption policies;**
2. **Corruption prevention;**
3. **Raising awareness about corruption issues; and**
4. **Investigation and criminal prosecution of corruption crimes.**<sup>24</sup>

20 United Nations Convention against Corruption (UNCAC), Adopted by the UN General Assembly October 31, 2003, by resolution 58/4, available [here](#).

21 Resolution №337 of the Parliament of Georgia on Joining the United Nations Convention against Corruption, 10 October, 2008, available [here](#).

22 UNCAC, Articles 5 and 6, available [here](#).

23 Ibid., Article 36.

24 Specialised Anti-Corruption Institutions: Review of Models: Second Edition, Organisation for Economic Co-operation and Development (OECD), Paris, 2013, available [here](#).

**The anti-corruption institutional infrastructure in Georgia does not include a full range of anti-corruption functions** – some functions are not assigned to any institution, some – only partially, and, in some cases, a function assigned at the level of legislation is not fulfilled in practice.

The **first function** includes the development of anti-corruption strategies and action plans, coordination and monitoring of their implementation. In Georgia, this role is assigned to the Anti-Corruption Council and its Secretariat. However, the practical enforcement of the evaluation component of the efficiency and effectiveness of anti-corruption measures is weak; also, the Secretariat is unable to fulfil the function related to anti-corruption research.

Things are more complicated with the **second function. Corruption prevention** requires carrying out a wide range of measures, including the following: promotion of integrity principles in the public sector, prevention of conflict of interest, establishment and proper functioning of the system of asset declarations, ensuring the integrity of the judiciary, existence of an effective monitoring system of political party finance; furthermore, corruption reporting and whistleblower protection, prevention of corruption in public procurement, proper management of public finances, and access to public information need to be ensured.

In Georgia, there is no specific single agency (or several ones) responsible for these functions. For example, at the central level, there is no institution responsible for overseeing the enforcement of the Law on Conflict of Interest and Corruption in Public Institutions as well as for gathering, processing, analyzing and proactively publishing statistical data, which results in serious shortcomings in practice.<sup>25</sup>

As for the **third function**, education and awareness raising first and foremost involve conducting awareness raising campaigns and various educational programs for citizens as well as the media, non-governmental organizations, business and the broad public in general. This role is not assigned to the Inter-Agency Coordination Council and its Secretariat. However, practice shows that the Secretariat has never worked in this direction.

**The fourth function – investigation and criminal prosecution of corruption offences – is one of the greatest challenges for Georgia's reality.** In Georgia, the Anti-Corruption Agency of the State Security Service (one of the departments of the Service) is assigned the role of fighting against corruption crimes and conducting criminal investigation of corruption in public office.<sup>26</sup> The European Parliament resolution adopted in November 2018 states that high-level, elite corruption remains a serious problem in Georgia and calls on the Georgian authorities to fulfil the Anti-Corruption Strategy and Action Plan. It is underscored in the resolution that Georgia should establish an independent anti-corruption agency which would be free from political interference and independent from the State Security Service. The resolution also states that a fight against corruption requires an independent judiciary and investigation of high-level corruption, and Georgia does not yet have a sustainable experience in this area.<sup>27</sup>

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25 Transparency International Georgia, *Evaluation of Enforcement of the Law on Conflict of Interest and Corruption in Public Institutions (2016-2020)*, 7 December 2021, available [here](#).

26 Order No 9 of the Head of the State Security Service of Georgia, on Approval of the Statute of the Anti-Corruption Agency (Department) of the State Security Service of Georgia, 1 August 2015, Legislative Herald of Georgia, available [here](#).

27 European Parliament resolution of 14 November 2018 on the implementation of the EU Association Agreement with Georgia (2017/2282(INI)), adopted P8\_TA(2018)0457, available [here](#).

Given all of the above, it is clear that **the anti-corruption infrastructure model which is in place in Georgia is not comprehensive and has a whole range of shortcomings.**

In the following sections, we discuss in detail the practical enforcement of functions related to the development and implementation of anti-corruption policies and corruption prevention. As for combating corruption through law enforcement, given the aims and methodology of this research, our study does not include a fundamental analysis of this component. TI Georgia and other non-governmental organizations have called on the GoG at various platforms to include this component into the scope of an independent anti-corruption agency.<sup>28</sup>

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28 Non-Governmental Organizations call on the Government of Georgia for Establishment of Independent Anticorruption Agency, 8 July, 2020, available [here](#).

# Anti-Corruption Council and Its Secretariat

To facilitate an efficient and coordinated fight against corruption, the **Anti-Corruption Inter-Agency Coordination Council** (the Anti-Corruption Council) was established in 2008 by the edict of the President of Georgia.<sup>29</sup> Since 2013, the Anti-Corruption Council has been accountable to the GoG.<sup>30</sup>

The composition of the Council is determined by the GoG; representatives of international and non-governmental organizations, non-entrepreneurial (non-commercial) legal entities working in relevant areas, experts, and academics may participate in the work of the Council along with representatives of state institutions.<sup>31</sup>

A government decree defines the **objectives of the Anti-Corruption Council** as follows:<sup>32</sup>



In March 2021, the **Administration of the Government (AoG)** became the body responsible for the coordination of the work of the Anti-Corruption Council, provision of analytical and organizational support for the working groups formed under it, development and updating as well as monitoring of the implementation of the National Anti-Corruption Strategy and corresponding Action Plans, that is to say, the **Council Secretariat**.<sup>33</sup>

## ■ Challenges

Despite the fact that there is a government decree approving the statute and composition of the **Anti-Corruption Inter-Agency Coordination Council** while the Law on Conflict of Interest and Corruption in Public Institutions establishes the **Anti-Corruption Council Secretariat**, **practice shows that neither the Anti-Corruption Council nor its Secretariat is operational:**

29 Edict № 622 of the President of Georgia on Approval of the Composition and Statute of the Anti-Corruption Inter-Agency Coordination Council, 26 December 2008, Legislative Herald of Georgia, available [here](#).

30 Decree №390 of the Government of Georgia on Approval of the Composition and Statute of the Anti-Corruption Inter-Agency Coordination Council, 30 December 2013, Legislative Herald of Georgia, available [here](#).

31 Ibid., Article 2.

32 Ibid., Article 3.

33 Law of Georgia on Conflict of Interest and Corruption in Public Institutions, Article 12<sup>1</sup>, Legislative Herald of Georgia, available [here](#).

- ✘ **The most recent meeting of the Anti-Corruption Council took place in 2019.** This means that the Council has not fulfilled any of the tasks it has been assigned in over two years and its existence has been nothing but a formality.
- ✘ In 2020-2021, no monitoring and evaluation report on the implementation of the National Anti-Corruption Strategy and corresponding Action Plan has been presented to the Council.<sup>34</sup> No discussion concerning the implementation of anti-corruption policies with the participation of Council member civil society and donor organizations or independent experts has been held in over two years. It is noteworthy that, **in 2020-2021, no dialogue on anti-corruption issues between the government and civil society organizations was held in a working format either.** Hence, the progress made in terms of the implementation of the commitments envisaged by the Anti-Corruption Action Plan, outcomes achieved and prevailing challenges have not been analyzed since 2019. **As a result, Georgia has not had the Anti-Corruption Strategy and Action Plan since December 2020.** The development of these documents was not resumed after the Secretariat had been moved under the Administration of the Government either, which **directly indicates that the anti-corruption reform has been stalled.**
- ✘ The **current format of the Anti-Corruption Council** warrants a special note: its composition, the rule of admitting new members and decision-making, accountability and transparency do not meet even the minimum requirements of the best practice of cooperation between the government and civil society organizations. The Council meetings were often a mere formality and served as a rubber stamp for the Strategy and Action Plan activities predefined by governmental agencies. In recent years, the government's openness and readiness to implement result-oriented, effective, and ambitious reforms continuously declined. Furthermore, the practice of rejecting most (and the most important) of the commitments presented within the Council format by civil society organizations has become a typical occurrence.<sup>35</sup> In the event of a full or partial rejection, the state agencies do not have an obligation to provide feedback. Several recent Action Plans are a good example for assessing how committed the GoG is to anti-corruption reforms and how much it considers them a priority.
 

Unfortunately, the practice of recent years demonstrates that **the Council has failed to become a key instrument of developing efficient, evidence-based anti-corruption policies.**<sup>36</sup>
- ✘ The Council has failed to fulfil its role as an effective mechanism of planning and monitoring the steps required to implement the recommendations issued by international assessment missions (for example, OECD/ACN, GRECO, and others) – this is confirmed by the progress with regard to the implementation of recommendations.<sup>37</sup>

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34 Challenges to monitoring and evaluation of the implementation of the National Anti-Corruption Strategy and corresponding Action Plans are discussed in the following section.

35 Institute for Development of Freedom of Information, Development of the New Anti-corruption Strategy and Action Plan 2019-2020 has been Faulty, 22 August 2019, available [here](#).

36 Challenges to the development of anti-corruption strategies and corresponding action plans are discussed in the following section.

37 The progress made with regard to the fulfilment of international recommendations is discussed in the section *Fulfilment of International Recommendations and Commitments*.

- ✘ The Council has failed to conduct awareness-raising campaigns about corruption for citizens, the media, non-governmental organizations, businesses, or other stakeholders alike, which, according to the OECD, is one of the crucial anti-corruption roles.<sup>38</sup>
- ✘ Timely access to the documents related to the work of the Anti-Corruption Council, such as agendas and protocols of the Council sessions, decisions, information about corruption ratings and evaluations, is problematic. The Ministry of Justice website carries the OECD and GRECO evaluation reports for 2013, even though the most recent monitoring reports were published in 2016. Furthermore, the Council meeting protocols and recommendations received from non-governmental organizations are not accessible. The section of international ratings and recommendations has not been updated since 2016.<sup>39</sup> As for the new Secretariat, the website of the Government Administration (gov.ge) does not yet have a section on anti-corruption issues.

As for the **Anti-Corruption Council Secretariat**:

- ✘ At the stage of developing and implementing anti-corruption policies by the GoG, one of the most notable challenges is the absence of the Anti-Corruption Secretariat. It is alarming that, as far as we know,<sup>40</sup> nine months after it was moved from the Ministry of Justice to the Government Administration, the Secretariat remains unstaffed.
- ✘ No consultations were held with the Council member civil society representatives concerning moving the Secretariat from the Ministry of Justice to the Government Administration. The discussion of these changes at the leading committee in the Parliament took less than two minutes per hearing. This change regarding the Secretariat was not based on an international recommendation either.<sup>41</sup> The OECD/ACN's report on the Fourth round of monitoring [of the Istanbul Anti-Corruption Action Plan] talked about the need to strengthen the existing Secretariat and mobilize adequate human resources to this end.<sup>42</sup> The fact that the change has not had a positive impact on the implementation of anti-corruption policies, in turn, further strengthens the view that the decision to move the Secretariat was not preceded by a situation analysis or analysis of the roles and capacities of the Secretariat. As it turns out, the change did not aim to address the problem, that is to say, to strengthen the anti-corruption policy coordination mechanism and analytical capacities of the Secretariat.
- ✘ The process of staffing the Secretariat is also a challenge. On 12 October 2021, a closed competition for only one position (senior specialist of the first category) was announced on the hr.gov.ge website administered by the LEPL Civil Service Bureau, with a deadline expiring four days later.<sup>43</sup> Interestingly,

38 Specialised Anti-Corruption Institutions: Review of Models: Second Edition, Organisation for Economic Co-operation and Development (OECD), Paris, 2013, available [here](#).

39 Combatting Corruption – International Rating and Evaluations, website of the Ministry of Justice, available [here](#).

40 The Administration of the Government of Georgia did not respond to TI Georgia's request for public information concerning the staffing of the Anti-Corruption Secretariat, Letter № 03-7565.

41 Transparency International Georgia, Evaluation of Enforcement of the Law on Conflict of Interest and Corruption in Public Institutions (2016-2020), 7 December 2021, available [here](#).

42 Organisation for Economic Co-operation and Development (OECD) Anti-Corruption Network (ACN), *Anti-corruption reforms in Georgia, 4th round of monitoring of the Istanbul Anti-Corruption Action Plan*, 2016, Recommendations 3.2 and 3.5, available [here](#).

43 Vacancy N67451, Senior Specialist of the First Category, Anti-Corruption Secretariat under the Administration of the Government of Georgia, available [here](#).

in addition to the template requirements regarding the theme of the competition, the competition conditions did not require the knowledge of any national or international anti-corruption documents, such as the National Strategy and Action Plans, evaluation reports by GRECO and OECD/ACN, UNCAC compliance report and others. Instead, the competition topics required familiarity with an outdated Public Administration Reform (PAR) Strategy. This clearly shows that the GoG at this stage does not have any will or readiness to staff the Anti-Corruption Secretariat fully, in a transparent manner, and with highly qualified people.

- ✘ The flaws in the development, monitoring, and evaluation of the implementation of the 2019-2020 National Anti-Corruption Strategy are discussed in detail in the following section but, with regard to the Secretariat, we can assert that it has been unable to fulfill its key role of providing the Anti-Corruption Council with analytical support.

# Development, Implementation and Monitoring of Anti-Corruption Policy

The vision, aims and objectives as well as specific activities of the GoG with regard to preventing and combating corruption are reflected in the **National Anti-Corruption Strategy and corresponding Action Plan** approved by a government decree.

The first National Anti-Corruption Strategy was approved by the edict of the President of Georgia in 2005,<sup>44</sup> while the most recent, 2019-2020 Strategy and its Action Plan were approved by the GoG in October 2019 for the period expiring on 31 December 2020.<sup>45</sup>

The GoG has not had a valid anti-corruption reform policy document in 2021. The process of developing the strategy and its action plan is not under way as of 1 December 2021 either.

## ■ Challenges

The development of anti-corruption policy documents and monitoring and evaluation of their implementation are the key tasks of the Anti-Corruption Council, while the Secretariat is the main driving force of this process.

Considering the fact that, in recent years, there were gaps in the functioning of both the Council and the Secretariat – **the Council did not gather at all in 2020-2021 and the Secretariat has been effectively non-existent since March 2021 – naturally, there are flaws with regard to the development, implementation, monitoring and evaluation of the anti-corruption policy.** Specifically:

- ✘ The shortcomings at the stage of developing the anti-corruption policy documents (Strategy and Action Plan) are alarming.
- ✘ The first stage of policy planning implies conducting a comprehensive situation analysis, which is important because at this stage the prevailing challenges and problems are identified and, based on this, priorities, aims and objectives are defined. In accordance with the principles of developing evidence-based policies, each identified problem and its root causes have to be substantiated by corresponding research, facts and data.

Contrary to this process, the 2019-2020 Anti-Corruption Strategy and its Action Plan adopted by the GoG were not evidence-based policy documents.

- ✘ Despite the fact that the most recent strategy (2019-2020) contains a section called *Situation Analysis*, it does not include analytical information and is mainly descriptive. The entire section is dedicated to underscoring the importance of combating corruption in general and an overview of Georgia's positions in various international ratings and indices, solely in a positive context, without any analysis.

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44 Edict №550 of the President of Georgia on Approval of the National Anti-Corruption Strategy of Georgia, 24 June 2005, Legislative Herald of Georgia, available [here](#).

45 Decree №484 of the Government of Georgia, on Approval of the National Anti-Corruption Strategy of Georgia and the 2019-2020 Action Plan of Implementation of the Anti-Corruption Strategy, 4 October 2019, Legislative Herald of Georgia, available [here](#).

Most importantly, the section does not analyze the challenges and problems that the country is facing in terms of corruption or their root causes. There is no mention of the need for 16 sectoral priorities defined by the Strategy – what factors conditioned the need to reflect these sectoral priorities in the new strategy, what problems were identified during the situation analysis conducted for each direction. In addition, the section does not discuss the key findings of the previous strategy evaluation.

- ✘ The Action Plans fail to meet the minimum standards established for policy documents. Copying commitments from one plan to another suggests an attempt to artificially increase their volume and the lack [of will] to carry out real, result-oriented reforms in this area. The 2019-2020 Action Plan<sup>46</sup> repeats the objectives and activities envisaged by other government plans.

For example, all four objectives listed under Priority I – developing anti-corruption risk assessment methodology, strengthening the Anti-Corruption Council’s reporting mechanism, developing anti-corruption policy documents electronically, and improving coordination mechanism – repeat the Open Government Georgia (OGP) 2018-2019 Action Plan<sup>47</sup> and Public Administration Reform (PAR) 2019-2019 Action Plan<sup>48</sup> adopted as early as in November 2018 and June 2019.

Furthermore, the objectives and activities related to the regulatory impact assessment (RIA), improved access to information (FOI), publishing court decisions electronically, monitoring the implementation of the Audit Office recommendation, development of strategies of transparency and integrity at the municipal level were also copied from the OGP and PAR Plans.

Unfortunately, the development of the Anti-Corruption Strategy and Action Plan does not serve to detect actual problems and the true goal of implementing the reforms necessary to address them.

- ✘ The anti-corruption policy documents do not address such important corruption issues as, for example, combating high-level corruption. Especially, when the number of alleged high-level corruption instances has been growing at an alarming rate.<sup>49</sup>
- ✘ There is no concrete annual budget allocation in the State Budget earmarked for funding the measures/reforms which would be envisaged by the National Anti-Corruption Strategy and Action Plan. The activities listed in the Action Plans which are related to relatively high expenses mainly depend on the financial support from donors. The majority of the activities are implemented under the line of administrative expenses.
- ✘ The monitoring and evaluation of the Strategy and Action Plan implementation are also marked by challenges.

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46 Decree №484 of the Government of Georgia, on Approval of the National Anti-Corruption Strategy of Georgia and the 2019-2020 Action Plan of Implementation of the Anti-Corruption Strategy, 4 October 2019, Legislative Herald of Georgia, available [here](#).

47 Open Government Partnership Action Plan of Georgia for 2018-2019 (approved by the Decree №537 of the Government of Georgia on Approval of the 2018-2019 Action Plan for Georgia’s Open Government Partnership, 12 November 2018), available [here](#).

48 Public Administration Reform Action Plan for 2019-2020 (approved by the Decree №274 of the Government of Georgia on Approval of the 2019-2020 Action Plan for Public Administration Reform, 10 June 2019), available [here](#).

49 Transparency International Georgia, *Uninvestigated Cases of Alleged High-Level Corruption in Georgia — A Periodically Updated List*, available [here](#).

- ✘ In the past two years, no monitoring reports on the implementation of the National Anti-Corruption Strategy and Action Plan have been presented at the Council meetings, and no discussions, evaluation of prevailing challenges, and planning of the future steps have been held with the participation of civil society organizations and donors.
- ✘ The 2019-2020 Strategy evaluation report has not been prepared. In addition, annual monitoring reports on the implementation of the Action Plan have not been prepared either. Progress (interim) reports prepared by the Secretariat are inadequate.
- ✘ It needs to be underscored that the monitoring reports prepared by the Secretariat should not merely focus on the completion of activities but should analyze the actual impact that the implementation of each specific activity had, identify challenges, analyze mistakes that were made, and issue recommendations. One of the OECD/ACN's Fourth round of monitoring recommendations underscores the need to elaborate impact indicators and use them to [evaluate] implemented activities and measure progress.
- ✘ Even according to the reports on the results of monitoring conducted by the government itself, the level of implementation of anti-corruption policy documents is low. Only 56% of the commitments envisaged by the 2017-2018 Action Plan were fulfilled; the level of the 2019-2020 Action Plan implementation is even lower – only 43.5% of the commitments were implemented in full.
- ✘ The new Anti-Corruption Strategy and Action Plan have not yet been adopted, even though the fifth Anti-Corruption Strategy and the corresponding Action Plan expired on 31 December 2020. As a rule, the process of developing a new strategy from planning to developing final draft of a quality policy document takes at least six months. However, given the scale of the anti-corruption sphere, human resources and preparatory work (amending the Council statute, staffing the Secretariat), this period might take as long as one year.

The circumstances described above reaffirm the view that the **GoG is not interested in implementing anti-corruption reforms at this point.**

# Corruption Prevention

Prevention of corruption is a broad concept that represents a set of multifaceted measures. For example, the development and implementation of anti-corruption policy documents per se are one of the mechanisms of prevention. However, according to the OECD,<sup>50</sup> preventive mechanisms also include the introduction of transparency and integrity principles in the public sector; prevention and detection of money-laundering activities, the establishment of a system of asset declarations of officials, and efficient operation of its monitoring mechanism, ensuring the integrity of the judiciary, existence of an effective system of political party finance monitoring; also, reporting corruption violations and whistleblower protection in general, prevention of corruption in public procurement, proper public finance management, ensuring access to public information and others.

Correspondingly, there are several different models of integrating the role of prevention into the national anti-corruption infrastructure. What is important, however, is not the distribution model itself but whether or not this role is, in fact, a constituent part of the national anti-corruption infrastructure.

One of the most important components in terms of prevention is overseeing the enforcement of the Law on Conflict of Interest and Corruption in Public Institutions since integrity in the public sector is provided precisely based on this law.

## ■ Challenges

TI Georgia evaluated the enforcement of this law in practice covering the periods of 2010-2015<sup>51</sup> and then 2016-2020<sup>52</sup> – the total of 11 years.

One of the key findings in both studies was linked precisely to the place of this prevention component within the anti-corruption infrastructure. **No agency at the central level is responsible for overseeing the enforcement of the Law on Conflict of Interest and Corruption in Public Institutions or for gathering, processing, analyzing and proactively publishing statistical data**, which causes serious practical shortcomings:<sup>53</sup>

- ✘ The violations defined by the law are not being detected in practice at the central level – by the ministries. In most cases, the mechanisms required to fulfil the requirements of the law are not established at all.
- ✘ According to the information received from 11 ministries,<sup>54</sup> not a single corruption offence, a case of conflict of interest in public institutions and/or unexplained wealth was detected in 2016-2020. Only one instance of incompatibility of duties was recorded.
- ✘ Practice demonstrates that the system of asset declaration monitoring in Georgia has not become a

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50 Specialised Anti-Corruption Institutions: Review of Models: Second Edition, Organisation for Economic Co-operation and Development (OECD), Paris, 2013, available [here](#).

51 Transparency International Georgia, *Georgian Anti-Corruption Legislation: Implementation in Practice*, 7 December 2015, available [here](#).

52 Transparency International Georgia, *Evaluation of Enforcement of the Law on Conflict of Interest and Corruption in Public Institutions (2016-2020)*, 7 December, 2021, available [here](#).

53 Ibid.

54 Only one of 12 ministries failed to provide public information – the Ministry of Culture, Sports and Youth Affairs.

powerful tool for combating corruption and conflict of interest. According to the monitoring reports prepared by the Civil Service Bureau, the existing monitoring system mainly serves to check whether the declared information is complete and correct, not to identify and prevent possible corruption-related offenses.

- ✘ The obligation to submit asset declarations does not apply to all prosecutors, investigators of anti-corruption cases and advisors to state-political officials.
- ✘ The whistleblower protection mechanism does not exist in practice. Public institutions have not introduced a unified standard of identifying whistleblower statements, responding to them and collecting information. The whistleblowing regulations still do not apply to the Ministry of Defence and the Ministry of Internal Affairs; corresponding regulations were supposed to be developed as early as seven years ago.
- ✘ The restrictions concerning gifts are not given appropriate consideration and are often ignored altogether.

In response to the prevailing challenges, TI Georgia, together with partner non-governmental organizations, **has been calling on the GoG to create an independent anti-corruption agency – an institution that would unify and implement the anti-corruption roles that are currently being ignored.**<sup>55</sup>

On the one hand, internal mechanisms need to be introduced and put into operation in practice at the institutional level in order to detect, examine and respond to alleged violations of the law. On the other hand, however, it is even more important to determine a state agency at the central government level which would be responsible for overseeing the enforcement of the law, gathering, processing, analyzing and proactively publishing the statistical data. This component should become one of the roles of an independent anti-corruption agency.

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55 The legislative package is available [here](#).

# Fulfilment of International Recommendations and Commitments

At the international level, the GoG undertook the obligation to develop and implement an effective, coordinated policy to prevent and combat corruption by joining the United Nations Convention against Corruption (UNCAC).

Given a legally binding nature of the Convention, the introduction of its standards (Articles) at the national level is obligatory for each member state. Despite the fact that Georgia has been a party to the Convention since 2008, it is clear from the challenges identified by this study alone that the **fundamental articles of the Convention are not being implemented**:

United Nations Convention against Corruption (UNCAC)	
<b>Article 5</b>	<b>Develop and implement or maintain effective, coordinated anti-corruption policies</b> that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.
<b>Article 6</b>	With the aim of corruption prevention, creation of a corresponding institutional infrastructure [body or bodies] which would implement the policies envisaged by Article 5.
<b>Article 13</b>	<b>Promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations</b> , in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption.

The Law of Georgia on International Treaties<sup>56</sup> stipulates that international treaties are an indivisible part of the Georgian legislation and have legal precedence over domestic normative acts. Of special note in this regard is the Association Agreement signed between Georgia and the EU, according to which the GoG committed to continue an effective fight against corruption and to ensure effective implementation of corresponding international legal documents, including UNCAC.<sup>57</sup>

The fight against corruption is one of the main goals of the Association Agenda. For example, the 2017-2020 Agenda obligates the government to effectively implement the National Anti-Corruption Strategy and Action Plan; to prevent and detect corruption, specifically, complex corruption, and to implement relevant measures to address this problem.<sup>58</sup>

56 Law of Georgia on International Treaties, Legislative Herald of Georgia, available [here](#).

57 Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, 27 June 2014, available [here](#).

58 Association Agenda between the European Union and Georgia 2017-2020, RECOMMENDATION No 1/2017 OF THE EU-GEORGIA ASSOCIATION COUNCIL of 20 November 2017 on the EU-Georgia Association Agenda [2017/2445], available [here](#).

In recent years, there has been a trend that the national action plans in the area of anti-corruption policy have been mostly focused on activities which cannot ensure the achievement of objectives (priorities) defined by the Association Agenda. As a result, some of the important objectives set by the Association Agenda, including the implementation of the national anti-corruption policies, remain unfulfilled.<sup>59</sup>

The document *20 Deliverables for 2020* developed within the framework of the Eastern Partnership (EaP) format envisaged the implementation of a good governance reform, including carrying out anti-corruption policies, and strengthening the existing anti-corruption mechanisms.<sup>60</sup> According to an assessment report produced by a civil society organizations, in 2017-2020, the government did not implement fundamental reforms which would strengthen the existing anti-corruption mechanisms and address fundamental problems.<sup>61</sup>

In 2003, Georgia joined the Istanbul Anti-Corruption Action Plan developed under the aegis of the Organisation for Economic Cooperation Anti-Corruption Network (OECD/ACN), which is a peer-review programme periodically assessing the establishment of the key anti-corruption standards in [signatory] countries.<sup>62</sup>

A significant portion of recommendations issued under the OECD/ACN's Fourth round of monitoring<sup>63</sup> as early as in 2016 have not yet been implemented in full. These include the following recommendations concerning the implementation of anti-corruption policies **that fall within the scope of this research:**

**Recommendations issued within the framework of the 4<sup>th</sup> round of monitoring by the Organisation for Economic Co-operation and Development Anti-Corruption Network (OECD/ACN):<sup>64</sup>**

**Review the practice of the Anti-Corruption Council to identify ways to address emerging high-level corruption instances and enforcement issues.**

**Ensure that sufficient resources are allocated to the ACC Secretariat** to enable it implement its tasks under the Anti-Corruption Strategy and Action Plan.

**Provide adequate time for feedback from non-governmental sector and other stakeholders** during the development and monitoring of the anti-corruption action plan.

**Institute regular reporting to the Parliament** in order to engage MPs in the anti-corruption work and to increase the Council's visibility.

Develop anti-corruption actions in sectoral ministries and agencies **based on the corruption risk assessment** and ensure their implementation.

59 Transparency International Georgia, *Georgia's Anti-Corruption Policy Fails to Fulfil Association Agreement and Association Agenda Commitments*, 11 June 2019, available [here](#).

60 *20 Deliverables for 2020*, available [here](#).

61 Georgian Institute of Politics, *Georgia's Implementation of 20 Eastern Partnership Deliverables for 2020*, 14 July 2020, available [here](#).

62 Istanbul Anti-corruption Action Plan, available [here](#).

63 Organisation for Economic Co-operation and Development (OECD) Anti-Corruption Network (ACN), *Anti-corruption reforms in Georgia, 4th round of monitoring of the Istanbul Anti-Corruption Action Plan*, 2016, available [here](#).

64 *Ibid*, p. 129.

**Develop impact indicators** for the monitoring of the next anti-corruption action plan. **Conduct regular surveys** based on these impact indicators to demonstrate progress over time.

**Secure allocation of funds** required for the implementation of activities envisaged by anti-corruption policy documents.

Speed up the development of the **public relations strategy on anti-corruption issues** and ensure sufficient funds for its implementation.

**Continue and expand anti-corruption educational activities for the general public and special target groups, focus them on systemic, high-level and complex corruption issues**

**Create a dedicated anti-corruption website of the Anti-Corruption Council.**

**It is unfortunate that five years after these recommendations were issued, none of them has been implemented by the GoG.**

The decision to hinder the adoption of the pilot Fifth monitoring report at the 21<sup>st</sup> plenary session of the OECD/ACN<sup>65</sup> clearly demonstrates that the GoG does not have a political will to implement fundamental and result-oriented anti-corruption reforms and to consider international recommendations.

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65 Transparency International Georgia, *The government of Georgia hinders the adoption of OECD report on anti-corruption environment*, 19 November 2021, available [here](#).

# Conclusion and Recommendations

This study clearly demonstrates that the **anti-corruption institutional infrastructure in Georgia does not cover the whole range of anti-corruption functions** – there are functions that are not assigned to any institution, assigned partially, or, in some cases, the functions assigned by the law are not being fulfilled in practice.

There are important components that are not properly integrated into Georgia's anti-corruption infrastructure, such as: promotion of the principles of integrity in the public sector, prevention of conflict of interest, reporting on corruption-related violations, whistleblower protection and ensuring access to public information.

No agency at the central level is responsible for overseeing the enforcement of the Law on Conflict of Interest and Corruption in Public Institutions, gathering, processing, analyzing and proactively publishing statistical information, due to which there are serious shortcomings in practice. Monitoring of asset declarations of officials is among the responsibilities of LEPL Civil Service Bureau but, as practice demonstrates, the system of asset declaration monitoring has failed to become a powerful tool for combating corruption and conflict of interest.

Furthermore, despite the fact that an inter-agency coordination mechanism – the Anti-Corruption Council and its Secretariat – has been established by a government decree, the work of these institutions has been suspended. The National Anti-Corruption Strategies and Action Plans approved by the government are not designed to address the prevailing challenges, including prevention and fight against high-level corruption. The mechanism of monitoring and evaluation of anti-corruption reforms implementation is weak. The level of fulfillment of recommendations issued by international organizations and monitoring missions and of commitments made by the government at various platforms, including the Association Agreement, is low.

In order for the country to be able to implement evidence-based and result-oriented policies and effectively combat high-level corruption, **the existing anti-corruption model needs to be updated.**

## ■ Establishment of Independent Anti-Corruption Agency (Service)

Non-governmental organizations have been drawing the government's attention<sup>66</sup> to the serious shortcomings with regard to combating corruption through law enforcement for years now. The bodies responsible for enforcement of anti-corruption laws in Georgia (the General Prosecutor's Office and the State Security Service) mostly leave without an effective response such cases of corruption which involve high-ranking officials and/or persons with close connections to the ruling party.<sup>67</sup> Since the existing law enforcement system is unable to properly investigate high-level corruption, Georgia needs to create an independent anti-corruption agency protected from any kind of undue interference with its work.

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66 Non-Governmental Organizations call on the Government of Georgia for Establishment of Independent Anticorruption Agency, 8 July 2020, available [here](#).

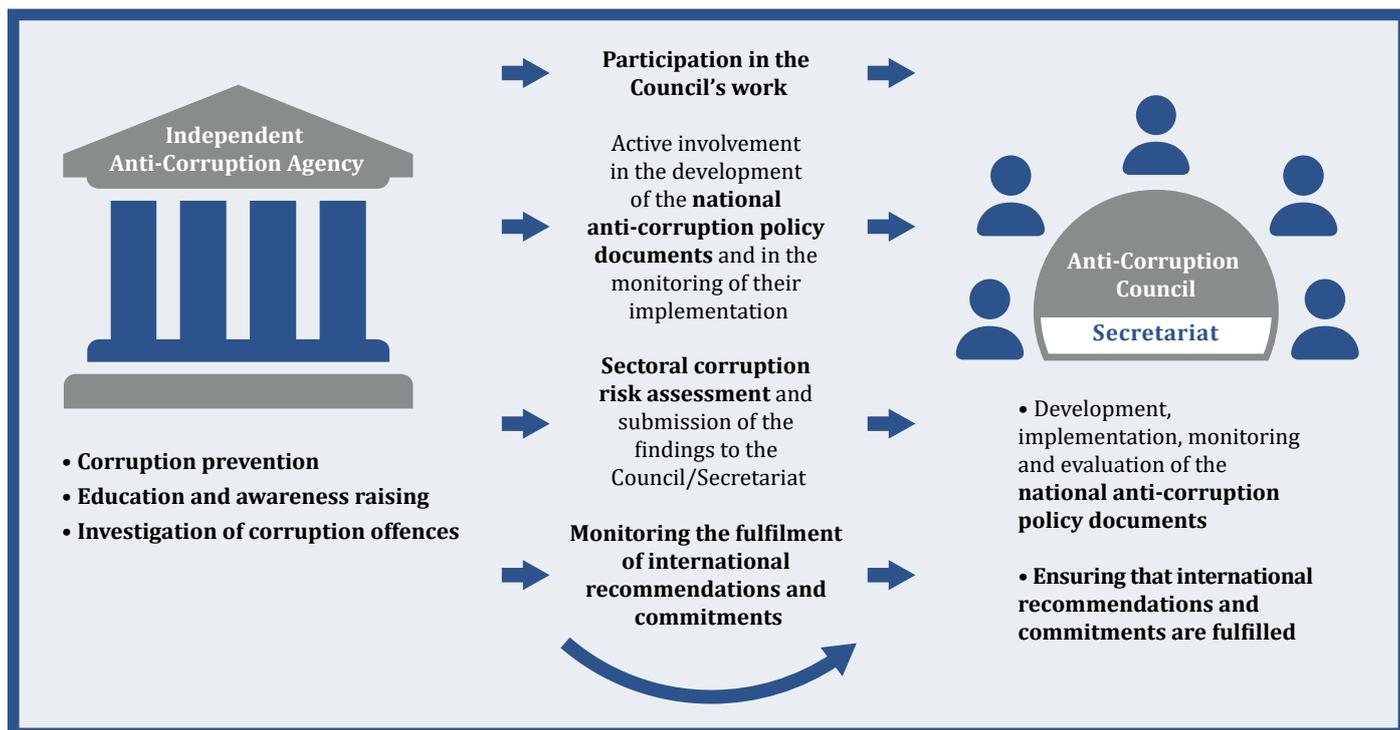
67 Transparency International Georgia, *Uninvestigated Cases of Alleged High-Level Corruption in Georgia — A Periodically Updated List*, available [here](#).

This research has once again confirmed the need for the establishment of an anti-corruption agency, as several important anti-corruption functions in the current model are either not included in the scope of responsibilities of any institution or are scattered among several institutions which fail to properly fulfil them.

The model of a multi-functional anti-corruption body<sup>68</sup> is one of the clearest examples of a single-agency approach which implies a unification of both types of anti-corruption roles (prevention and enforcement of anti-corruption laws) and, at the same time, covers three out of four key anti-corruption functions: corruption prevention, education and public awareness raising, investigation of corruption offences.

In addition, the agency should be actively involved in the process of developing the national anti-corruption policy documents (Strategy and Action Plan). Given the specific nature of its work, the agency should present to the Anti-Corruption Council and its Secretariat proposals and recommendations concerning the planning and implementation of specific anti-corruption objectives. For example, regarding the improvement of whistleblower protection practice and so on. Also, control over the financial activities of political parties should be one of the key responsibilities of the agency.

Furthermore, the agency resources could be used for corruption risk assessment and the development of policy recommendations in various sectors. The model depicted in the figure below clearly demonstrates how the key anti-corruption roles should be distributed within the national anti-corruption infrastructure and the relationship between the agency and the Anti-Corruption Council/Secretariat.



It should be noted additionally that the concept of an anti-corruption agency does not imply abolition of the current institutional infrastructure but rather a unification of all key anti-corruption roles under one umbrella and ensuring that [this institution] enjoys a high level of independence and has sufficient resources. A corresponding legislative package has been initiated in the Parliament.<sup>69</sup>

68 Specialised Anti-Corruption Institutions: Review of Models, Organisation for Economic Co-operation and Development (OECD), Paris, 2008.

69 The legislative package is available [here](#).

## Resuming Anti-Corruption Council's Work

As per UNCAC, for the institutional infrastructure created for implementing, overseeing and coordinating anti-corruption policies to function properly, it needs to be independent as well as equipped with necessary resources, including specialized staff.<sup>70</sup> Independence first and foremost implies the protection of anti-corruption bodies from undue political influence. To this end, the key precondition is a real political will to combat corruption, which should be expressed in a comprehensive anti-corruption strategy.<sup>71</sup>

As for stakeholders' involvement, Article 13 of UNCAC reads: *"Each State Party shall take appropriate measures [...] to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organisations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption."*

Considering the UNCAC and OECD standards and in response to prevailing challenges, in order **to turn the Anti-Corruption Inter-Agency Coordination Council into an effective mechanism**, we believe that it is important to take the following steps:

- ▶ Updating the statute of the Anti-Corruption Inter-Agency Coordination Council and improving it in several directions based on international good practice. Based on Articles 1 and 13 of UNCAC, creating a strong and meaningful mechanism of stakeholder involvement, which requires changing the Council composition, the rule of accepting new members, and decision-making procedure.
- ▶ The Council composition: according to the current statute, the minister of justice of Georgia is the head of the Anti-Corruption Council.<sup>72</sup> It is important that the Council is led by a head of the institution which acts as the Secretariat of the Anti-Corruption Council – in this case, the Administration of the GoG. The Council composition needs to change with regard to the staff from the state agencies, too. First and foremost, the Public Defender's (Ombudsman) institution needs to be represented in the Council.
- ▶ Accepting new members: in terms of the rule of accepting new members, the Open Government Inter-Agency Coordination Council's statute<sup>73</sup> represents a good precedent, which is, in turn, based on the standards<sup>74</sup> and toolkit<sup>75</sup> of Open Government Partnership (OGP). Despite the fact that the OGP Council has not gathered a single time since its establishment, its existence is an important step forward as it set the precedent where, in a consultative body of the GoG, non-governmental organizations themselves decide on accession of new organizations as well as

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70 United Nations Convention against Corruption (UNCAC), Adopted by the UN General Assembly October 31, 2003, by resolution 58/4, available [here](#).

71 Specialised Anti-Corruption Institutions: Review of Models: Second Edition, Organisation for Economic Co-operation and Development (OECD), Paris, 2013, available [here](#).

72 Decree №390 of the Government of Georgia on Approval of the Composition and Statute of the Anti-Corruption Inter-Agency Coordination Council, 30 December 2013, Legislative Herald of Georgia, available [here](#).

73 Decree №110 of the Government of Georgia on Approval of the Statute and Composition of the Open Government Georgia Inter-Agency Coordination Council, 13 February 2020, available [here](#).

74 OGP Participation & Co-Creation Standards (as of December 1, 2021), Open Government Partnership, 2017, available [here](#).

75 OGP Participation and Co-Creation Toolkit (as of December 1, 2021), Open Government Partnership, 2018, available [here](#).

termination of membership based on the criteria defined in advance.<sup>76</sup> An effective, streamlined process of cooperation between the government, civil society and other stakeholders results in more ambitious reforms. Against the background of the past experience and current challenges with regard to the work of the Anti-Corruption Council, we believe that it is expedient to change the format of the Council's operation and use the format of the Open Government Council.

- ▶ Decision-making procedure: as for the decision-making procedure of the Council, in this component, too, it is important to apply the practice envisaged by the statute of the OGP Council: "Decisions of the Council shall be taken by the majority of the permanent member state agencies and the majority of the permanent member non-governmental organizations. In case of the equally divided votes, additional consultations are held in the time frame defined by the Chairperson and Co-Chair of the Council. Following consultations, the issue is once again submitted to the Council for its decision."<sup>77</sup>

The participation of non-governmental organizations as voting members is critically important for the development and implementation of result-based anti-corruption policies.

- ▶ In addition, in the event that the recommendations issued by the civil society and international organizations are not considered or considered partially in the process of developing an anti-corruption strategy and action plan, the agencies should have an obligation to back their rejection with written substantiation.

#### ▶ Increasing **accountability and transparency of Anti-Corruption Council:**

- ▶ With the aim of increasing the Council's accountability, preparing an annual activity report to be presented to the GoG (current statute, Article 5) and making it accessible for the public. In addition, in order to increase accountability, it is important to fulfil a commitment<sup>78</sup> envisaged by the Open Government Georgia's 2018-2019 Action Plan by defining at the legislative level the obligation to present Council's annual report to the Parliament of Georgia.

- ▶ The government needs to ensure that the information about the work of the Anti-Corruption Council is constantly updated and available from a single online repository in a timely manner. This includes timely updates of the information about the Council's session agendas, protocols, decisions, corruption ratings and evaluations as well as international commitments and the progress in their fulfilment.

- ▶ Ensuring the fulfilment of recommendations issued by international assessment missions (OECD/ACN, UNCAC and others) as well as the commitments made by the government in various formats (for example, the 2016 Anti-Corruption Summit in London<sup>79</sup>, the 2018 International Anti-Corruption Conference in Copenhagen<sup>80</sup>, and others), and coordination of agencies and taking effective steps in this regard should be included in the scope of the Council's work.

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76 Decree №110 of the Government of Georgia on Approval of the Statute and Composition of the Open Government Georgia Inter-Agency Coordination Council, 13 February 2020, Article 3, para. 3, available [here](#).

77 Ibid, Article 6, para. 14.

78 OGP Georgia 2018-2019 Action Plan, Commitment 6: Strengthening of the Existing Key Anti-Corruption Institutions, available [here](#).

79 Anti-Corruption Summit - London 2016, Georgia Country Statement, available [here](#).

80 International Anti-Corruption Conference 2018 in Copenhagen, National anticorruption statement by Georgia, available [here](#).

- ▶ It is important that the Council, within the scope of its mandate, actively uses the inter-agency coordination platform to monitor the implementation of recommendations issued by the State Audit Office.
- ▶ Based on the UNCAC requirements and OECD standards, conducting awareness-raising campaigns about corruption for citizens as well as the media, non-governmental organizations, businesses, and other stakeholders.

As for the Anti-Corruption **Council Secretariat**:

- ▶ First and foremost, it is critically important to fully staff the Secretariat as soon as possible and, most importantly, to hold an open competition to fill the Secretariat vacancies.
- ▶ On the one hand, it is important to staff the Secretariat soon, however, this should not influence the selection of the staff of adequate qualification and specialization through open competition. When developing qualification requirements, the Government Administration should consider the specific features of developing and implementing anti-corruption policies and elaborate the requirements not as a general template but in accordance with the characteristics of the anti-corruption direction of each individual vacancy. It is important that the Anti-Corruption Secretariat is staffed with people who have the knowledge and qualifications in developing, implementing and monitoring policies in general as well as with experts in the procurement, judicial and prosecution systems, risk assessment, asset recovery, business integrity and other specific areas. This model would both comply with the international standards and become a solid base for developing strong, evidence-based anti-corruption policies.
- ▶ In order to staff the Secretariat in a transparent manner, we call on the Administration of the Government (AoG) to ensure, based on Article 15 of the Decree on the Rule of Conducting Competition in Public Service,<sup>81</sup> the participation of the Anti-Corruption Council member civil society and/or donor organization representatives within the quota of invited independent specialists and/or specialists of a specific area in the competition commission created with the aim of staffing the Secretariat.
- ▶ Once the Secretariat is staffed, it is important to equip it with necessary resources, strengthen its capacities and, most importantly, provide it with a high degree of independence.
- ▶ In addition to the coordination, monitoring and evaluation of the implementation of the National Anti-Corruption Strategy and Action Plan, it is important that the Secretariat periodically prepares various analytical papers, including research on preventing and combating corruption. Also, based on the analysis of international best practices, it should make recommendations regarding the improvement of sectoral and multi-sectoral legislation and practice. In addition to the format of the Council, it would be expedient for the Secretariat to actively use permanent and/or ad hoc working groups in order to work continuously with relevant institutions on the implementation of reforms.
- ▶ The fact that, in recent years, the Secretariat has not been able to fulfill the key role assigned to it and has been unable to provide the Anti-Corruption Council with analytical support, may

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81 Decree №204 of the Government of Georgia on the Rule of Conducting Competition in Public Service, 21 April 2017, Article 15, available [here](#).

be conditioned by two main factors: one, it was clear that there was no true and unwavering political will to carry out anti-corruption policies; two, the Secretariat did not have a sufficient capacity – something that the OECD/ACN monitoring report<sup>82</sup> emphasized as early as in 2016. Correspondingly, when restoring the process of implementing anti-corruption policies, it is important to consider these two challenges.

- ▶ The Secretariat, together with the Council and other state institutions, should become actively involved in planning and conducting awareness raising campaigns about corruption.
- ▶ The format of cooperation with stakeholders and, especially, civil society organizations, needs to be updated not only in the format of the Council.

## ■ Development, Implementation, Monitoring of Anti-Corruption Policy

A correctly developed policy and its coordinated implementation strengthen the government's capacity to carry out ambitious reforms and be more effective in the process of achieving the set goals and objectives.<sup>83</sup>

- ▶ One of the important tools of addressing the challenges at the stage of developing, implementing, monitoring and evaluating an anti-corruption policy is to meet the minimum standards established for each stage of the policy cycle in accordance with the GoG Decree On Approval of the Rules of Development, Monitoring and Evaluation of Policy Documents.<sup>84</sup>
- ▶ According to the rule, the policy documents to be presented to the government for approval (strategies, action plans) shall first go through the quality assurance procedure – for example, whether the situation analysis stage is reflected correctly in the document, whether or not various stakeholders were involved in the process, whether or not public consultations were held, whether the objectives and activities are in line with the aims and objectives declared in the strategy and so on. Quality assurance and issuing a conclusion is the responsibility of the Policy Planning and Government Coordination Department at the Government Administration.<sup>85</sup> In the event the conclusion is negative, the policy document would be rejected, sent back to the submitting institution for correction, and would not be presented to the government for approval until the shortcomings in it are rectified.
- ▶ Correspondingly, all the challenges that we have identified for the stage of development of anti-corruption policy documents would be detected before their approval and, as a result, the government would no longer approve flawed strategies and action plans. This is an unequivocally important lever; however, in the case of anti-corruption policy documents, the strategy development and as well as quality assurance are done by the same institution – the Administration of the Government. This factor might have a negative impact on the objectivity

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82 Organisation for Economic Co-operation and Development (OECD) Anti-Corruption Network (ACN), *Anti-corruption reforms in Georgia, 4th round of monitoring of the Istanbul Anti-Corruption Action Plan, 2016*, Recommendations 3.2 and 3.5, available [here](#).

83 Decree №629 of the Government of Georgia on Approval of the Rules of Development, Monitoring and Evaluation of Policy Documents, 20 December 2019, Appendix: Handbook, p. 5, Legislative Herald of Georgia, available [here](#).

84 Ibid.

85 Decree №340 of the Government of Georgia on Approval of the Statute of the Administration of the Government of Georgia, 26 June 2018, Article 4, para. 1, sub-para. "a", "e", available [here](#).

of the checks, which is why it is important to strengthen a mechanism of external evaluation, including the preparation of alternative monitoring and evaluation reports by civil society organizations.

- ▶ Stakeholder mapping needs to be carried out at the initial stage of policy document development, and all corresponding stages need to begin with their active involvement. The situation analysis should contain a structured presentation of key findings, problems, their root causes and negative consequences, all backed by relevant data. Priorities, aims and objectives should be defined based precisely on the identified problems. Baseline indicators and benchmarks should be developed with regard to objectives along with impact indicators.
- ▶ Progress and annual monitoring and evaluation reports should be prepared within the time frame established by [the decree on] the Rules of Development, Monitoring and Evaluation of Policy Documents and in accordance with minimum standards.
- ▶ When identifying the problems at the stage of anti-corruption policy planning, recommendations by international and local non-governmental organizations should be considered.
- ▶ Corresponding funds should be allocated in the budget for the implementation of anti-corruption reforms.

In addition to all of the above, once the Anti-Corruption Council and its Secretariat resume operation, it is critical that taking steps to fulfil international recommendations, monitoring their implementation and ensuring high degree of coordination with various agencies in this area become part of their priority activities.

The Anti-Corruption Council Secretariat should ensure transparency of the information about international recommendations and commitments made by the government at various anti-corruption platforms. It is important that all recommendations and commitments are available through a single platform, along with the status of their implementation, so that any stakeholder can access this information in a timely and unrestricted manner.

In addition, at the stage of developing and monitoring the implementation of anti-corruption policy, the involvement of an independent anti-corruption agency would be important as it would facilitate the openness of the process and the development of a result-oriented policy. **Monitoring the implementation of activities envisaged by the National Strategy and corresponding Action Plan as well as the evaluation of the fulfilment of international anti-corruption commitments should become part of the agency's annual report.**

Unfortunately, by refusing to implement anti-corruption reforms, Georgia is rejecting democratic values and is moving away from the pro-Western course affirmed by the Constitution.<sup>86</sup> Furthermore, corruption is the key element that stands in the way of development and poverty eradication. It hinders sustainable economic development, exacerbates inequality, and prevents citizens from having equal access to resources and services, including quality healthcare and public security.

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86 Constitution of Georgia, Article 78: "The constitutional bodies shall take all measures within the scope of their competences to ensure the full integration of Georgia into the European Union and the North Atlantic Treaty Organization", Legislative Herald of Georgia, available [here](#).

